

## THE BALD AND GOLDEN EAGLE PROTECTION ACT, SPECIES-BASED LEGAL PROTECTION AND THE DANGER OF MISIDENTIFICATION

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### SUMMARY

The *Bald and Golden Eagle Protection Act* of 1940 bestows legal protection on two North American eagle species in the United States of America. The Act was originally aimed at the legal protection of only one species: the Bald Eagle *Haliaeetus leucocephalus*, the national symbol of the USA. Later the Act was amended to extend protection also to the Golden Eagle *Aquila chrysaetos*. The Bald Eagle was an Endangered Species, but the Golden Eagle was not formally listed as Endangered nationwide in the USA. One of the reasons for extending legal protection to the Golden Eagle under the Act was to strengthen the legal protection of the Bald Eagle, because immature Bald Eagles were being misidentified as Golden Eagles and shot. Additional factors relating to Golden Eagle mortality also made legal protection of the Golden Eagle desirable. The danger that a rare and legally protected species can be misidentified and mistaken for a more common and unprotected species can therefore serve as a reason for bestowing legal protection on the more common species as well. Other factors may also indicate that legal protection of the more common species is desirable, making the case more compelling. If this line of reasoning is applied in respect of South African birds of prey, a strong case can be made in favour of extending legal protection under the national biodiversity legislation to more species than the small number of species currently enjoying such protection. Species that are listed as Vulnerable under South African national biodiversity legislation may be misidentified as species that are not subject to such

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protection. Additional factors are also present that make such an extension of legal protection desirable.

**KEYWORDS:** environmental law; legal protection; biodiversity; species; misidentification; Bald Eagle; Golden Eagle; bird of prey; raptor; South Africa.