

WILDLIFE AND NATIONAL PARKS LEGISLATION IN LATIN AMERICA

a Comparative Study

prepared by

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FOREWORD

The aim of this study is to present a comparative study on wildlife, national parks, forest recreation and hunting legislation in Latin America to serve as background information for possible improvement of national legislation when this is deemed desirable.

The study is divided into eleven parts, while two annexes list various hunting licences and prohibited hunting methods in the region. An index lists the enactments which have been referred to in the preparation of this paper.

Comparative studies similar to the present one covering Africa and South-East Asia are already available <sup>1/</sup>; and since it was felt important to cover the legal aspects of wildlife and national parks on a global basis, it was decided by the Department of Forestry and the Legislation Branch, FAO, that a comparative study comprising the Latin American countries should also be prepared.

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<sup>1/</sup> "Wildlife Policy and Legislation in Africa", prepared by Legislation Branch and Forest Policy Branch, FAO, 1965; and  
"Wildlife and National Park Legislation in Asia and the Far East, a Comparative Study", prepared by Forestry, Wildlife and Fisheries Legislation Section, Legislation Branch, Legal Office in cooperation with the Forestry Conservation and Wildlife Branch, FAO 1971.

## I. - INTRODUCTION

### Purpose of wildlife and national park legislation

The overall purpose of wildlife and national park legislation should basically be the establishment of a conservation and management policy and its implementation. Conservation is necessary to ensure that parts of man's natural environment shall not disappear; similarly necessary is resource management on a continuing, stable basis with the objective of developing wildlife and related natural resources in such a way that these may contribute to overall economic and social development. More specifically, conservation and management of wildlife and national parks imply a rational land use policy, development of the wildlife and national park resource for purposes of recreation, science and tourism and a wise management of these assets, i.e. regulated hunting, adequately restricted trade in wildlife and wildlife products, protection of species threatened with extinction and maintenance of wildlife habitat.

It is obvious that the protection and management of protected areas and wildlife form an integral part of a larger problem, namely the management of wild and marginal lands as part of a rational land use programme. However, land suitable for the purpose of protected areas and management of wildlife are getting more and more scarce, as a result of an increased population density and a fast advancing technology. In fact, more and more land is today affected by various forms of habitat destruction and this gives great cause for concern as a serious obstacle to the proper protection and management of the resource.

Increasing emphasis is given at present to the role of the wildlife resources as a source for food and trade, the aim being to manage the resource in such a way as to ensure an optimum sustained yield rather than a once-and-for-all destructive exploitation. Such rational utilisation of wildlife also implies land use planning. Thus, it may on a given land be wiser to harvest the products of the wild fauna rather than to introduce domestic livestock, which may be unable to utilise the same land as productively on a sustained basis. Further, an adequately regulated trade in wildlife products may contribute to the economic development of country concerned.

The management of wildlife implies another important aspect, namely the preservation for economic, aesthetic, cultural and scientific reasons of those animal species which are rare or threatened with extinction. Among these animals on the verge of extinction in Latin America may be mentioned the vicuña, the condor and the Galapagos turtle. An increased awareness among governments and various international organisations will hopefully result in adequate measures being taken to stop the depletion of the flora and fauna.

Protected areas represent a source of national pride, a place for the general public to enjoy their leisure hours as well as a basis for improving income from tourism. The aim should therefore be to introduce better management practices, to develop tourist facilities and to increase the flow of tourism and direct it in harmony with national or regional plans.

### Sources used in the study

The study is based on legislation from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, San Salvador, Uruguay and Venezuela. Although efforts were made to collect all the acts in force in these countries, it may well be that the material collected is incomplete. This should be taken into consideration pending the possible review of the study by the countries in question.

## II. - SOME MAIN CHARACTERISTICS OF LEGISLATION IN THE REGION

### International conventions and bilateral agreement in force in Latin America

There are three conventions and a bilateral agreement in force in Latin America that are of interest here <sup>1/</sup>. Only one convention deals entirely with wildlife and national parks - the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, 1940, while another - the Antarctic Treaty, 1959, - has as its object the peaceful utilisation of the Antarctic. The former convention had, until October 1964, been signed by all countries included in this study except Honduras, Panama and Paraguay. The Antarctic Treaty, on the other hand, does not really apply to the Latin American continent but to the area situated south of 60° latitude, which comprises the Antarctic. Its purpose, as already indicated, is to regulate the peaceful utilisation of the Antarctic and it thus only incidentally affects the fauna in that area. It may, however, be worth mentioning that since Argentina and Chile have ratified the convention, they have thereby also undertaken, to formulate, consider and recommend to their governments the preservation and conservation of living resources in the Antarctic.

The Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, 1940, hereafter referred to as the wildlife convention, is of greater interest to this study since its aim is the protection of nature and the preservation of wildlife in the Latin-American continent. A brief review will be made of the main provisions contained in the wildlife convention. They will be compared in detail, in the pertinent chapters below, with the corresponding provisions in national legislation.

The scope of the wildlife convention as set out in the preamble, is the protection of fauna and flora (with certain emphasis laid on migratory birds), scenery of extraordinary beauty, striking geological formations, regions and natural objects of aesthetic, historic or scientific value, and areas characterised by primitive conditions. To achieve this, the convention provides for the setting aside of protected areas, national parks, national reserves, nature monuments, and strict wilderness areas. Contracting States are urged to explore the possibility of setting up such protected areas, as are provided for by the convention, as soon as possible. If for some reason they cannot be created immediately, suitable areas should, nevertheless, be selected as early as possible and set aside as soon as circumstances permit. The restrictions that should be applied to national parks and strict wilderness reserves are also specified in the convention, such as the prohibition on hunting, killing and capture of the fauna, etc. Contracting parties must undertake to provide - by introducing suitable legislation - for the protection and preservation of flora and fauna outside preserved areas, as well as for the protection and preservation of natural scenery, striking geological formations, and regions and natural objects of aesthetic interest or historic or scientific value. Co-operation among the signatories in promoting the objectives of the convention is encouraged. With regard to species of migratory birds which are threatened with extinction, contracting parties are urged to take adequate measures for their protection. Species of fauna and flora included in the Annex to the convention are to be protected as fully as possible. Finally, contracting parties are urged to take the necessary measures to control and regulate the importation, exportation and transit of protected fauna and flora.

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<sup>1/</sup>"The Migratory Birds Convention 1916" concluded between Canada, Mexico and the United States is, however, of minor interest since it only affects one country comprised in this study. The bilateral agreement between the Government of Bolivia and Peru, "Convenio entre el Gobierno de la Republica de Bolivia y el Gobierno de la Republica del Peru para la Conservación de la vicuña", La Paz, 16 August, 1969, deals with the protection of the vicuña; it prohibits the hunting of, and internal trade in its products and bans for a 10 year period the exportation and importation of its products.

As it stands, the wildlife convention probably no longer reflects current thinking on the management and conservation of protected areas and wildlife. This is not surprising, when it is considered that the convention is now 30 years old. In fact, the influence of the convention on national legislation has been limited, although it is explicitly referred to in some acts (Argentina, Colombia, Mexico and Venezuela).

#### Division of legislative competence

Both unitary and federal systems of government are to be found in Latin America. The former system is more common. Under it wildlife and national park legislation is the responsibility of the central government and is usually administered through a central government department.

An exception is Colombia, which although it is not a federal country, has a decentralised government system. This allows for the creation of Departments which are, to a certain extent, self-governing 1/. The departments, which numbered 16 in 1960, have popularly elected assemblies with a governor acting at the same time as an agent of the government and as chief of the sectional administration. It is his responsibility to decree whatever provisions are necessary for all branches of the local administration 2/. In addition, however, the Minister of Agriculture may make regulations on wildlife affecting the whole country.

The Constitution of Argentina, a country having a federal system, vests powers to enact wildlife legislation in the provincial governments 3/. In addition, the Federal Government has enacted wildlife legislation to be implemented in areas under federal jurisdiction, i.e., national parks, reserves, etc. The federal wildlife act explicitly lays down that the provincial governments shall, within their areas of jurisdiction, take all necessary measures in line with the objectives of the act. A detailed study of the provincial legislation shows that it very much reflects the basic federal act. It is to the latter that reference is made throughout this study.

The Constitution of Brazil does not seem to give any powers to the states within the federation to enact wildlife and national park legislation on their own. This is explicitly laid down in the constitution which states that it is the responsibility of the union to legislate on forests, hunting and fishing 4/.

The situation in Mexico, another federal country, is somewhat unclear. Although residuary powers are vested in the states, and apparently no specific reservation of powers covering wildlife and national parks is made for the Federal Government, both legislative and administrative powers seem to have been assumed by the Federal Government 5/.

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1/ Acts from six departments appear in this study : Valle de Cauca, Cauca, Magdalena and Sinu, Tolima and Meta.

2/ Article 194 of the Constitution.

3/ Article 104 in conjunction with Article 67.

4/ Chapter II, Article 8, XVII h.

5/ Article 73 in conjunction with Article 124.



### Nature of legislation

Wildlife management and protection can be said as a whole to be in an initial stage of development in most Latin American countries. This situation is reflected in existing legislation. It has, for example, sometimes been necessary to enact provisional legislation pending the enactment of more comprehensive legislation. Thus, in Ecuador, a former act prohibited the exportation of wildlife for a five-year period, so as to give the authorities the necessary time to declare national parks for wildlife protection and to undertake basic research into the fauna <sup>1/</sup>. Only recently this act has been abrogated by the enactment of the first comprehensive wildlife act <sup>2/</sup>. Similarly, where nature protection as such is concerned, some acts provide for the reservation of areas for the purpose of ultimately declaring them as national parks. In the meantime certain activities detrimental to the future purpose and status of these areas as national parks are prohibited <sup>3/</sup>.

A number of countries in Latin America do not have any basic acts on wildlife and national parks but instead have piecemeal, incomplete decrees and resolutions covering the subject <sup>4/</sup>. Other countries possess basic comprehensive legislation of high standard. Regarding national park acts, only Argentina possesses such an act, while a number of other countries have some provisions on national parks incorporated into their forest or agrarian legislation <sup>5/</sup>. Mostly these provisions simply lay down the definitions of national parks and some prohibited activities within them. The only exceptions are Mexico's forest act, which is somewhat more comprehensive in regulating national parks, and the national park rules of the National Park Isiboro Securé, Bolivia.

### Legal status of wildlife and protected areas

In order to clarify the difference between wildlife and domestic animals, it is advisable to define in the relevant act the term wildlife. In the absence of such a definition complications may arise to the ownership of animals killed as a consequence of hunting, indemnities to be paid etc.

In most of the legislation examined in this study the term wildlife is not defined. As exceptions Argentina and Venezuela have defined wildlife as animals which live in freedom beyond the control of man, including once domesticated animals which have returned to their primitive conditions (feral animals) <sup>6/</sup>. So far as the legal status of wildlife is concerned this again is treated explicitly in the legislation of only a few countries <sup>7/</sup>. In these acts it is generally laid down that wildlife should be considered a natural resource belonging to the nation, which may be appropriated by private persons only if these persons have obtained the prescribed hunting licences.

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<sup>1/</sup> Decreto No. 170, 17/7 1969

<sup>2/</sup> Ley No. 818, 17/11 1970

<sup>3/</sup> Ecuador, decreto No. 1468, 29/8 1968. Peru, decreto supremo No. 005-68-AG, 7/3 1968 and No. 210-68-AG, 10/10 1968.

<sup>4/</sup> Among these countries, Bolivia and Peru are reported to have draft comprehensive acts in a final stage of preparation.

<sup>5/</sup> Bolivia, Chile, Colombia, Honduras, Paraguay, Peru and Mexico.

<sup>6/</sup> 3. (In the footnotes appearing in the rest of this study the number immediately following that in parenthesis refers to corresponding number for the country concerned, in the Index) Art. 2 and 182. Art. 2.

<sup>7/</sup> Brazil, Costa Rica, Mexico and Panama.

Private landowners do not generally have any exclusive right over wildlife on their own properties. This follows logically in those countries where the principle of wildlife as state property is recognized. Thus in Argentina and Venezuela the wildlife legislation explicitly lays down that licences are compulsory whether hunting is to take place on state or privately-owned lands 1/. However, private landowners may refuse to give their consent to the utilization by others of the wildlife resource (i.e. capture and hunting) on their properties. Such a consent is a necessary precondition when hunting on private properties explicitly provided for in the legislation of some countries 2/. Animals killed without consent belong to the landowner. This is explicitly laid down in Argentina (State of Catamarca) and Honduras 3/.

Exceptionally, as in the case of Honduras, hunting may not take place at all on publicly-owned lands but only on private lands - "on one's own land or other people's lands" - in the latter case with consent. The consent is not compulsory unless the lands are enclosed, planted or cultivated, provided the owner has not expressly prohibited hunting on them and he has given notice of the prohibition 4/.

Regarding the legal status of protected areas, a clear distinction is made between national parks and other protected areas. As will be seen below in the chapter dealing with protected areas, national parks consist simply of publicly owned lands, whereas other protected areas in some countries may include privately-owned lands.

### III. - ADMINISTRATION

The importance of a well-organised and efficient administration for the due realization of the objectives laid down in wildlife and national park legislation cannot be over-emphasized, since it is one of the principal causes of inadequate wildlife conservation. This is particularly so at the local level. To remedy this, it is essential that the administrative machinery itself is supported by a legal system which is capable of dealing efficiently with offences committed against nature conservation legislation. It is therefore encouraging to find that the Control Department in the Chilean administration supervises the enforcement of wildlife and national park legislation via a number of special tribunals, specifically created for the trying of offences under wildlife and national park acts. The importance thus attached to law enforcement in Chile is exemplary.

#### At Ministerial and departmental levels

From the legislation available it appears that in most cases the responsibility for enforcing wildlife and national park legislation falls on the Ministry of Agriculture. The only exceptions to this general rule are Ecuador and Honduras, where this responsibility lies with the Ministry of Production and the Ministry of National Resources, respectively 5/. Seldom do the laws clearly indicate the duties of the relevant ministry concerning wildlife and national parks.

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1/ 3.Art. 5 and 6 and 182.Art. 40.

2/ Argentina, Brazil, Costa Rica, Ecuador, Honduras, Nicaragua and Venezuela.

3/ 11. Art. 76, and 115,Art. 26, respectively.

4/ 115,Art. 25.

5/ 101,Art. 4 and 115,Art. 6, respectively.

Probably in most cases these duties are enumerated in regulations regarding the activities to be performed by the Ministry 1/. Occasionally, however, a general statement is found in the basic act. This is the case in Costa Rica 2/ and Nicaragua 3/, where in the latter country the duties regarding wildlife and national parks are specified as being under the authority of the Ministry of Agriculture. On the other hand, the legislation in Argentina and Mexico merely state in broad terms the responsibility of the Ministry with regard to the inspection and surveillance of all hunting activities 4/.

Wildlife legislation is often more precise when it comes to defining the duties and responsibilities of the specialized authorities under the Ministry of Agriculture, to which the Minister normally delegates his executive powers. Such powers, where delegated in this way, differ only slightly from country to country; it is, therefore, neither necessary nor especially useful to enumerate the duties of these specialized authorities country by country. It is sufficient to note that these duties normally include inspection and supervision of all activities relating to game and hunting, conservation of wildlife species, particularly those in danger of extinction; close seasons; information and education with regard to wildlife; setting aside of areas as refuges or reserves and supervision of officials assigned to the service of the respective branch 5/.

#### At the local level

At the local level the detailed implementation of legislation on hunting is normally ensured by hunting guards, inspectors, rangers, etc. The powers of these officers are not specified in the acts. In addition to these appointed officers, members of the police force 6/, the armed forces and revenue enforcement officers in their respective localities may sometimes be considered as officials duly authorized under the respective acts to implement the legislation on hunting at the local level.

Even the ordinary citizen may be given powers to ensure the success of the objectives laid down in the hunting acts. Also hunting clubs and hunting associations have an important rôle in the regulating of wildlife and hunting 7/.

In Bolivia, in general, all the authorities and public bodies are under an obligation to co-operate in supervising the carrying out of the provisions contained in the act. 8/ A recently passed act, however, lays the main responsibility for enforcement on state forest guards with respect to renewable natural resources. The principal offences are enumerated in the same act 9/. In Brazil it is specifically laid down that the control of hunting by specialized bodies does not exclude action by the police authorities or the armed forces on their own initiative 10/.

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1/ The wildlife act of Venezuela, however, contains detailed provisions on the various actions which may be taken by the National Executive through the Ministry of Agriculture and Livestock (182 Article 11).

2/ 93. Article 5 and 10.

3/ 125. Article 3.

4/ 3. Article 12 and 116. Article 6, respectively.

5/ In Argentina, Bolivia, Chile, Honduras and Peru the authority has been sub-divided.

6/ As in the case of Chile, where the police force, except for 35 game wardens, is the sole authority to enforce the hunting law.

7/ 116. Article 7.

8/ 35. Article 22.

9/ 40. Articles 1-2.

10/ 48. Article 25.

In Nicaragua even landowners or persons designated by them are able to exercise the functions of the Wildlife Police with regard to their respective properties. However, in order to be able to exercise the functions of Hunting Guards, these persons must register with the Ministry of Agriculture, their salaries being paid by the landowners 1/.

As to the particular supervision afforded to protected areas, Venezuelan legislation lays down that as soon as an area for the protection of wild animals has been set aside, the Ministry of Agriculture has a duty to provide it with special guards. Owners of buildings within the protected area are obliged to provide facilities for such guards in the performance of their task 2/. The laws of Argentina also provide for the constitution of park custodians for the purpose of the respective protected areas 3/.

Several laws provide for a system of honorary wardens 4/. These wardens may often be chosen from among members of hunting clubs, clubs for the conservation or promotion of animals used in hunting, or simply from amongst persons interested in fauna and wildlife study. They may be entrusted with the same functions as duly appointed professional game wardens. Exceptionally, the requisites for their nomination are laid down in the acts 5/.

#### Advisory Bodies

Some countries have established special advisory bodies, with duties which consist mainly of advising the central authority, specifically the Ministry of Agriculture, on matters relating to wildlife 6/. These bodies generally consist of high-ranking government officials with varying educational and professional backgrounds, as well as representatives of hunting and fishing clubs of recognised standing. Certain laws, like those from Costa Rica and Honduras, also provide for local bodies in various zones of the country.

The most comprehensive system in the Latin American region with regard to advisory bodies is that of Argentina. However, the sphere of competence of these advisory bodies is limited to protected areas only. Thus, the National Advisory Commission of that country is competent as regards protected areas in the whole of the federal territory while for each national park there is an advisory commission of a local nature. The detailed functions and composition of these bodies appear in the acts 7/, and normally include, inter alia : the study of technical problems submitted to it by the central authority insofar as they relate to wildlife administration and recommendation of solutions; suggestion and submission of measures, programmes, studies and plans aimed at the better administration of wildlife; suggested amendments to the basic act, and the drafting of regulations to be issued under the basic act.

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1/ 125. Article 34.

2/ 182. Article 37.

3/ 10. Articles 12 and 25.

4/ Costa Rica 92. Article 42 and 93. Article 42, Chile 50. Article 31, Honduras 115. Article 9, Nicaragua 125. Article 35 and Venezuela 177. Article 48.

5/ 43.

6/ Brazil 48. Article 36; Costa Rica 92. Article 5 and 93. Article 6; Honduras 115. Article 7; Mexico 124. Article 42; Nicaragua 125. Article 25-26 and Venezuela 177. Article 6 and 182. Article 12.

7/ 10. Articles 9-11.

## Conclusions

In Latin America it can be said that the organisation of wildlife administration at the ministerial and departmental level is adequate in respect of only a few countries. For the rest, existing legislation is vague and incomplete, particularly with regard to the duties conferred upon the departments. Yet it is the situation at the local level which gives most cause for concern. It is therefore recommended, in particular :

- (1) that the legislation provides for the appointment of officers for specific protected areas (this is now provided for by the legislation of Argentina and Venezuela, only) for the purpose of supervising encroachments on these areas;
- (2) that powers conferred upon game wardens, rangers, etc. should be set out in more detail. Such powers may require the production of hunting licences, enter and search of any land, building, vehicle etc., inspection and examination of and, when necessary, seizure of animals and their products, and the right to hold enquiries into offences, etc; and
- (3) that in the performance of their duties, the officers should be given the status of public servants and thus afforded an increased protection against verbal or physical violence.

## IV. - TYPES AND CHARACTERISTICS OF PERMITS AND LICENCES FOR HUNTING

### Purpose of licences and permits and definition of hunting

A system of hunting licences is an indispensable means for ensuring a rational utilisation of wildlife. It enables the wildlife administration to keep account of the amount and nature of hunting taking place and to control the rate of hunting at an acceptable level, as uncontrolled hunting may often have an injurious effect on the fauna population.

As a general rule it may be said that in Latin America no form of hunting of wild animals may take place unless the hunter is in possession of the appropriate licence, with the exception dealt with in the next chapter. The term, "hunting" is defined by some of the legislation in the region as the act of seeking, pursuing, taking or killing wild animals, including the recovery of certain products thereof <sup>1/</sup>. The act from Argentina, specifically lays down that by hunting for sport should be understood, "the noble recreation under licence of hunting wild animals with fire-arms for non gainful or lucrative purposes". The legislation examined does not however include in the definition of the term, "hunt", attempts to hunt or acts of assistance of any other person.

A distinction is usually drawn between sporting game licences, scientific hunting and capture licences and commercial capture licences. Annex I illustrates the various hunting licences and the articles in which they are dealt with in the acts of the countries covered by this study.

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<sup>1/</sup> 1. Article 3, 93. Article 11, 125. Article 8 and 182. Article 8.

### Sporting game licences

An age limit is sometimes a pre-requisite for obtaining a sporting game licence 1/. Thus, for example in Honduras, if the hunter should be between 15-18 years of age, he must be accompanied by a person over 21 years of age, who must also be in possession of the proper licence. Sometimes, it is sufficient if persons under-age, in addition to their hunting licences, have an authorisation from their legal representatives, who are then responsible for any damage caused by the minors 2/. Sporting game licences may be issued by the Ministry of Agriculture 3/ or by officials authorised by that Ministry 4/ or by the relevant section in charge of wildlife protection 5/. The officers authorised to grant licences may, in exceptional cases (e.g. if the applicant suffers from mental or physical defect, or if he is incapable of carrying weapons with safety), refuse to issue licences and withdraw any already issued 6/. As to firearms, the possession of the appropriate licence is sometimes made a prerequisite when applying for a hunting licence. In order to obtain a hunting licence in Costa Rica, the applicant is obliged to pass an oral or written examination on the relevant wildlife legislation before the prescribed authorities; in Colombia he must know and keep a copy of the decree. The majority of acts lay down that licences are personal and non-transferable. However, it should be mentioned that a licence exceptionally may be granted to a group of persons, who are held jointly responsible for any offences under the act 7/. Normally licences are valid one year, sometimes two years 8/. A difference is occasionally made between sporting game licences granted to nationals and foreigners (tourist licences). A tourist licence will be granted only for the time that the individual remains in the country, and expires automatically on his departure and will only be granted for a maximum period of three months 9/. The fee which must be paid for this kind of licence is normally higher than for an ordinary hunting licence.

Only seldom do the laws provide for different kinds of sporting game licences intended for different kinds of quarry. Sometime, however, distinctions are made between big game and small game licences 10/. Venezuela distinguishes between general and special licences, the former entitling the permit holder to hunt all kinds of animals, anywhere at all times, while the latter restrict the hunting to a particular species in a particular area. The legislation of Honduras is an exception in that it provides for three types of hunting permits for the hunting of three different species. A licence applies normally for the entire national territory, but may be limited to the territory of the state or department 11/.

### Scientific Hunting and Capture Licences

In exceptional cases licences may be granted to kill or capture wild animals for scientific purposes and for delivery to zoos and museums. The granting of those licences is normally exclusively a ministerial responsibility 12/ although in Costa Rica the Ministry of Agriculture must, prior to the issue of the licence, consult the Wildlife Protection Committee. Usually it is laid down that scientific capture licences are to be granted to scientists, naturalists and ornithologists. The law on hunting of Nicaragua seems to widen the entitled category a little by allowing students and collectors to obtain licences in order to capture a limited number of live or dead specimens for the purpose of experiment or scientific study.

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1/ For example Costa Rica 18 years; Honduras 15 years.

2/ 182, Art. 46.

3/ 93, Art. 22.

9/ 93, Art. 24 and 125, Art. 22.

4/ 125, Art. 19.

10/ 3, Art. 17-18 and 93, Art. 22.

5/ 115, Art. 19.

11/ 48, Art. 13 and Colombia.

6/ 177, Art. 13.

12/ Argentina, Costa Rica, Honduras, Nicaragua, Panama and Venezuela.

7/ 182, Art. 55.

8/ 101, Art. 10.

In the case of foreign scientists, Brazilian legislation demands that the application be approved and sent to the appropriate federal public authority through the official national scientific institution. Similarly, in Argentina, foreigners who apply for scientific hunting licences are required to produce evidence certified by the Argentinian Consulate concerned, attesting their bona fide and stating their aims and objectives. Sometimes the number of animals which may be caught as well as the zones of capture have to be fixed by the Ministry of Agriculture. 1/ It should be noted that in some instances the legislation allows the capture, for scientific purposes, of normally protected animals. The legislation of Honduras also explicitly allows hunting for scientific purposes during the close season in reserve zones and using normally prohibited hunting methods.

### Commercial Capture Licences

Some laws define commercial or professional hunting to denote hunting the object of which is to gain pecuniary profit from the product obtained 2/. While commercial hunting is recognised by some countries such as Argentina, Colombia, Honduras, Mexico, Nicaragua and Venezuela, others, like Brazil, Costa Rica, Mexico and Paraguay restrict or prohibit it entirely.

In the former group of countries, commercial hunting may take place only under a licence. The authority to grant this type of licence is normally vested in the Minister. Restrictions are sometimes laid down as to what species and number of species that may be hunted, methods of capture which may be used, as well as the area where the hunting may take place. The legislation of Mexico explicitly lays down that commercial hunting may only be authorised with regard to bred animals so as to prevent over-population of the fauna, the commercial hunting of which would constitute an economic and social benefit for the respective region.

By far the most comprehensive legislation on commercial hunting is to be found in Argentina. There this kind of hunting is obviously important. Three types of commercial hunting licences are to be found, two intended for various groups of listed animals and one for the exploitation of guano.

### Conclusions

The difference in the respective legislations governing hunting licences is immediately apparent. While, on the one hand, the legislation in Argentina, Costa Rica, Honduras, Mexico, Nicaragua and Venezuela (possibly also Brazil and Colombia) sets up comprehensive systems, this is not the case with regard to other countries in the study. It even appears that in some countries hunting may take place without any licence at all.

In Peru, there is no uniform licence system for the whole country. It is noteworthy that sporting game licences or commercial capture licences are not provided for in the region of Iquitos (north-eastern part of Peru), where wildlife is still abundant and in which region hunting and trade in wild animals are concentrated.

The danger of having an inadequate licence system is that the responsible authority will most probably lose control of the actual game harvest. A wise utilization of the resource is thereby made difficult, if not impossible, with every likelihood of the extinction of certain species. The number of licences to be issued in a given district (as well as rules regarding close season and any limits dealt with below) must be based on a regular estimate of the fauna population which only a few countries in the region are capable of performing. It is believed, that as a consequence of inadequate law enforcement as regards the obligation of holding licences, poaching is frequent in several countries in Latin America.

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1/ 92. Art. 21.

2/ 1. Art. 28 and 182. Art. 51.

## V. - EXCEPTIONS TO OBLIGATION TO HOLD GAME LICENCES AND PERMITS

Under this heading some exceptions to the obligation to hold hunting licences will be dealt with. Compared to hunting legislation in other parts of the world (Africa, Asia), these exceptions would seem to be less common in Latin America.

### Hunting on private lands and enclosed properties

Only in Chile the landowner is explicitly exempted from holding a permit when hunting on his own property. This privilege also applies to members of his family, employees, and other persons who habitually reside on the property 1/.

### Customary hunting rights

Exceptions to the obligation to hold sporting game licences are sometimes encountered in favour of the indigenous population in various parts of the world. In Latin America, however, this privileged category of hunters is not exempted from the possession of the proper licences but simply from payment of the fees for obtaining them. This system has the obvious advantage of allowing a certain control, since this kind of hunting often reaches excessive levels in those countries where there is no system for controlling customary hunting. The category of hunters having a customary right to hunt is defined, in the case of Costa Rica and Nicaragua, as those persons having family obligations and who are able to demonstrate beyond question that they rely on fishing or hunting for their sustenance 2/. In Honduras those who rely on hunting as a means of subsistence may kill edible animals up to a number not exceeding that required for the normal feeding of their families 3/. As to Venezuela, the area within which this form of hunting may take place is limited to the district or area of residence of the hunter 4/.

### Destruction of animals which are dangerous or cause damage

Exceptions are found in certain laws to the obligation of holding a hunting licence when killing harmful or dangerous animals 5/. The legislation from Argentina and Venezuela has adopted a dualistic system which is somewhat different from others. Thus, in Argentina no licence is required for the hunting of harmful animals which have been listed as such. If, however, the harmful animal is a protected one, a licence is needed.

In Venezuela a licence specifying the place and the intended hunting method is granted gratis for the hunting of harmful animals declared as such 6/. Other animals which incidentally cause damage to crop or animal husbandry may be killed without a licence 7/. For the rest, most of the legislation dealing with this subject has established various restrictions 8/.

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1/ 49. Art. 2.

2/ 92. Art. 25 and 125. Art. 17, respectively.

3/ 115. Art. 23.

4/ 182. Art. 60.

5/ 3. Art. 73, 75. Art. 3, 101. Art. 15, 125. Art. 12.

6/ 182. Art. 65.

7/ 177. Art. 18.

8/ In Brazil a licence is required (48. Art. 3), in Chile the previous authorisation of the President is a necessary prerequisite if the killing is to take place without a permit (49. Art. 3); in Costa Rica the farmer or stock-raiser exercising this right is obliged to prove by testimony or by expert evidence that the destruction was done in defence of his property (92. Art. 4), while in Honduras the Ministry of Natural Resources, on the advice of the Advisory Committee decides on the necessary measures to be taken (115. Art. 31).



### Legitimate defence

Only the legislation from Argentina provides for the exercise of legitimate defence in case of accidental attack or any serious risk thereof by any wild animal. If the animal as a result of such defence is wounded or killed, this fact has to be reported to the local police within 48 hours, provided the animal is a protected one. Failure to do so constitutes poaching <sup>1/</sup>.

In spite of the absence of provisions dealing with the exercise of self defence in the other countries covered in this study, it is, nevertheless, felt that most of them do recognise the principle of self defence; although this has not been explicitly laid down in the hunting acts in Latin America.

### Conclusions

In Latin America restrictions on the circumstances in which hunting may be engaged in exceptionally without a licence are satisfactorily regulated. It is not known to what extent this privilege in its various forms is abused.

## VI. - PROHIBITED HUNTING METHODS

The Wildlife Convention surprisingly does not contain an article on the prohibition of certain hunting methods considered to be undesirable <sup>2/</sup>. It may well be that the absence of such an article in the convention has resulted in the present unsatisfactory situation with regard to the regulation of prohibited hunting methods in Latin America. This is unfortunate, since there are a number of well-known efficient hunting methods which, if frequently used, may cause mass destruction to the fauna. It is felt that the restriction of the use of these methods is one important means of achieving a satisfactory reduction of possible over-exploitation of the fauna.

It would seem that only the legislation in Argentina, Costa Rica, Ecuador (except that there is in the latter country no prohibition on the use of motor vehicles for hunting purposes), Honduras, Mexico, Nicaragua and Venezuela, have taken adequate measures to limit the use of certain hunting methods.

In the legislation from Costa Rica, Mexico, Nicaragua and Venezuela there is, in addition to existing detailed provisions on prohibited hunting methods, a general statement which covers unforeseen but not specifically prohibited hunting methods. This is to the effect that any hunting method endangering the existence of wild animal species or where such means constitute a danger to human beings or are in any way harmful to public health, or which may cause the death of animals in larger numbers or on a larger scale is prohibited.

Annex II lists prohibited hunting methods and the relevant articles of the various acts country by country.

### Use of motor vehicles, aircraft, etc.

Prohibitions on the use of motor vehicles for hunting purposes are to be found in Argentina, Brazil, Honduras, Mexico (boats only), Nicaragua and Venezuela. The relevant provisions in the legislation of Argentina and Honduras are more exhaustive since they prohibit not only the use of vehicles but also aircraft and motor-boats, while only the word vehicle, not otherwise defined, is used in the legislation of Brazil, Nicaragua and Venezuela.

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<sup>1/</sup> 3. Art. 75.

<sup>2/</sup> The Convention Relative to the Preservation of Fauna and Flora in their natural state, London 1933, and the African Convention for the Conservation of Nature and Natural Resources, Rome 1968, both contain fairly detailed provisions on this subject.

### Use of explosives, traps, nets, etc.

In Argentina the use of explosives, traps and nets for hunting purposes are prohibited. The use of traps is prohibited in Bolivia, Brazil (in the latter country traps which cause suffering to the quarry), and in Ecuador, Honduras and Uruguay as regards birds. The use of nets for fishing which cover the complete bed of a river or a stream is prohibited in Panama; in Uruguay for the purpose of large-scale capture or destruction of birds, and in Mexico for the capture of water and shore birds. In Venezuela the use of explosives is prohibited.

### Use of firearms and ammunition

Sometimes in the legislation restrictions are laid down as to what kind of weapons and ammunition must, or must not be used when hunting. In particular, the regulations on hunting of Costa Rica (but also Argentina, Brazil and Honduras) are fairly detailed on this matter. In Nicaragua, Ecuador and Venezuela the laws simply lay down that hunting is not permitted with weapons that do not have sufficient power to kill the animal outright. Again in Venezuela it is prohibited for more than three persons to discharge firearms at the same time into a given flock of birds or herd of animals. Finally, the Panama Wildlife Protection act prohibits the use of firearms for fishing.

### Hunting by night and with the aid of dazzling lights, flares, etc.

Hunting by night with the aid of lanterns or other means of artificial illumination is forbidden in Argentina, Colombia (Departments of Cauca, Valle de Cauca and Meta), Costa Rica, Ecuador, Honduras, Mexico, Nicaragua, Panama (when fishing) and Venezuela. Closely connected with this prohibited hunting method is a corresponding prohibition on hunting at night-time found in the same countries.

### Use of poisons and poisoned weapons

The laws of Argentina, Chile, Costa Rica, Ecuador, Honduras, Mexico, Nicaragua, Panama and Venezuela contain prohibitions regarding the use of poisons or poisoned weapons when hunting. The prohibitions in Costa Rica and Panama refer only to fishing.

### Use of fire in hunting

The legislation of Ecuador, Honduras, Nicaragua and Venezuela prohibit the driving of animals with the aid of fire or burning the woods, thickets, scrub, etc., for the purpose of hunting or capturing any species of animal. The latter two countries prohibit this hunting method even with regard to harmful animals.

### Other prohibited hunting methods

The use of artificial decoys may be used only in exceptional cases in Mexico and Venezuela (in the latter country upon authorization by the Ministry of Agriculture). In Nicaragua the use of hides, except for the protection of crops or property, is prohibited. The use of birdlime for the capture of birds for human consumption is prohibited in Chile.

### Conclusions

As has been pointed out in the introduction to this chapter, it is necessary to prohibit certain hunting methods which, if used, would make indiscriminate hunting possible, thereby causing mass destruction, of the wild fauna. As can be seen from Annex II, the gaps in much of the legislation with regard to the prohibition of certain hunting methods are glaring. However, it may well be that local conditions in a particular country do not motivate the prohibition of a certain hunting method, which in another country would be considered illegal, for instance, the use of fire. However, hunting by the aid of motor vehicles should always be prohibited, in particular in connection with the use of artificial light for the purpose of hunting at night-time. The same applies to the use of military weapons such as machine guns, or any firearm capable of firing more than one cartridge as a result of one pressure of the trigger or re-loading itself without further action by the operator. In short, the legislation examined above would seem to require a more comprehensive approach regarding illegal hunting methods.

VII. - OTHER CONSERVATION MEASURES

Although the obligation to hold hunting licences, the prohibition of certain hunting methods and the setting aside of protected areas where hunting is prohibited (next chapter) all help in controlling and preventing an over-exploitation of the fauna, additional measures are necessary to prohibit hunting either completely, in the case of species endangered by extinction, or partially in the case of game animals. There are thus animals in need of full protection which, owing to their economic value (whether for their meat or other products derived from them), have been extensively hunted and are reduced to such small numbers as to endanger the existence of the species itself (such as the vicuña). Others, falling in the category of game animals are protected by close seasons and bag limits. These measures of protection together with the obligation of holding hunting licences, all have as their object, the control and restriction of hunting.

Protected species

The wildlife convention requires contracting parties to protect as completely as possible the species of the fauna and flora mentioned in the Annex attached to the convention. Only in exceptional cases, such as for scientific purposes or for other specified reasons with the permission of the appropriate government authority, is the hunting and catching of these animals authorized 1/. Since a certain emphasis has been laid in the convention on the protection of migratory birds, it is explicitly laid down that contracting parties undertake by adequate measures to prevent the threatened extinction of any given species of migratory birds.

Fauna protection in the national legislation under review basically follows two lines. In some of the countries protected animals are listed in basic acts 2/. Conversely, the Federal Game Act of Argentina prohibits hunting "in any form whatsoever at any time or place of all and every type of wildlife", except those listed as game animals and harmful animals 3/. This may administratively be a less complicated way to achieve the desirable protection. The Hunting Law of Venezuela specifically lays down that the kind of animals that should be specified as protected in the regulations should include all animals beneficial to crop or animal husbandry (also Costa Rica, Paraguay and Nicaragua), songbirds, ornamental birds, and all animals which are valuable only as living specimens (also Nicaragua); animals whose products may be obtained without it being necessary to kill the animal; animals peculiar to the national fauna or rare species and, finally, animals which are inedible or whose remains cannot be made use of.

Likewise common to the various laws is the fact that provision for the protection of a particular rare species is made under special decree. This is the case in Argentina, provinces of Jujuy and Salta (vicuña) 4/; Bolivia (vicuña, chincilla) 5/; Chile (vicuña, guanaco) 6/; Colombia (condor, chiguiro) 7/ - in the department of Magdalena only, crocodile, icotea, tortuga 8/; Guatemala (manati, zambullidor) 9/; Nicaragua (turtle) 10/; Panama (band-tailed pigeon) 11/; Paraguay (parrots and ducks) 12/ and Peru (vicuña, chinchilla, guanaco, caymans) 13/.

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1/ Article VIII

6/ 55. and 56.

2/ 35. Article 11, 48. Article 8, 50. Article 2, 75. Articles 1 and 2, 92. Article 41, 101. Article 3, 117. Article 1, 135. Article 1 and 182. Article 75, respectively.

7/ 68. and 74.

8/ 84. and 85.

9/ 106. and 107.

3/ 3. Article 14 (The state of San Juan, however, has adopted the enumerative method).

10/ 129.

11/ 136.

4/ 13 and 15.

12/ 138. Articles 5-6.

5/ 17 and 20.

13/ 143. 145. and 146.

### Close seasons

The protection of animals in a broader sense also must include the concept of close and open seasons. These have a bearing upon game animals which normally may be hunted during a part of the year only (open season). During the close season, on the other hand, no hunting may take place, either in general or with regard to one specific animal if the close season applies to that animal 1/. Close seasons usually cover the reproductive period of the species concerned.

The authority to decide close seasons normally rests with the relevant Ministry 2/ but sometimes even with the President 3/. Some acts explicitly lay down the close season to be observed with regard to each animal listed as game animals. Chile has been divided into three regions for the purpose of close seasons, with an annual general close season ranging from 6 to 7 months for each one. However, there is a uniform close season between 1 September and 31 March for the whole country with regard to mammals and birds 4/. Similarly, various close seasons have been established for the three geographical zones of Peru, the coast, the highlands and the forest and mountains region 5/. Sometimes it is explicitly laid down that efforts should be made to ensure that close seasons as far as possible coincide with the nesting seasons of the species concerned 6/.

In order to render the prohibition on hunting during close seasons effective, some acts also prohibit certain other dealings with wildlife and the products thereof. Thus they lay down restrictions as to the carrying of hunting weapons or to the selling, buying or transport of quarry during the close season 7/. Dealers in skins are sometimes under an obligation to declare their stock of skins within a certain period of time after the close season has started 8/. These prohibitions, however, do not normally apply to harmful animals 9/ or the collecting of animals for scientific purposes.

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1/ H. Hvidberg - Hansen suggests in "Recommendations on specific aspects of wildlife legislation and control of trade in skins", that the conception of close seasons be abandoned in Peru since hunting takes place regardless of such close seasons. The reasons given for this are that the indigenous population is so dependent on wildlife products that a close season is disagreeable to them; that a control of the prohibition in the field is impossible, and that a well-defined breeding season does not exist in the fairly uniform climate of the selva region, motivating a close season between 1 December and 31 March.

2/ 3. Article 11, 93. Article 17 and 182. Article 41.

3/ 49. Article 3.

4/ 50. Article 1.

5/ 148.

6/ 75. Article 1 and 177. Article 23.

7/ 35. Article 11 and 13, 49. Article 4, 173. Articles 4E and G.

8/ 150.

9/ An exception is Costa Rica, where a general close season also includes harmful animals.

### Bag limits and minimum sizes

Some laws contain provisions regarding the number of animals that may be lawfully taken by a hunter during a given period - day, week, year or season -. The laws of Brazil and Nicaragua generally authorize the appropriate public federal authority and the Ministry of Agriculture, respectively, to determine the daily quota and the number of specimens which can be taken 1/. More detailed are two identical decrees from Cauca and Valle de Cauca, Colombia, dealing with the protection of birds. Specific limits on the daily, weekly and yearly maximum catch per hunter are laid down 2/. Similar provisions are found in the legislation of other countries 3/.

Sometimes provisions are found regulating minimum sizes of game animals. Only the hunting of animals exceeding these sizes is allowed 4/. Field studies in Peru and Colombia, however, indicate that the prescribed minimum sizes are often not followed 5/. In a few acts the killing of the young of some specified species is prohibited.

### Conclusions

The majority of Latin American countries seem to have introduced one or more of the above-mentioned conservation measures. However, it is questionable whether law enforcement, in particular with regard to the preservation of protected species is adequate. Successful protection to a large extent involves measures of an educational nature, i.e. the creation of an understanding that the protection of these species may be worthwhile for cultural, scientific, but also in the long run, for economic reasons. This understanding seems in the most part to be missing in Latin America.

Other difficulties in organising the above-mentioned essential conservation measures are of an administrative nature. Thus, the legislation should provide for a machinery whereby the revision of lists (protected species, game animals, harmful animals), close seasons and bag limits can easily and regularly be made. Only the legislation of Brazil and Ecuador explicitly provides for a system of regular revision. In Brazil it is laid down that the appropriate federal authority must publish, and each year bring up to date, a register of species and the daily quota of specimens, the utilisation, pursuit, hunting or collection of which is permitted, indicating the limits of the areas involved, as well as the season and number of days in which the above activity is allowed 6/. The annex to the Wildlife Act of Ecuador which contains protected species must be revised every five years or when technical or scientific circumstances so demand 7/.

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1/ 48. Article 8 and 125. Article 9, respectively.

2/ 75. and 80. Article 1, respectively.

3/ For instance, in Argentina, seasonal bag limits for certain game animals (3.art.22); in Panama, an upper quota limit of the band-tailed pigeon (136.art. 2) and in Uruguay, bag limit on partridges (176.art. 6).

4/ 28. Article 3, 84. and 85. 102. Article 3 and 149. and 154.

5/ H. Hvidberg-Hansen: Utilisation of the crocodile in Peru.

6/ 48. Article 8.

7/ 101. Article 3.

## VIII. - PROTECTED AREAS

The Wildlife Convention distinguishes between four different types of protected areas: national parks, national reserves, nature monuments and strict wilderness areas 1/. A national park is defined as a protected area of superlative scenery, flora and fauna of national significance, which the public may enjoy and from which it may benefit when placed under public control. The boundaries must not be altered except by the competent legislative authority. The fauna and flora are protected and the natural resources must not be subject to exploitation for commercial profit 2/. A national reserve may be established for the conservation and utilization of natural resources under governmental control. Protection of fauna and flora will be afforded in so far as this may be consistent with the primary purpose (i.e. conservation and utilization of natural resources) of such a reserve. A nature monument is defined as an area, an object or a single species of flora or fauna to which strict protection is given. A strict wilderness reserve is defined as an area under public control, characterised by primitive conditions of flora, fauna, transportation and habitation.

The contracting states undertake to explore the possibility of establishing in their territories the areas as defined above, but if this is found to be immediately impractical, suitable areas are to be selected as early as possible for the purpose of transforming them into protected areas later on.

Only a few countries in the region have met in part, the obligation with regard to protected areas imposed upon them by the convention. These mainly regard national parks and nature monuments. It should be mentioned that Ecuador and Peru have reserved areas, and the intention is to declare these areas as national parks or national reserves at a later date. Preparatory work, including ecological, botanical and zoological research, is to be carried out. In the meantime, the destruction of the vegetation, and hunting are prohibited 3/. The IUCN list of national parks and reserves as well as the legislation at hand, indicates that emphasis has been laid upon the creation of national parks 4/, while the establishment of other types of protected areas provided for by the convention, except nature monuments, 5/ seem to have been neglected.

### National parks

In the region, only Argentina possesses a national park act, while, when the other countries are concerned, scattered provisions regarding national parks mostly appear in forest acts. One fairly exhaustive act refers only to the National Park of Isiboro Sécure in Bolivia. However, the Forest Law and the Forest Regulations from Mexico and the Bolivian Agrarian Reform Act have each devoted a chapter to this subject. The following account will, therefore, have to rely mainly on information contained in the legislation from these three countries.

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1/ Article 1.

2/ Note, however, the reservation made by Argentina in respect of this latter prohibition. The reservation allows Argentina to exploit natural resources in those parts of national parks which have been incorporated into the system solely to maintain a uniformity of action in national parks.

3/ 99 and 164 and 166.

4/ Argentina, Bolivia, Chile and Venezuela.

5/ Argentina, Bolivia, Brazil, Chile, Colombia, Guatemala, Honduras and Peru.

In addition, there are quite a number of - not very informative - decrees, in particular from Bolivia and Chile, which only declare certain areas as national parks, without giving any details as to their administration, management or protection.

Powers to set aside national parks are vested in the government. Normally the acts provide for the expropriation of lands which are to be comprised in a national park - an essential power from a management point of view. However, in Argentina it would seem as if national parks declared as such before the present national parks act came into force may comprise private lands. The relevant provisions in the act lay down that new national parks may not be formed unless the terrain concerned is granted to the Nation. As regards national parks of an earlier date, the state enjoys preferential rights in the purchase of private properties 1/.

Only the national park acts of Argentina, Colombia (National Park of Puracé) and Bolivia (Isiboro Sécure rules) provide for the proper demarcation of the areas set aside as protected areas 2/. Furthermore, the Argentine act states that the National Service of National Parks is under an obligation to define the boundaries of each national park (also natural monument and national reserve) not later than two years from the promulgation of the national parks act.

The definitions of national parks as laid down in the various laws do not essentially differ from each other, and also seem to be in accordance with the general concept of a national park. Thus, within a national park, protection is given to fauna, flora, objects of aesthetic, geological (sometimes historical) or other scientific interest for the benefit, advantage and enjoyment of the general public. The national parks act of Argentina, however, makes important exceptions to this definition. Sport hunting, industrial and commercial activities (provided consent is obtained from the relevant authority); installation of built-up areas or tourist accommodation of not more than ten per cent of the area in each reserve (if the building plan has first been approved by the authority concerned) and under certain conditions, the utilisation of woods, may be permitted 3/. Other laws allow the construction of lodges, huts, recreation centres, restaurants, and in general gainful activities under permit. In addition, the normal exceptions to the strict prohibitions concerning activities in national parks relating to mining operations and prospecting for minerals or petroleum deposits seem to be almost non-existent in national park laws in Latin America 4/.

In the National Park of Isiboro Sécure, a limited, non-defined economic exploitation may take place, provided the specific function of the national park is not affected 5/. In Costa Rica, exploitation may take place in reserves, the definition of which very much resembles that of a national park, with permission from the Ministry of Agriculture. 6/

As to other activities restricted within national parks, these, for the most part, follow indirectly from the definitions of the areas as laid down in the laws. Thus, in Argentina the act is fairly extensive with regard to prohibited activities but these are somewhat weakened by the exceptions mentioned above. Under the other laws, activities such as hunting, capture and transport of game animals; the use and carrying of fire-arms 7/; the extraction of ice from glaciers 8/; the felling of forests or commercial exploitation and the building of

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1/ 9. Articles 2 and 6.

2/ 9. Article 20k, 82. Article 6 and 34. Article 17.

3/ 9. Article 5e and Article 9.

4/ See however 23. Article 1.

5/ 34. Article 3.

6/ 89. Article 5.

7/ 118. Article 186.

8/ 22. Article 5.

roads 1/; human settlements and domestic animal grazing 2/ are explicitly prohibited. After the declaration of the national park on the islands of Juan Fernandez, Chile, erosion caused by the cutting of forests and over-grazing has been developing to such an extent that these activities have now been explicitly prohibited, as has also the introduction of alien fauna and flora species. For the latter to be allowed, previous authorisation is required 3/. Encroachments on protected areas are very common, so that it is interesting to find explicitly laid down in Peru's national park rules of Isiboro Sécure that residents in the vicinity shall take care of, preserve and protect the wealth of flora and fauna in the park, by strictly observing the limitations imposed by the rules. By way of privilege or compensation, hunting and fishing is allowed in the area immediately surrounding the national park to a depth of 1,000 metres 4/. This may be rather questionable but nevertheless may represent a realistic approach to the problem of poaching inside protected areas. More usual would have been to establish a buffer zone surrounding the protected area where certain activities detrimental to the management of the national park are restricted.

Normally, public access to national parks is granted although this is laid down explicitly only in certain laws 5/. Access to the National Park of Isiboro Sécure requires authorization.

Only the Isiboro Sécure National Park Rules lay down rules regarding the administration. An administrator is in charge of the national park; under him there are administrative, technical and supervisory personnel. Their powers are laid down in the Rules.

#### Other protected areas

Under this heading a number of various protected areas, mainly dealing with fauna protection, including sometimes habitat preservation, are established under the regulation examined.

The definition of a nature monument used in the Argentine legislation is identical with that found in the wildlife convention 6/. In addition, there are a number of areas, set aside by decree resembling nature monuments, as defined in the convention. Mostly, a single animal species has been set aside as nature monuments rather than an area or an object. Thus, nature monuments have been declared with regard to several rare fauna species mentioned under the heading "protected species" with no connection, in most cases, with any specific area. Exceptionally such a connection may be made (for instance, birds in the Tota Lake, Colombia 7/ and aquatic birds in the lakes of Atitlán and Amatitlán, Guatemala 8/).

It should be noted that national reserves and strict wilderness reserves, as defined in the convention, do not seem to be provided for, with the exception of national reserves in Peru 9/, of which the most important at present is the vicuña reserve of Pampas Galeras, for the protection of the vicuña. Natural reserves contemplated in the legislation of Argentina and Ecuador 10/ to some extent resemble national reserves as defined by the convention. Under the denotation of wildlife sanctuaries (Argentina, Bolivia, Mexico and Venezuela), national, state and municipal reserves (Brazil), wildlife refuges (Costa Rica) and refuge zones (Nicaragua), some countries provide for total fauna protection within a specified area.

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1/ 78. Article 4.

6/ 9. Article 7.

2/ 34. Article 11 and 159. Article 29.

7/ 67. and 69.

3/ 53.

8/ 106., 109., and 110.

4/ 34. Articles 12 and 18.

9/ 170., Article 199.

5/ Argentina, Bolivia, Mexico, Paraguay and Panama.

10/ 9. Article 8 and 101. Article 40.



As to public access, only the legislation in Costa Rica is restrictive. There a permit is required from the Ministry of Agriculture or from the Forest or Revenue Authority in order to visit a wildlife refuge 1/.

### Conclusions

Although the wildlife convention explicitly urges contracting parties to explore the possibility of establishing all four types of protected areas provided for by the convention, and to select them as early as possible, for the purpose of transforming them into protected areas, the setting aside of national reserves and wilderness areas, in the meaning of the convention, has generally not been provided for in national legislation (except for national reserves in Argentina and Peru. It is not known to the author whether from a biological point of view there is a need for those areas contained in the convention, but to which little or no attention has been paid in national legislation.

It should be noted that the legislation of only a few countries provides for the type of protected area in which the main purpose is the conservation of the fauna and flora generally (not a single species only as in nature monuments). In countries where these areas have not been provided for, it is true that national parks do afford a general fauna and flora protection. However, their scope is wider and the restrictions following their declaration correspondingly harsher, and governments may not be willing to give a particular area the status of national park solely for the protection of fauna and flora.

It is essential that the land comprised in various protected areas is publicly owned. This undoubtedly facilitates their adequate management. If a private interest is to be found in a protected area, conflicts may arise as to management and the utilisation of these areas for private profit. It is therefore recommended that appropriation of private lands intended for inclusion in protected areas should, as far as possible, be provided for in all national legislation in Latin America.

A serious threat to the fauna is ecological unbalance within protected areas (but also outside those areas), caused by various forms of habitat destruction. This may take the form of encroachments, such as forest operations, cattle grazing, human settlements, etc. Habitat destruction is a central problem of nature conservation. The reasons for this are mainly inadequate legislation (no provisions on habitat preservation) and supervision, but also the boundaries surrounding protected areas are sometimes not always clearly demarcated. Thus, people may accidentally enter a protected area and devastate it. To prevent this, it is recommended that it be laid down in the legislation that boundaries are to be marked and regularly cleared in such a way so as to eliminate any doubt where the protected area is located. As a measure of precaution, it may sometimes be advisable to establish so-called buffer zones around protected areas, in which various activities detrimental to the management of the protected area are restricted.

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1/ 92. Article 20.

IX. - TRADE IN WILD ANIMALS AND THEIR PRODUCTS

At the 10th General Assembly of IUCN in New Delhi in November 1969, it was pointed out that a serious drain on animal populations in the Upper Amazon Basin had taken place as a result of the trade in live animals originating in Bolivia, Brazil, Colombia, Ecuador, Peru and Venezuela. In order to remedy the situation the Assembly favoured a co-ordination as soon as possible of the legislation and regulations in these countries concerning hunting, capture, possession, export and transit of wild animals and their products and a concert on measures for co-operative enforcement, including exchange of information and wider controls. Furthermore, the Assembly urged all countries to uphold the principle that any wild animal or product taken in violation of one country's laws should be declared contraband in all other countries.

Recent reports from Peru indicate that the trade in the skins of certain economically valuable animals living in the Amazonas region of that country is considerable 1/. Field studies undertaken reveal that the main Peruvian trade centres in wildlife products are Iquitos and, to a lesser extent, Pucallpa and Puerto Maldonado. There is also clear evidence that Leticia, situated in the southernmost tip of Colombia, is a principal trade centre, in particular with regard to skins of white caymans. The trade as a whole is legal insofar as the animals traded are unprotected species. However, as has been mentioned earlier, close seasons and minimum sizes as to caymans and lizards are not adequately respected in Colombia and Peru. There is reason to believe that the same situation prevails in the other countries occupying parts of the upper Amazon Basin. It should be noted that in Iquitos even sport hunting licences have not been provided for.

The wildlife convention lays down that necessary measures to control and regulate the exportation, importation and transit of protected fauna and flora should be taken by the issuing of certificates authorising the exportation or transit of protected species of fauna and flora. The importation thereof should not take place except on production of a certificate of lawful exportation issued by the country of origin. It should be recalled that the convention applies to protected species only 2/.

Export and import of fauna

The legislation of Brazil strictly prohibits the export of wildlife and its products (except from duly authorised breeding grounds) 3/. The same strict prohibition applies to export from Costa Rica (except for scientific purposes) 4/, Honduras (all species suitable for hunting) 5/, Mexico (except for a limited amount of wildlife taken by non-resident foreigners) 6/ and Uruguay.

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<u>1/</u>	Utilization of the crocodile in Peru
"	" " " capybara " "
"	" " " Brouket Deer "
"	" " " White-lipped Peccary in Peru
"	" " " Amazon Otter "
"	" " " Giant Otter "
"	" " " Jaguar "
"	" " " Ocelot and the Margay Cat in
	Peru - all reported by E. Hvidberg-Hansen, 1970.

2/ Article IX.

3/ 48. Article 3.

4/ 93. Article 14.

5/ 115. Article 34.

6/ 116. Article 26.

Some laws prohibit the exportation of certain enumerated species 1/. With regard to certain listed animals in Bolivia, a stipulated export levy has to be paid. Unprocessed skins of cayman and lizard may not be exported from that country.

As has been mentioned earlier, under protected species, special efforts have been made to protect the vicuña. The prohibition on the hunting of this animal contained in a number of enactments is often coupled with a prohibition of trading (export and import). In two laws from Bolivia and Peru which are believed to have formed the basis for the bilateral agreement on vicuña protection concluded between these two countries, the export, import and internal trade of wool and skin of the vicuña is prohibited 2/. The Bolivia act lays down that an inventory of the existing stock of vicuña wool shall be made and sold within a fixed time period. Both acts, and also the bilateral agreement, set out a time limit of ten years before the expiry of which (1979) all the above-mentioned dealings in the vicuña and its products are prohibited.

The possession of the appropriate licences or permits is normally made a pre-requisite for lawful export and are issued by the relevant Ministry of Agriculture. Some laws lay down that traders and commercial enterprises dealing in wildlife must register, whereafter the proper exportation licence is granted. In Ecuador, in addition to the registration, a licence and in each case of exportation an export authorisation is required. In Venezuela, anyone wishing to export or import wildlife products is obliged to request the relevant permit 3/. It should be noted that besides the act of Venezuela, only that of Costa Rica contains any specific rules on importation (only in transit) of wildlife 4/.

#### Breeding grounds

A number of laws provide for the establishment of so called "breeding grounds" designed to breed wild animals for economic and industrial purposes. The creation of these may sometimes even be compulsory for enterprises specialising in the trade of wildlife under the alternative of cutting themselves off from the supply of raw material. Breeding grounds are provided for in several acts 5/. It should be noted that in Chile and Peru breeding stations are mainly devoted to the propagation of protected species and that in Brazil, exportation of wildlife may only take place from authorised breeding grounds.

The Argentinian authorities are in favour of establishing breeding grounds for the reproduction of vicuña and encourage the relevant authorities to set aside suitable areas for the reproduction of the vicuña in captivity 6/. Also, the bilateral agreement on vicuña protection, signed between Bolivia and Peru, urge contracting parties to establish breeding grounds in their respective territories 7/.

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1/ 35. Article 1 and 75. Article 6, respectively.

2/ 38. and 167.

3/ 182. Article 27.

4/ 92. Article 17.

5/ 3. Articles 87-88, 35. Article 17, 48. Article 6b, 49. Article 5, 124. Article 46 and Article 49, 168. Article 205 and 177. Article 35a.

6/ 13. and 15.

7/ Article 5.

## Conclusions

It is essential that the trade in wild animals, in particular protected species, be restricted since an uncontrolled trade may have undesirable effects on wildlife populations. According to the IUCN statement, mentioned in the introduction to this chapter and information available from Colombia and Peru, the extent of the trade may be considerable. The economic value of this trade may constitute a hindrance or give rise to a reluctance to take the necessary measures to restrict it. It would also appear that law enforcement in this field, as in many others, is inadequate and that the illegal trade is considerable.

Since trade in wild animals in Latin America seems to be concentrated in the Upper Amazon Basin, the provisions regarding the trade from those countries occupying parts of the said Basin are of special interest. As for Brazil, which possesses the greater part of the Basin, it has already been mentioned that an absolute prohibition on the trade in wild animals is established and that exportation of wildlife may only take place from duly authorized breeding grounds. The situation seems to be less satisfactory in Bolivia, Colombia and Peru where the exportation of a few animals only is prohibited, while the trade for the rest in these countries does not seem to be regulated. Furthermore, it should be noted that existing provisions regarding the trade in Colombia do not cover the eastern parts of the country which fall within the Amazon Basin. As for Ecuador, registration licence and export authorisation are obligatory. The act of Venezuela provides for the obligation to hold a permit for export and import of wildlife.

It is readily apparent that those countries which have not adequately regulated the trade would do well to do so. Equally important for a successful reduction in the trade is to seek the co-operation of the main importing countries and to convince them of the necessity of reducing their imports of rare species. Fortunately, there seems to be a trend toward the enactment of legislation preventing the importation of endangered species. Legislation of this kind has, for example, already been passed in the United States <sup>1/</sup>, and some measures in the same direction have been taken in Great Britain by the Board of Trade and Industry, which has banned the importation of vicuña wool. In many respects, however, the best remedy in reducing and controlling the trade in wild animals and their products is an international convention. The drafting of a convention on this subject has in fact already been undertaken by IUCN and the draft convention is now in the final stage of preparation.

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<sup>1/</sup> "An Act to prevent the importation of endangered species of fish and wildlife into the United States", - 5/12 1969.

## X. - GENERAL CONCLUSIONS

The conclusions of the study indicate in general the lack of legislation and institutions and the inadequacy of existing legislation and institutions to ensure implementation of proper policies and law enforcement.

### Lack or inadequacy of legislation and institutions

The legislative material examined shows that in a number of countries in Latin America there is no basic, comprehensive legislation on wildlife and national parks. In the absence of this basic legislation, efforts are being made to cover the subject by enacting piecemeal legislation, in which, however, important general management principles regarding wildlife and preserved areas are often missing. Thus, the result is sometimes a number of decrees, simply declaring a national park or the protection of specific species of fauna without setting out necessary management and conservation measures. In some countries, however, the legislation is very comprehensive and complete. In particular, this is so in the case of Argentina and Venezuela, and, to a lesser extent, Chile, Costa Rica, Ecuador, Honduras, Mexico and Nicaragua. As to the other countries covered by this study, wildlife and national park legislation is, for the most part unsatisfactory.

In addition to the lack of basic comprehensive legislation, such enactments as are to be found are often deficient, in particular as regards certain of the following matters. As regards enforcement at departmental and local level, the legislation does not set out in detail the duties and powers of the relevant departments or officers. In particular, powers of, e.g., search and seizure of animals and their products, arrest of offenders, etc., are not laid down for game wardens and rangers, who are responsible for the implementation of the legislation at local level. As to the various hunting licences (sporting game licences, scientific hunting and capture licences, and commercial capture and trade licences) some of the legislation deals with this subject fairly comprehensively, while in other legislation the policies are somewhat unclear. In fact, hunting may be engaged in without any licence at all in some countries. An inefficient licence system renders rational utilization of wildlife (i.e. controlled game harvest) based on a census or on estimation of the actual fauna population impossible.

In their dealing with various other matters pertinent to wildlife and protected areas a similar discrepancy exists between the more comprehensive legislation, on the one hand, and piecemeal legislation, on the other. This discrepancy appears, for example, in the regulation of certain undesirable hunting methods which, if resorted to, may cause mass-destruction to the fauna. Comprehensive legislation totally prohibits these hunting methods whereas piecemeal legislation leaves many of these methods unregulated. The discrepancy is equally notable in another important field, namely with regard to the regulation of the trade in wild fauna which, if unsatisfactorily controlled, is a cause of further depletion of the fauna. Thus, it was found during the course of the study that the trade in wild animals has not been satisfactorily regulated in several countries. As a consequence of this, there is evidence of a serious depletion in the fauna in certain areas in Latin America where it used to be abundant.

Finally, it was felt that much of the legislation does not provide satisfactorily for the setting aside of various protected areas. In particular, the setting aside of areas mainly designated for fauna preservation is not provided for in a number of countries. It therefore seems as if governments, in the absence of legislative provisions for the creation of wildlife sanctuaries as such, will find themselves obliged to set aside national parks, which were conceived for wider purposes. Also, it is felt that additional measures should be provided in much of the legislation so as to deal with various forms of habitat destruction, such as the cutting down of forests, cattle grazing, human settlement, etc. In fact, this appears to be one of the most serious threats to the fauna. Unfortunately, it may well be that the countries concerned simply cannot afford to forgo the direct benefits derived from the utilization of various natural resources within protected areas.

The conclusion to be drawn, therefore, is that the standard of existing wildlife and national park legislation in the Latin American countries is rather uneven. On the one hand, there is an obvious need for the enactment of basic comprehensive legislation on wildlife and national parks in those countries where such legislation is missing; on the other, improvements are needed of most of the existing legislation as this is by and large inadequate.

#### Law enforcement

It emerges from the study that law enforcement in the field of wildlife and national parks is inadequate in Latin America, mainly as a consequence of a weak administrative infrastructure. Thus poaching, various encroachments on protected areas, use of illegal hunting methods, violation of rules laid down for the control of trade in wild animals, etc., may be frequent in spite of legislation prohibiting these practices. In fact, the preambles to a number of laws openly state that law enforcement is unsatisfactory. The main remedies are probably a more efficient and better organised administration, but equally important is that a public awareness regarding the value of having an unspoiled environment be created through various educational measures. A necessary pre-requisite for a satisfactory law enforcement is public information as to the content of existing legislation. Owing to inadequate communication channels and illiteracy, this problem cannot be solved or be solved only partly at present. Unfortunately, it is felt that any improvements regarding law enforcement will necessarily take some time because of prevailing social and economic conditions.

#### Other factors which affect conservation and utilisation of the fauna and protected areas

There are several factors other than the legal/institutional factors which have to be taken into account when considering the problem of conservation and utilization of natural resources. One, public education on natural resources, which is probably one of the most important, has been mentioned above. Another problem, of a certain topical interest in several Latin American countries, is the political instability, resulting in frequent governmental changes. This makes discontinuity in governmental offices common, unfavourably affecting the establishment of policies, planning for the future and follow-up actions. However, there are still other problem areas like the general economic conditions in the country in question and the extent to which these permit the setting aside of suitable areas as protected areas, and the allocation of sufficient personnel, equipment and funds for their management.

Even when the necessary funds are available, the question arises in many countries as to the priority that should be given to nature protection and conservation, taking into account other, more immediate needs which may have first to be met. However, as shown in other parts of the world, the possibilities offered by the management of national parks and various types of reserves and wildlife for scientific, educational, cultural and recreational purposes deserve serious consideration in national priorities, and the development of tourism should not be under-estimated as a foreign currency earner.

XI. - GUIDELINES IN ESTABLISHING NATIONAL LEGISLATION  
ON WILDLIFE AND NATIONAL PARKS

The purpose of this part of the study is to present in summary form a check list of the basic and most important legislative provisions pertaining to wildlife and national parks. Because these provisions represent, on the whole, the minimum legal framework necessary to ensure sound wildlife management policies, they should, wherever possible, be included in a basic act, embracing both the protection and management of wildlife and various protected areas. It may be advisable to have detailed provisions on licences, close seasons, bag limits and administration laid down in regulations under such a basic act.

The check list is not intended to be exhaustive. Some provisions which are normally found in any basic act or regulation, such as those regarding detailed administrative provisions, penalties, etc., are omitted. These provisions are not peculiar to wildlife and national parks legislation; in addition, they are by their very nature dependent in their form and content on the socio-economic conditions of the country or region to which they apply.

A. - Objectives of basic wildlife and national parks legislation

There should be, wherever possible, mention of the objectives and the policies which should be implemented by the legislation. These objectives and policies should include, for example, the protection of the wild fauna and flora, in particular, the preservation of those species, together with their habitat which are faced with extinction; the rational utilisation and management of the wild fauna and flora to ensure an optimum sustained yield within the framework of a national land use policy; the protection and management of protected areas.

B. - Protected areas

Protected areas vary from country to country, though in the case of national parks definitions seem to be fairly uniform. Consideration should be given when providing a definition of these areas to economic, geographical, biological and other conditions in each country or region. In all probability, different objectives will be assigned to each of these areas and it might therefore seem difficult to suggest definitions of them. Although it may not be feasible to set aside in a given country all the various types of areas for which definitions are given below, it is felt that at least a need for some of them should be found in each country.

1. - Strict natural reserve

The term "strict natural reserve" should denote an area :

- (a) placed under the control of the state, the boundaries of which must not be altered, nor any portion subject to alienation except by the competent legislative authority;
- (b) set aside to permit the free interaction of natural ecological factors without any outside interference whatsoever, excepting that judged indispensable by the competent scientific authorities for the safeguarding of the very existence of the reserve;
- (c) throughout which any form of hunting or fishing, any undertakings connected with forestry, agriculture or mining, any grazing, any excavations or prospecting, drilling, levelling of the ground or construction, any work involving the alteration of the configuration of the soil or the character of the vegetation, any water pollution, and, generally, any act likely to harm or disturb the fauna or flora, and the introduction of any exotic animal or plant species is strictly forbidden;

- (d) where it is forbidden to reside, enter, traverse or camp and which it is forbidden to fly over, without a special written permit from the competent authorities, and in which scientific investigations may only be undertaken by permission of those authorities.

## 2. - National Park

The term "national park" should denote an area:

- (a) identical with (a) - "strict natural reserve" - above;
- (b) set aside for the protection and conservation of outstanding natural animal and plant communities, geological formations and areas of natural scenic beauty, for the enjoyment of present and future generations in a manner consistent with the management of the resources, and for scientific, cultural, educational and economic purposes. When occasionally outstanding historical and archeological remains or sites are found within and forming part of the significance of the areas as defined in the previous sentence, these features or sites may be managed as part of the resources of the national park;
- (c) in which hunting, killing or capturing of fauna, destruction or collection of flora and other objects is prohibited except for scientific and management purposes, and on condition that these purposes are pursued by, or under the control of, the park authorities.

The activities prohibited under "strict natural reserves" (c) and (d) should also be prohibited in national parks, except where they are necessary to enable the park authorities to carry out the provisions of paragraph (b) above, or to enable the general public to visit national parks.

## 3. - Sanctuary

The term "sanctuary" (wildlife sanctuary, game reserve, wildlife refuge, etc.,) should denote an area:

- (a) set aside for the conservation and management of wildlife and the protection and management of its habitat;
- (b) within which hunting shall be prohibited except by, or under the direction or control of, the reserve authorities;
- (c) where settlement and other human activities are restricted or prohibited.

## 4. - Special reserve

The term "special reserve" (nature monument, national monument, etc.,) should denote an area:

- (a) set aside to protect wild animal or plants species (special emphasis is given to species threatened with extinction) either as individuals or as populations and, in the case of wild animals, to ensure sufficient habitat for their survival;
- (b) set aside for the protection of outstanding geological formations, historical and archeological objects or sites (that sites or objects of historical and archeological significance may also occasionally be included in national parks has been mentioned under national parks);
- (c) in which all other interests and activities are subordinated to this end.



C. - Acquisition of land for inclusion in protected areas

Rules should be laid down for the procedure when acquiring lands to be comprised in a protected area. Preferably such lands should be made state property so as to ensure adequate and uniform management of protected areas. Expropriation should accordingly be provided for.

D. - Establishment of protected areas

The overall importance of strict nature reserves and national parks and the vast areas which are often comprised in them require their establishment by act of parliament, or the equivalent, while the establishment of other protected areas should normally be the responsibility of the Minister in charge of wildlife and national parks, normally the Minister of Agriculture.

E. - Demarcation and fees

To avoid as far as possible encroachments on protected areas, it is advisable that places within or on the boundaries of, and particularly on access roads to protected areas, provisions be made for notices to be erected indicating:

- (a) the kind of protection afforded to the area;
- (b) the extent of the area set aside (map);
- (c) the penalties resulting from any contravention regarding prohibited activities within such an area.

The boundaries should be marked and the notices properly spaced and checked at regular intervals.

The administrative body responsible for protected areas should be empowered to charge entrance and other user fees where consistent with local policy and where necessary or desirable to help cover the costs of management, maintenance and development of these areas.

F. - Buffer zones

It may sometimes be necessary to establish so called buffer zones around the boundaries of protected areas. Such buffer zones may consist of a strip of public or private land of varying width adjacent to a protected area and managed in a manner compatible with such protected area and yet sometimes used for other land purposes such as timber production, agriculture and tourism. The buffer zone should be managed in such a way as to absorb fire, pollen, erosion, pollution, noise, free ranging domestic animals or other elements considered detrimental to the integrity of the protected area.

National and local bodies empowered with administrative and advisory functions, may be established. National bodies should be vested with an overall responsibility of the national park and wildlife resource on an advisory basis, while local bodies should be charged with the responsibility for a specific protected area.

H. - Officers

For the administration of the Act at the local level, officers having the necessary technical and educational qualifications for the administration and management of wildlife and national parks, should be appointed.

These officers should, inter alia, be empowered :

- (a) to arrest any person committing or suspected on reasonable grounds of having committed an offence against legislation and detain him until his full name and place of residence are ascertained;
- (b) to demand any person suspected of any act for which the holding of a licence is required to produce such a licence for inspection;
- (c) to enter and search where there is reasonable grounds to suspect that an offence has been committed against the legislation;
- (d) to inspect and examine any animal or product thereof;
- (e) to seize any animal or product thereof;
- (f) to hold enquiries into offences.

I. - Appointed officers deemed to be public servants

It may be advisable to give officers the status of public servants in order to give them an increased protection against all kinds of verbal or physical violence in the performance of their duties.

J. - Protected animals and plants

It should be laid down that all wild fauna, protected or not, irrespective whether found on public lands or private lands, belong to the state, which should be made responsible for its management and protection. Specifically designated animals and plants, the hunting, collection or destruction of which is forbidden owing to their rarity, should be listed as protected fauna and flora. The possession of such protected animals and plants should be considered an offence.

(Occasionally it may be wiser to protect all wild fauna, except those animals listed as game animals).

K. - Game animals, close seasons, bag limits and minimum sizes

By the term "game animals" it should be understood those listed wild animals which may be hunted for sport under a licence.

In order to enable the responsible department to regulate the rational utilisation of the resource at an acceptable level a system of close seasons, bag limits and minimum sizes should be established. During a close season, hunting is prohibited either generally or with regard to a particular species or family of species. Bag limits restrict the number of animals which must be taken during a certain time period (daily, weekly, monthly, yearly, seasonally). To avoid over-exploitation, it may be sometimes necessary to restrict the hunting of certain species below a certain minimum size.

L. - Regulations for the implementation of the Act

It is of great importance to have a clause empowering the relevant Ministry to issue and, whenever necessary, revise regulations amending the lists of protected species, plants and game animals, close seasons, bag limits and minimum sizes. This makes it possible for the regulations to be re-examined and revised to keep pace with technical, social and economic changes by avoiding the complicated and time-consuming procedure of having to submit amendments to the legislation to the law-making body.

M. - Sporting game licences

Game animals should be hunted only on the condition that a hunting game licence has first been issued by a specifically designated authority.

The applicant for a sporting game licence should state the locality where he intends to hunt, the period during which hunting is going to take place, the species to be shot and the weapons to be used.

A sporting game licence should be personal and valid not longer than one year. It should be issued only to persons above the age of 18 years (or that age considered consistent with prevailing conditions in the country concerned) in possession of a firearms licence. Limitations, restrictions, terms and conditions, such as close seasons, bag limits, minimum sizes and locality where the hunting may take place, may be prescribed.

For the purpose of controlling the actual game harvest it may be useful to lay down that the licensee must keep a record of the game killed, which record should be submitted to the issuing authority after expiry of the licence.

Hunting should be exercised on public as well as on private lands. In the latter case the hunter should have to ask the private land-owner for permission to hunt on his properties.

Hunting should under no conditions be carried out inside protected areas except by authorised personnel when necessary for management purposes.

In the context of licences, it would be advisable to define the term "hunt". This could be defined as the killing, taking, trapping or capturing of any wildlife by any means, the pursuing, disturbing or molesting the same, as well as every attempt to hunt or kill wildlife and every act of assistance of any other person.

N. - Scientific hunting and capture licences

The granting of licences entitling individual scientists or individuals in biological institutions of repute to hunt or capture specified numbers of species of protected animals for the purpose of scientific research or collection for zoological gardens, museums or similar institutions, should rest with the relevant Ministry.

O. - Commercial capture and trade licences

A licence to hunt and trade in animals (with the exception of protected animals) and their products should first be granted by the relevant authority to qualified persons before the latter engage in these activities. The licence should entitle the holder to hunt specified numbers and species of game animals and non-protected animals in specified areas outside protected areas.

The licensee should keep a record of the number and species of animals killed or captured, which record should be submitted annually to the relevant authority.

P. - Firearms licences

A sporting game licence should be issued only to the holder of a firearms licence. The applicant for a firearms licence should be made to undergo a test as to his shooting ability and general knowledge of hunting wild animals. It is advisable to establish a minimum age limit for the possession of such a licence.

Q. - Suspension and revocation of licences

In addition to fines and other penalties, the possibility of suspending or revoking the above mentioned licences should be provided for, if the licensee fails to comply with prescribed conditions or if he has contravened the provisions laid down in the Wildlife Act.

R. - Export and import of wild animals and trophies

It is essential that the export and import of wild animals and trophies be adequately regulated.

It should therefore be laid down that a necessary pre-requisite for a lawful export or import is the possession of a licence issued by the relevant authority. Furthermore, it should be explicitly laid down that a licence does not entitle the holder to export or import any wild animals or trophies taken in contravention of national laws or in contravention of the laws of any other country.

S. - Recognition of protected species

In order to render the prohibition on all dealing in protected species effective, appropriate illustrations of these animals should be prepared and circulated to Customs officers and others engaged in the trade of wild animals and their products; or the same persons should be otherwise instructed in the methods of identifying protected species and trophies derived therefrom.

T. - Unlawful hunting methods

Below an enumeration is made of those hunting methods which might be considered illegal. (It is understood that it may not be necessary to legislate against all methods since some of them may not be applicable in a given country or region):

- the use of motor vehicles, motor boats or aircraft, whether moving or stationary, either for the purposes of hunting, capturing or killing, animals, or willfully to disturb, drive or stampede them for any purpose whatsoever except when these methods are employed by the competent authority or under its direction or control;
- the use of fire to hunt, capture or kill animals;
- the use of military weapons and also of any firearm capable of firing more than one cartridge as a result of one pressure of the trigger, or re-loading itself without further action by the operator, it being ensured that the appropriate firearms are used which under normal conditions are capable of killing the animal outright;

Furthermore, hunting, capturing or killing of animals may be prohibited:

- by night, with or without the assistance of lighting or dazzling equipment;
- by use of drugs, poison, poisoned weapons and baits, or radioactive substances;
- by use of nets, pits or enclosures, traps or snares, or of set guns or explosives;
- with the assistance of electrical sounding devices such as recording machines or other electronic equipment;
- with the aid of any form of hide except where these methods are employed by the competent authority or under its direction or control.

U. - Customary rights

Since customary rights - if excessively exercised - may be a threat to wildlife, it might be worth considering the restriction of these rights. (Preferably, customary hunting should be exercised under licence). Also other types of customary rights, such as domestic animal grazing or forest exploitation within protected areas, should as far as possible be prohibited or restricted. When, exceptionally, customary rights may be exercised within a particular protected area, a statement to that effect should be incorporated in the declaration of that area.

V. - Animals causing danger and damage

When occasionally certain species or individual animals constitute a danger or cause damage to life or property, authorisation to destroy these animals should be provided for. The destruction should be controlled or carried out by officers so as to exclude any possible abuse of this right.

W. - Legitimate defence

The fact that certain animals are protected animals or that certain hunting methods are prohibited should not prejudice the right of legitimate defence of life or property exercised in good faith in case of immediate and absolute necessity.

To prevent abuse of this right, it should be laid down that in all cases where an animal is found dead or is accidentally killed or killed in legitimate defence, the carcass and trophy should become property of the state.

Furthermore, if the animal is a protected animal, a report should be submitted immediately to the competent authority.

X. - Breeding grounds

In some countries there may be a need for the establishment of so-called breeding grounds designed to allow breeding of wild animals in captivity for economic and industrial purposes, or for the propagation of protected species.

TABLE SHOWING EXISTENCE OF VARIOUS HUNTING LICENCES IN THE COUNTRIES COVERED BY THE STUDY

Country	Sporting game licences	Scientific hunting & capture licences	Commercial capture & trade licences	Licences for killing dangerous animals & animals causing damage	Firearms licences
Argentina (1a (2)	18 - 21	78 - 82 (2b)	28 - 68		
Bolivia					
Brazil 27	13	14			13
Chile (28 (29)	2	4 8	2		
Colombia (Cauca) 49	8		8		8
Costa Rica (66 (67)	26 - 28 22	21 18			27 22
Ecuador 101	10	11	18		7
Guatemala					
Honduras 85	20	20	20		
Mexico (86 (94)	16, 18 16	17	Prohibited 16 Allowed 24		18
Nicaragua 95	19	24	22 (?)		19

a) Refer to the act corresponding to the same number in the index.

b) Refer to the relevant section in the act.

ANNEX I (continued)

TABLE SHOWING EXISTENCE OF VARIOUS HUNTING LICENCES IN THE COUNTRIES COVERED BY THE STUDY

Country	Sporting game licences	Scientific hunting & capture licences	Commercial capture & trade licences	Licences for killing dangerous animals & animals causing damage	Firearms licences
Panama	9	15			
Paraguay					
Peru		3			
San Salvador					
Uruguay	7,9				
Venezuela	12	15, 33, 55 52, 62	25, 61	65	12

ANNEX II

TABLE SHOWING PROHIBITED HUNTING METHODS IN THE COUNTRIES COVERED BY THE STUDY

Country	Use of moto- vehicles, aircraft, etc.	Use of explosives, traps, set- guns, etc.	Use of unsatis- factory firearms & munition	Use of dazzling lights flares, etc.	Use of poison & poisoned weapons	Use of fire	Hunting at night	Other prohi- bited methods	General provision regarding illegal methods
Argentina 2a)	26b)	26	23	26	26		26		
Bolivia 18		16							
Brasil 27	10	10	10				10		
Chile 29		7			7			7	
Colombia 49		14		7					
Costa Rica { 66 67		27,32	33,35	27	27				27
Ecuador 101		16	16	16	16	16		16	
Guatemala									
Honduras 85	28	29	30	29	28	29	39		
Mexico { 86 94	23	23	21,23	35	22 35		35	22	29

a) Refer to the act corresponding to the same number in the index.

b) Refer to the relevant section in the act.



ANNEX II (continued)

TABLE SHOWING PROHIBITED HUNTING METHODS IN THE COUNTRIES COVERED BY THE STUDY

Country	Use of moto- vehicles, aircraft, etc.	Use of explosives, traps, set- guns, etc.	Use of unsatis- factory firearms & munition	Use of dazzling lights, flares, etc.	Use of poison & poisoned weapons	Use of fire	Hunting at night	Other prohi- bited methods	General provision regarding illegal methods
Nicaragua 95	18	16	18	18	16	16		18	16
Panama 105		3	3,9	3	3				
Paraguay									
Peru									
San Salvador									
Uruguay 115		4					4		
Venezuela { 119 124	20 79	20 79	20 79	20 80	20 79	20 79	80	20 83	20 79

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Conventions :

Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, Washington 1940

The Antarctic Treaty signed at Washington on 1 December, 1959.

Bilateral Agreement :

International Agreement between the Governments of Bolivia and Peru regarding the conservation of the vicuña, La Paz, 16 August, 1969.

Argentina

1. Ley No. 13908 (Hunting and protection of fauna)
2. Ley No. 13273, 30/3 1948 (Protection of forest resources)
3. Decreto No. 15501, 20/8 1953 (Declaring the protection, preservation, re-stocking and exploitation of forest fauna to be of public importance)
4. Decreto No. 99721, 24/8 1960 (Amending Decree No. 15501)
5. Decreto No. 9109, 10/11 1964 (Honorary wardens)
6. Ley No. 16802, 30/11 1965 (Establishing a national park, "El Palmar")
7. Decreto No. 4111, 1968 (Amending Devree No. 15501)
8. Reglamento de Caza Deportiva de Especies Exoticas en el Parque Nacional Lanin, Resolucion No. 901, 12/11 1969 (Hunting in the National Park of Lanin)
9. Ley de Parques Nacionales Monumentos Naturales y Reservas Nacionales, No. 18594, 6/2 1970 (National park, nature monument and national reserve act)
10. Decreto No. 637/70, 6/2 1970

Province of Catamarca

11. Ley No. 2308, 7/7 1969 (Wildlife protection act)
12. Decreto No. 386, 23/3 1970 (Wildlife protection rules)

Province of Jujuy

13. Decreto-Ley No. 115, 17/1 1957 (prohibits hunting of vicuña as well as transit and commercialization of its products)

Province of Rioja

14. Ley No. 2919, 17/9 1967 (Hunting and fishing act)

Province of Salta

15. Ley No. 4262, 29/8 1968 (Prohibits hunting of vicuña, as well as transit, commercialization and industrialization of its products)

Province of San Juan

16. Decreto No. 232-E, 26/6 1961 (Hunting Rules)

Bolivia

17. Ley, 11/12 1906 (Prohibits the hunting of chinchilla)
18. Circular, 23/11 1922 (Prohibits the hunting of birds throughout the national territory)
19. Ley, 23/4 1928 (Prohibits the export of live chinchillas)
20. Decreto supremo, 26/4 1939 (Prohibits the hunting and export of vicuña)
21. Decreto supremo, 13/3 1940 (Establishing close season for the hunting of birds)
22. Decreto supremo, 4/7 1942 (Establishing of a national park, "The Andes Group")
23. Ley, 5/11 1945 (Establishing of national parks, "Mirikiri" and "Sajama")
24. Decreto supremo, No. 02191, 21/9 1950 (Prohibits the export of vicuña wool)
25. Decreto Ley, 2/8 1953 (Agrarian Reform)
26. Decreto Ley No. 03612, 22/1 1954 (Administration of renewable natural resources)
27. Decreto supremo, No. 05885, 16/12 1960 (Prohibits the exportation of cayman and lizard skins)
28. Decreto supremo No. 05912, 27/10 1961 (Rules for the implementation of Decree No. 05885)
29. Decreto supremo No. 05987, 26/1 1962 (Rules for the implementation of Decree Nos. 05885 and 05912)
30. Decreto supremo No. 06883, 11/9 1964 (Prohibits hunting of certain species in certain areas)
31. Decreto supremo No. 06935, 23/10 1964 (Amends Decree No. 06883)
32. Decreto-Ley No. 07401, 22/11 1965 (Declaring a national park)
33. Decreto supremo No. 07807, 29/8 1966 (Declaration of a national park)
34. Decreto supremo 22/5 (National park rules, Isiboro Sécuré)

35. Decreto supremo No. 08063, 18/8 1968 (Hunting and trading in wild animals)
36. Decreto supremo No. 08731 (Prohibits the exportation of vicuña)
37. Decreto supremo No. 08367, 5/6 1968 (Prohibits commercial hunting)
38. Decreto supremo No. 08533, 1/11 1968 (Prohibits export and import of live vicuñas and their products during a ten-year period)
39. Decreto supremo No. 08835, 2/7 1969 (Creates a national parks committee)
40. Decreto supremo No. 09328, 23/7 1970 (Sanctions relating to infractions regarding natural renewable resources)
41. Decreto supremo No. 09105, 24/2 1970 (Raising funds for the management of a national park)

#### Brazil

42. Decreto No. 23793, 20/1 1934 (Approval of forest law)
43. Decreto No. 50414, 5/4 1961 (Honorary wardens)
44. Decreto No. 50442, 11/4 1961 (Prohibits hunting during a period of 5 years)
45. Decreto No. 50597, 15/5 1961 (Prohibits hunting)
46. Decreto No. 107, 25/8 1965 (Prohibits hunting of certain birds and mammals and the export thereof)
47. Ley No. 4771, 15/9 1965 (Forest law)
48. Ley No. 5197, 3/1 1967 (Regulations governing protection of wildlife)

#### Chile

49. Ley No. 4601, 18/6 1929 (Hunting law)
50. Ley No. 4844, 15/11 1929 (Hunting regulations)
51. Decreto No. 4363, 20/6 1931 (Forest law)
52. Ley No. 103, 16/1 1935 (Declaration of two national parks)
53. Ley No. 1310, 8/8 1954 (Prohibits certain activities within the national park of Juan Fernandez)
54. Ley No. 652, 25/6 1958 (Declaration of a national park)
55. Decreto No. 881, 19/11 1959 (Prohibits the hunting of vicuña and trade in products thereof)
56. Decreto No. 366, 12/5 1960 (Prohibits the hunting of guanaco)
57. Decreto No. 1050, 5/12 1961 (Establishing of a national park, "Torres del Paine")
58. Ley No. 15020, 15/11 1962 (Agrarian reform)

59. Decreto No. 148, 18/3 1966 (Establishing of a national park, "Isla de Pascua")
60. Decreto No. 207, 22/4 1966 (Establishing of three national parks)
61. Decreto No. 531, 30/9 1966 (Amends Ley No. 4844)
62. Decreto No. 318-324 and 326, 1/6 1967 (Establishing of national parks)
63. Decreto No. 354, 16/6 1967 (Establishing of a national Park, "Los Mineros")
64. Ley No. 53, 22/1 1970 (Amending Ley No. 4844)
65. Ley No. 270, 11/8 1970 (Declaration of a national park)

#### Colombia

66. Decreto No. 2278, 1/9 1953 (Establishing certain measures relating to forests).
67. Resolución No. 859, 27/7 1953 (Regulates the hunting of birds in Tota Lake).
68. Resolución No. 99, 3/2 1954 (Prohibits the hunting of the condor).
69. Resolución No. 1173, 10/10 1958 (Regulates the hunting of birds in Tota Lake).
70. Ley 2a, 1959 (National Nature Parks).
71. Resolución No. 0387, 16/3 1959 (Prohibits the export of live caymans)
72. Resolución No. 1023, 30/7 1959 (Regulates the hunting of caymans in the Magdalena River)
73. Resolución No. 318, 6/8 1959 (Authorizes the export of certain skins of cayman)
74. Resolución No. 1254, 28/12 1960 (Prohibits the hunting of the chiguiro)

#### Department of Valle de Cauca

75. Decreto No. 347, 23/5 1956 (Regulates the hunting of birds)
76. Resolución No. 2897, 1/9 1960 (Prohibits hunting in certain defined zones)
77. Resolución No. 1657, 10/5 1961 (Regulates trade and export of wild animals)
78. Decreto No. 0162, 16/2 1962 (Establishing a national park and a nature reserve)
79. Decreto No. 0174, 20/2 1962 (Establishing the refuge of Chircal or Sonso Lagoon)

#### Department of Cauca

80. Decreto No. 128, 8/3 1957 (Regulates the hunting of birds)
81. Decreto No. 186, 12/4 1961 (Regulates the hunting of deer)
82. Decreto No. 199, 19/4 1961 (Establishing the National Park of Puracé)
83. Decreto No. 381, 24/7 1961 (Provisions on freshwater fishing)

Department of Magdalena and Simu GVM

- 84. Decreto No. 125, 24/6 1965 (Prohibits the hunting of crocodiles and caymans)
- 85. Decreto No. 126, 24/6 1965 (Prohibits the hunting of "Tortugas" and Icoteas")

Department of Tolima

- 86. Decreto No. 373, 12/3 1962 (Protection and conservation of renewable resources)
- 87. Decreto No. 0355, 9/7 1962 (Protection and conservation of renewable resources)

Department of Meta

- 88. Resolución No. 1359, 24/8 1962 (Regulates the hunting of certain species of the local fauna)

Costa Rica

- 89. Ley No. 97, 9/3 1959 (Forest Law)
- 90. Decreto No. 1, 21/2 1960 (Creation of a wildlife protection commission)
- 91. Ley No. 2825, 14/10 1961 (Lands and settlement)
- 92. Decreto No. 5, 7/6 1965 (Regulations on wildlife conservation)
- 93. Decreto No. 4171, 4/8 1968 (Wildlife conservation)

Ecuador

- 94. Reglamento para pesca deportiva de agua dulce, 25/1 1956 (Fresh water fishing)
- 95. Ley No. 17 declarando parques nacionales para la preservación de la flora y la fauna, el Archipiélago Colon, 4/7 1959 (Declaration of national parks)
- 96. Decreto No. 22, 18/5 1960 (Amends Ley No. 17 above)
- 97. Decreto No. 523, 12/3 1964 (Authorises the biological station, "Charles Darwin", to undertake certain measures necessary for the preservation of the fauna and flora of the Galapagos Islands)
- 98. Decreto No. 194 declarando Parque Nacional Cerro Fondonña de San Antonio de Pichincha, 28/1 1966 (Declaration of national park)
- 99. Decreto No. 1468, 29/8 1968 (Declaration of a national reserve)
- 100. Acuerdo No. 690-A, 6/8 1969
- 101. Ley No. 818, 17/11 1970 (Wildlife act)

Guatemala

102. Resolución, 21/6 1955 (Regulates the hunting of caymans)
103. Resolución, 26/6 1956 (Declaring certain national parks and forest areas "prohibited" places)
104. Resolución, 11/1 1958 (Amends the resolution under 73)
105. Resolución, 30/12 1958 (Amends the resolution under 73)
106. Resolución, 14/1 1959 (Prohibits the hunting of aquatic birds in Lake Atitlán)
107. Resolución, 14/3 1959 (Prohibits the hunting of the aquatic mammal "manati")
108. Resolución, 19/2 1960 (Amends the resolution under 73)
109. Resolución, 26/12 1960 (Prohibits the hunting of aquatic birds in Lake Atitlán)
110. Resolución, 26/12 1960 (Prohibits the hunting of birds in the Lake of Amatitlán)
111. Resolución, 4/7 1963 (Amends the resolution under 73)

Honduras

112. Decreto No. 117, 27/5 1961 (Forest law)
113. Decreto No. 2, 29/9 1962 (Agrarian reform)
114. Decreto No. 11, 16/11 1965 (Establishing of the National Commission for the protection of natural resources)
115. Decreto No. 11, 20/12 1965 (Hunting law)

Mexico

116. Ley, 3/12 1951 (The Federal Hunting Law)
117. Resolución, 4/9 1954 (Regulates close seasons and lists protected animals)
118. Ley Forestal, 9/1 1960 (Forest Law)
119. Decreto, 7/2 1960 (Declares a Nature Reserve and a Wildlife Refuge)
120. Resolución, 9/12 1960 (Creates the Wildlife Advisory Council)
121. Reglamento de la Ley Forestal, 27/12 1960
122. Resolución, 5/8 1961 (Regulates close seasons)
123. Resolución, 12/12 1961 (Protects permanently the bison)
124. Ley de fauna silvestre, agosto 1969 (Game act)

Nicaragua

- 125. Decreto No. 206, 16/10 1956 (Law on hunting)
- 126. Decreto No. 1, 29/11 1956 (Creates a hunting and fishing section)
- 127. Resolución No. 5, 9/4 1957 (Prohibits the export of skins, grey foxes and caymans)
- 128. Decreto No. 13, 2/9 1958 (Establishes a protected zone in the peninsula "Cosigüina")
- 129. Resolución No. 1, 11/10 1960 (Protects the fauna - turtles - in "Isla del Venado")
- 130. Decreto No. 9, 9/2 1961 (Protects native and migratory birds in "Las Playitas" and "Moyoa")
- 131. Decreto, 24/3 1966 (Regulates the export of ocelot skins)

Panama

- 132. Ley No. 3, 14/1 1957 (Protection of natural resources)
- 133. Ley No. 37, 21/9 1962 (Agrarian Law)
- 134. Decreto No. 153, 28/6 1966 (Establishing a forest reserve)
- 135. Decreto No. 23, 30/1 1967 (Wildlife protection act)
- 136. Decreto No. 15, 23/7 1969 (Regulates the hunting of band-tailed pigeons)

Paraguay

- 137. Ley No. 854, 29/3 1963 (Agrarian act)
- 138. Decreto No. 18206, 4/5 1966 (Regulates the hunting of certain wild birds)

Peru

- 139. Decreto 5/7 1825 (Prohibits the killing of vicuña)
- 140. Decreto 5/7 1825 (Breeding of vicuña)
- 141. Ley No. 8532, 29/4 1937 (Exportation of skins)
- 142. Decreto supremo No. 5, 4/1 1940 (Prohibits hunting of chinchilla except for reproductive purposes under a permit)
- 143. Ley No. 9147, 14/6 1940 (Fauna protection)
- 144. Ley No. 10268, 26/10 1945 (Exportation of wildlife products)
- 145. Resolución suprema No. 214, 15/5 1946 (Prohibits the hunting of caymans)
- 146. Resolución suprema No. 343, 16/10 1950 (Prohibits the hunting of caymans)
- 147. Resolución suprema No. 0021, 7/11 1950 (Wildlife protection)



148. Resolución suprema No. 236, 4/6 1951 (Declaration of hunting seasons)
149. Resolución Ministerial No. 1813, 17/11 1950 (Establishing minimum sizes when trading in caymans)
150. Resolución Ministerial No. 2925, 3/12 1951 (Declaration of skin stock within 30 days of beginning of close season)
151. Resolución suprema No. 299, 29/9 1952 (Registration of skin dealers and exporters of wild animals)
152. Decreto suprema No. 070, 16/11 1950 (Regulates the hunting and trade in caymans)
153. Decreto suprema No. 0043, 15/12 1954 (Sharing of confiscation value of skin and wool of vicuña)
154. Resolución Ministerial No. 2525, 18/11 1955 (Minimum sizes for the exploitation of the white cayman)
155. Resolución Ministerial No. 2599, 25/11 1955 (Payment of part of confiscation value to informers on trade in vicuña wool and skins)
156. Ley No. 13694, 12/5 1961 (Establishing a national park)
157. Decreto suprema No. 16, 29/11 1961 (Part of confiscation value of vicuña wool to the forest service)
158. Ley No. 14161, 23/6 1962 (Amends Article 4 of Ley 9147)
159. Decreto-Ley No. 14552, 11/7 1963 (Creates the Forest and Hunting Section)
160. Resolución Ministerial No. 2364, 20/9 1963 (Inspection of enterprises dealing with wildlife products)
161. Ley No. 15574, 14/5 1965 (Establishing a national park)
162. Resolución Ministerial No. 101, 18/2 1966 (Prohibits destruction of the natural vegetation and hunting in the area of the Cordillera Blanca)
163. Resolución suprema No. 157-A, 18/5 1967 (Establishing the vicuña reserve, Pampa Galeras)
164. Decreto suprema No. 005-68-Ag, 7/3 1968 (Reserving an area for the creation of a national park)
165. Resolución Ministerial No. 0447, 31/5 1968 (Prohibits hunting in a certain area of the Department of Cajamarca)
166. Decreto suprema No. 210-68-AG, 10/10 1968 (Reserving an area for the creation of a national reserve)
167. Decreto-Ley No. 17816, 16/9 1969 (Prohibiting the exportation and importation of the vicuña and its products during a 10-year period)
168. Ley No. 16726 (Chapter VI, wildlife protection)

169. Reglamento de la Ley No. 14552 approved by Resolución suprema No. 490-A

170. Reglamento de la Ley No. 16726 (Wildlife protection)

San Salvador

171. Agrarian law and its reforms, August 1960, Chapter II

Uruguay

172. Ley No. 9481, 4/7 1935

173. Decreto No. 12123, 18/3 1947 (Regulations on wildlife protection)

174. Decreto No. 12131, 27/3 1947 (Hunting seasons for 1947 and 1949)

175. Decreto 1/4 1949 (Regulations on otter breeding)

176. Decreto No. 193, 4/4 1967 (Prohibits hunting and trade in all indigenous species)

Venezuela

177. Ley de caza, 17/10 1950 (Hunting law)

178. Resolución No. 326, 29/11 1959 (Close seasons and bag limits for certain birds)

179. Decreto No. 770, 12/6 1962 (Establishing the national park of "Canaima")

180. Decreto No. 771, 12/6 1962 (Establishing the national park of "Yacamba")

181. Ley forestal de suelos y de aguas, 8/1 1966 (Forest law)

182. Ley de protección a la fauna silvestre, 11/8 1970 (Law on protection of forest fauna)