

***WILDLIFE LEGISLATION AND THE
EMPOWERMENT OF THE POOR
IN LATIN AMERICA***

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List of Acronyms

APN	Argentina's National Parks Administration
CAN	Andean Community of Nations
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species
CMS	Convention on Migratory Species
COFEMA	Argentina's Federal Council for the Environment
CONABIO	Brazil's National Biodiversity Commission
CONABIO	Mexico's National Commission for the Knowledge and Use of Biodiversity
CONAF	Chile's National Forestry Corporation
CONAMA	Brazil's National Environment Council
CONAMA	Chile's National Environment Commission
CONAMA	Guatemala's National Environment Commission
CONANP	Mexico's National Commission on Protected Areas
CONAP	Guatemala's National Council on Protected Areas
CORAC	Costa Rica's Regional Conservation Areas Councils - Consejos Regionales Ambientales
EIA	Environmental Impact Assessment
EMBRATUR	Tourism Federal Agency
FANP	Mexico's Fund for Protected Natural Areas
GEF	Global Environment Facility
IBAMA	Brazil's Institute of the Environment and Natural Resources
ICMBIO	Brazil's Chico Mendes Institute for Biodiversity Conservation
INE	Mexico's National Institute of Ecology
INRENA	Peru's National Institute for Natural Resources
MoU	Memorandum of Understanding
NGOs	Non-governmental organizations
PAs	Protected Areas
PROFEPA	Mexico's Federal Prosecutor for the Protection of the Environment
SAG	Chile's Agriculture and Livestock Service
SEMARNAT	Mexico's Secretary of Environment and Natural Resources
SERNAP	Bolivia's National Protected Area Service
SINAC	Costa Rica's National Conservation Areas Service
SISNAMA	Brazil's National Environment System
SNAP	Bolivia's National Protected Area System
SNV	National Society of Vicuña Breeders of Peru - Sociedad Nacional de Criadores de Vicuña del Perú"

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of that species. CITES therefore requires countries to undertake **non-detriment finding procedures** to allow the commercial export of Annex II species, which in turn translate at the national level into management plans for species that are subject to international trade. Species listed in Appendix III may be exported upon confirmation of the legality of origin of the specimen or product to be exported. The CITES requirement to perform a non-detriment finding prior to authorizing exports of listed species, has been cited as the basis for the development of most management plans for commercially relevant endangered species at the national level. CITES also requires countries to have in place scientific and administrative authorities, which generally also regulate non-CITES-listed species.

All countries reviewed in this study are parties to CITES, and most have adopted CITES-compliant legislation. The only country still lacking legislation to implement the Convention is Belize, which has, however, recently communicated its decision to adopt new legislation on this issue to the CITES Standing Committee (CITES, 2009). Chile, Bolivia, Ecuador and Guyana, on the other hand, have legislation that does not meet all CITES requirements and are expected to complete their regulatory frameworks in the near future (CITES, 2007).

The Convention on the Conservation of Migratory Species of Wild Animals (CMS, Bonn, 1979) aims to conserve terrestrial, marine and avian migratory species throughout their range, thus requiring cooperation among range states host to migratory species regularly crossing international boundaries. With regard to endangered species in Appendix I, states must prohibit their taking and conserve and restore their habitats; removing or minimizing impediments to their migration. With regard to species with an unfavourable conservation status listed in Appendix II, range states undertake to conclude global or regional agreements to improve the situation of these species. Agreements for international collaboration in migratory species conservation range from legally binding agreements to less formal instruments, such as memoranda of understanding (MoU). As noted above, participation in CMS by countries in Latin America is uneven. For example, Mexico, Guyana, Brazil and Belize are not parties to

the CMS, although most of them do participate in CMS-related agreements and MoUs for the protection of specific migratory species.

The main area-based treaties are the **Convention on Wetlands** (Ramsar Convention, Ramsar, 1971), and the **Convention concerning the Protection of the World Cultural and Natural Heritage** (Paris, 1972). Area-based international obligations are usually implemented at the national level through the creation of protected areas legislation (national parks, nature reserves, etc.), as well as with legislation ensuring the prevention or minimization of negative interferences in or near these areas. Area-based conventions are regarded by management authorities as positive instruments to raise the profile of protected areas, as well as ensure and attract international cooperation and funding.

As opposed to the sectoral approach of the species- or area-based international treaties, the **Convention on Biological Diversity** (CBD, Rio de Janeiro, 1992) reflects the increased global awareness of the interdependence among species. The Convention is thus not limited to particular species or habitats, but provides for the conservation and sustainable use of biodiversity, defined as "the variability among living organisms," including "diversity within species, between species and of ecosystems" (art. 2). Although successive to the other wildlife-related international agreements described above, the CBD has become an "umbrella" framework for the global biodiversity-related international regime providing opportunity to coordinate and promote synergies among earlier agreements.

The main obligations of the CBD that have a bearing on national wildlife legislation include the need to:

- engage in planning exercises, establishing a system of protected areas, rehabilitating and restoring degraded ecosystems and promoting the recovery of threatened species (art. 8);
- identify and control all potential sources that may have an adverse impact on biodiversity, and carrying

