

Octopus Aquaculture in Selected Latin American Countries

Legal Frameworks, and Cultural and Economic Conditions

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1. Introduction

This report examines the legal, cultural, and economic conditions shaping the possible development of octopus aquaculture in Chile, Argentina, Peru, Brazil, Mexico, Ecuador, Colombia, Uruguay, Paraguay, Bolivia, and Venezuela.

As a general matter, the legal frameworks examined do not expressly authorize octopus aquaculture as a species-specific activity. Rather, where octopus aquaculture is not expressly prohibited, it would have to proceed, if at all, under the general fisheries, aquaculture, environmental, and sanitary regimes applicable to aquatic production more broadly. Accordingly, even in jurisdictions where octopus farming is not currently carried out at commercial scale, the relevant statutory frameworks may still render such projects legally conceivable in principle, unless and until they are affirmatively excluded by specific legislative or regulatory measures.

Across the region, the most important common feature is that octopus remains far more significant as a wild-capture resource, often linked to artisanal fishing systems, than as an established aquaculture commodity. As a result, any future octopus-farming project would be judged not in an institutional vacuum, but against preexisting fisheries, coastal uses, community livelihoods, and cultural meanings attached to marine extraction. At the same time, global cephalopod markets continue to be influenced by high prices, supply instability, and export demand, factors that help explain why octopus aquaculture continues to attract research

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and policy interest despite the absence of robust commercial consolidation in most Latin American jurisdictions.

The report is organized in two parts. The first analyzes the principal legal norms, regulations, and article-level provisions that would shape the authorization, restriction, or challenge of octopus aquaculture. The second examines the cultural and economic conditions that influence whether such aquaculture is likely to emerge, expand, or face resistance in each country.

2. Legal frameworks

2.1 Chile

Chile presents the most advanced South American case in terms of a possible shift from general aquaculture permissibility toward **octopus-specific legal restriction**. The key statutory basis is the **Ley General de Pesca y Acuicultura** (General Fisheries and Aquaculture Law). Its interpretive starting point is **Article 1 C**, which requires application of the law in light of the **precautionary principle** and the **ecosystem approach**, while also emphasizing transparency in the administration of hydrobiological resources. In the context of octopus aquaculture, this article is especially significant because it offers a doctrinal basis for subjecting any proposed project to a stricter standard of scrutiny where scientific uncertainty, environmental concern, and social contestation overlap.

The aquaculture-specific provisions deepen that framework. **Article 67** establishes that aquaculture concessions may only exist in areas formally designated as appropriate for aquaculture. **Article 67 bis** clarifies that concessions and authorizations do not transfer ownership of water or seabed and must coexist with other legitimate uses such as artisanal fishing and tourism. **Article 68** gives preference in certain conflicts to those who can prove aquaculturist status. **Article 69** defines the concession or authorization in species-specific terms, assigns it a 25-year duration, and allows renewal provided that there are no adverse environmental findings or causes of caducity. **Article 74** is particularly important because it grants the concessionaire exclusive-use privileges over the seabed area projected for the activity while also imposing responsibility for maintaining cleanliness and ecological balance where the aquaculture operation alters that space. **Article 76** regulates the application procedure before the Subsecretaría. Taken together, these provisions show that any octopus project in Chile would require not merely an aquaculture proposal in the abstract, but a properly

zoned marine space, a species-specific title, spatial compatibility with other coastal uses, and a credible environmental record over time.

The most decisive environmental provision is found in **DS No. 40/2012**, the SEIA (Environmental Impact Assessment System) Regulation. Under **Article 3, letter n, numeral 3**, projects involving intensive production of **equinoderms, crustaceans, and non-filter-feeding mollusks** at or above **35 tonnes per year** must enter environmental assessment. Because octopus falls within the functional logic of non-filter-feeding mollusks, this article makes it highly likely that any industrial octopus-farming initiative in Chile would be subject to SEIA.

The **RAMA** (Environmental Regulations for Aquaculture) also remains relevant, not because it was designed for cephalopods, but precisely because it was not. That structural mismatch supports a strong argument that the available aquaculture environmental regulations are under-tailored to species with distinctive welfare, behavioral, and slaughter concerns.

Finally, **Law No. 20.600**, especially **Article 17**, matters because it gives Environmental Courts jurisdiction over claims concerning environmental-administrative illegality and environmental damage. Accordingly, a Chilean octopus-farming project would likely be exposed to legal dispute at three separate levels: aquaculture concession law, environmental assessment, and post-authorization environmental litigation.

Pending prohibition bills

Chile's legal landscape cannot be understood solely through the existing concession regime, environmental assessment framework, and environmental litigation routes. It must also be read in light of two pending legislative initiatives that seek to prohibit octopus aquaculture, albeit through different normative techniques.

The first is **Boletín No. 17913-12**, titled *.Prohíbe la cría industrial de octópodos* (Prohibits the industrial farming of octopods). The motion form shows that it is in its **first constitutional stage**, was recorded in **Session No. 81 of 15 October 2025**, and was referred to the **Environment and Natural Resources Committee**. Unlike a simple amendment to the existing fisheries statute, this bill is drafted as a **standalone law**. Its operative prohibition is set out in **Article 2**, which would ban throughout the national territory the installation, operation, or functioning of centers or systems of cultivation intended for the breeding, reproduction, or

fattening of octopod species. That operative rule must be read together with **Article 1**, which defines “industrial breeding” or “intensive culture” broadly enough to cover activities pursued for **commercial, food, experimental, or export purposes**, and which also defines covered facilities to include **cages, tanks, rafts, laboratories, and other systems of partial or total confinement**, whether public or private. At the same time, the bill does **not** expressly prohibit the commercialization, importation, or market entry of products derived from captive octopods, and **Article 3** merely assigns oversight to the competent authority within the framework of **Law No. 19.300** and other applicable rules, without establishing a specific sanctioning or transitional regime in the text itself.

A second and distinct initiative is **Boletín No. 17929-21**, which proposes an amendment to the **Ley General de Pesca y Acuicultura**. The draft is titled *Proyecto de ley que modifica la Ley General de Pesca y Acuicultura para prohibir el cultivo intensivo de pulpos* (Bill to amend the General Fisheries and Aquaculture Law to prohibit the intensive farming of octopuses), yet its operative wording is materially broader than that title might suggest. The proposed new **Article 13 G** would prohibit nationwide the installation, operation, authorization, and functioning of establishments intended for the breeding of octopus of any species. It would also prohibit the **sale, commercialization, importation, and introduction into the national market** of live octopus, octopus meat, or derivative products whenever they come from systems of captive breeding. According to the Chamber’s legislative record, this second bill also remains in its **first constitutional stage**, was initially referred to the **Fisheries, Aquaculture and Maritime Interests Committee**, and was later ordered to be considered first by the **Economy Committee**.

These two initiatives materially alter the Chilean legal picture. Under the currently applicable framework, the central legal questions concern whether an octopus-farming project could obtain an aquaculture concession, enter the environmental assessment system under **DS No. 40/2012**, and survive subsequent judicial scrutiny. The pending initiatives show, however, that Chile is no longer debating octopus aquaculture only as a matter of project-level licensing and environmental control. It is also considering whether the activity should be restricted or prohibited **ex ante** by statute. The distinction between the two initiatives is legally significant. The first seeks to establish a standalone environmental prohibition focused on cultivation centers and systems, although with definitions broad enough to reach experimental settings and laboratories. The second seeks to amend the **Ley General de Pesca y Acuicultura** and extends

the restrictive logic beyond production itself to the **commercial circulation** of products derived from captive breeding. Even if neither initiative has yet been enacted, their simultaneous existence significantly increases regulatory uncertainty and reinforces the conclusion that Chile is the Latin American jurisdiction most likely to move from case-by-case regulatory control to an explicit statutory ban or near-ban on octopus aquaculture.

For a detailed analysis of these legislative initiatives, including their text, scope, legislative history, and potential legal implications, see **Annex I**.

2.2 Argentina

Argentina is one of the few South American jurisdictions where the legal framework and the public research trajectory together make octopus aquaculture a more concrete possibility. The main aquaculture statute is **Law No. 27.231**, which is not merely permissive but openly developmental. **Article 1** frames aquaculture as a sector to be regulated, fostered, and administered sustainably, while explicitly linking it to food, employment, profitability, environmental preservation, biodiversity, territorial ordering, and regional development. **Article 2** assigns broad powers to the competent national authority over policy, coordination, oversight, and the introduction of aquatic organisms and live products. **Article 5** defines aquaculture broadly enough to encompass commercial cultivation involving human intervention and ownership of captive populations.

Several additional provisions are particularly relevant for octopus. **Article 7** requires national and provincial authorities to determine the **carrying capacity** of aquatic systems, a concept that would become central if carnivorous cephalopod farming were proposed. **Article 8** incorporates the sanitary role of SENASA. **Article 12** requires inscription in the National Aquaculture Registry. **Article 20** expressly promotes biological and technical research on native species with aquaculture potential. **Article 24** requires compliance with animal-health, hygiene, innocuity, environmental, and animal-welfare rules. **Articles 28 through 31** establish a promotion regime capable of supporting projects ranging from small-scale production to marine and brackish industrial cultivation. In this respect, Argentina's aquaculture law affirmatively creates a route for native-species culture, subject to sustainability constraints, rather than simply tolerating it.

The environmental counterweight is **Law No. 25.675**, the General Environmental Law, especially **Articles 11 and 12**, which require environmental impact assessment for activities capable of significantly degrading the environment or affecting quality of life. These provisions are indispensable because they ensure that octopus aquaculture in Argentina would be evaluated not only through a development lens, but also through prior environmental scrutiny.

Law No. 24.922, the Federal Fisheries Regime, is relevant in a different way. It does not directly regulate aquaculture as such. Rather, it provides the broader federal fisheries framework within which any marine octopus-farming project would have to operate, by allocating jurisdiction over marine living resources between the Nation and the coastal provinces and by structuring fisheries administration, conservation measures, and experimental activities. Thus, while Law No. 27.231 is the statute that directly promotes and organizes aquaculture, marine octopus farming in Argentina would still be conditioned by the wider federal fisheries framework, by environmental review, and by the practical complexity of coordination between the Nation and the coastal provinces.

2.3 Peru

Peru offers one of the most institutionally elaborate aquaculture frameworks in the region. The central statute is **Decreto Legislativo No. 1195**, the General Aquaculture Law. **Article 2** declares aquaculture an activity of national interest associated with diversification, competitiveness, biodiversity, environmental preservation, and sanitary and innocuity concerns. **Article 5** establishes the law's broad scope. **Article 6** defines aquaculture as cultivation involving intervention in the rearing process to increase production while remaining compatible with environmental preservation and economic benefit. **Article 8, 9 and 10** creates the **SINACUI**, integrating multiple agencies including PRODUCE, MINAM, DICAPI, SERNANP, OEFA, ANA, SANIPES, and IMARPE. **Articles 11 and 12** designate PRODUCE as the rector and coordinator of the system. **Article 23** creates the **Red Nacional de Información Acuícola**, giving a legal basis for information, transparency, and knowledge management in aquaculture governance. These provisions together show that octopus aquaculture in Peru would not be dealt with by a single permit or authority, but through a multi-agency governance architecture.

The practical licensing regime is defined more specifically in **DS No. 003-2016-PRODUCE**, the Regulation of the General Aquaculture Law, as amended by **DS No. 002-2020-PRODUCE**.

The modified text is especially important for octopus farming. **Article 10**, as amended, classifies production into **AREL**, **AMYPE**, and **AMYGE**, with distinct annual production thresholds, thereby affecting whether a project is treated as artisanal, smaller commercial production, or larger-scale aquaculture. **Article 40** governs the concession regime and is particularly consequential because it allows concessions in marine and continental waters and public-domain areas, grants use of the surface, seabed, and vertical water column, sets separation distances for new concessions, and allows PRODUCE to impose precautionary restrictions in specific zones. **Article 41** regulates the **Convenio de Conservación, Inversión y Producción Acuícola** (Aquaculture Conservation, Investment, and Production Agreement), which includes concrete obligations, goals, investment schedules, and grounds for caducity. **Article 43** governs activities in protected areas and buffer zones and requires compatibility analysis, environmental instruments, and favorable prior opinion from SERNANP. **Articles 44 and 45** regulate authorizations in private property and research contexts, as well as termination and caducity. Peru's regulatory framework is therefore detailed enough that an octopus-farming project would be quickly forced into questions of scale category, concession type, conservation compatibility, and performance compliance.

The broader environmental framework is set by **Law No. 27446** and **DS No. 019-2009-MINAM**, while the fisheries backdrop remains **Decreto Ley No. 25977**, the General Fisheries Law. This backdrop is vital because octopus, especially ***Octopus mimus***, already functions in Peru as an artisanal and commercially important fishery resource. Any aquaculture model relying on wild juvenile capture or on reallocation of fishery value into controlled grow-out would therefore create not only an aquaculture issue, but also a fisheries-allocation and artisanal-conflict issue.

2.4 Brazil

Brazil's general fisheries and aquaculture statute is **Law No. 11.959/2009**. **Article 1** sets the sustainable-development orientation of the regime, while **Article 2** defines the relevant scope of aquatic resources broadly enough to encompass aquaculture. The more operationally decisive instrument, however, is **CONAMA Resolution No. 413/2009**, which governs the environmental licensing of aquaculture enterprises.

Three provisions are especially important for octopus aquaculture. **Article 15** regulates the use of juvenile forms in aquaculture, allowing them only under specified conditions, such as supply

from licensed laboratories or exceptional authorization from the natural environment. This provision matters because full-cycle closure remains a technical challenge in octopus culture, making the origin of early life stages a central issue. **Article 17** requires aquaculture licensing in coastal areas to observe coastal zoning and mariculture planning instruments. **Article 18** requires treatment or control of effluents where necessary. Together, these provisions supply one of the clearest article-level legal frameworks in Latin America for evaluating an octopus-farming project in terms of broodstock or juvenile origin, coastal planning, and environmental discharge.

2.5 Mexico

Mexico has perhaps the strongest existing legal-commercial pathway for octopus aquaculture in the region because it already has a large octopus fishery, an export chain, and a focal species in *Octopus maya*. The key statute is the **Ley General de Pesca y Acuicultura Sustentables**. **Article 4** broadly defines aquaculture to include controlled reproduction, pre-grow-out, and grow-out in fresh, marine, and brackish waters. **Articles 40 and 41** distinguish between concessions and permits, while the aquaculture title later specifies the instruments available for aquaculture-related activities.

The most politically charged provision is **Article 43**, which conditions concessions and permits on public interest, preservation of resources, social equity, and scientific information, while granting preference in certain circumstances to local and Indigenous communities and requiring that the views of affected Indigenous communities be obtained where relevant. **Articles 89 and 90** then confirm the specific instruments available for commercial aquaculture, promotion, didactic purposes, broodstock collection, introduction, and repopulation. **Articles 101 and 102** coordinate aquaculture with national water concessions and federal waters. **Articles 103 through 109** establish the sanitary framework through **SENASICA**, including disease-control, certification, and aquatic-health measures. The Mexican framework therefore provides a relatively concrete legal route for octopus aquaculture, but one heavily conditioned by community-equity concerns, water jurisdiction, and aquatic animal health.

Pending prohibition bill

Mexico's legal framework must also be read in light of a pending federal initiative to reform the *Ley General de Pesca y Acuicultura Sustentables* in matters of aquaculture and intensive

octopus production. As proposed, the reform would prohibit the aquaculture of any cephalopod species throughout the national territory, with the consequence that no concessions or permits could be granted for that activity. It would also clarify that the prohibition does not affect legally permitted artisanal extractive fishing, which would continue to be governed by the applicable fisheries and conservation rules. In addition, the initiative would amend the Law's infringement and sanctions provisions by classifying as an offense the carrying out of controlled reproduction, pre-grow-out, and grow-out activities through breeding or cultivation techniques involving any cephalopod species, and by extending the corresponding fine regime to that new offense.

The proposal therefore shows that Mexico is no longer considering octopus aquaculture only through the existing concession, permit, and sanitary framework. It is also considering an express statutory prohibition of cephalopod aquaculture at the federal level.

A detailed analysis of this initiative is provided in **Annex II**.

2.6 Ecuador

Ecuador's primary aquaculture and fisheries statute is the **Ley Orgánica para el Desarrollo de la Acuicultura y Pesca** (Organic Law for the Development of Aquaculture and Fisheries). **Article 1** is unusually broad, covering all phases of aquaculture and fisheries from extraction and collection through reproduction, breeding, cultivation, processing, storage, distribution, and commercialization, while also incorporating the **ecosystem approach** and respect for traditional and ancestral production knowledge. **Article 2** extends the law's application to public authorities, private actors, communities, peoples, nationalities, and collectives engaged in aquaculture and fisheries in Ecuadorian jurisdictional spaces. As a result, any octopus-farming initiative would be immediately interpreted within a legal matrix that is simultaneously productive, ecological, and culturally plural.

The most powerful legal constraints, however, are constitutional. **Articles 71, 72, and 73** of the **2008 Constitution** recognize the rights of nature, a right to restoration, and the obligation of the state to apply preventive and restrictive measures against activities that may cause species extinction, ecosystem destruction, or permanent alteration of natural cycles. These articles also restrict introduction of organisms or material that may definitively alter national genetic patrimony. Accordingly, even where aquaculture is lawful in general, Ecuadorian

constitutional law offers an unusually strong basis for challenging octopus aquaculture on ecological and precautionary grounds.

2.7 Colombia

In Colombia, the sectoral baseline is **Law 13 of 1990**, the General Fisheries Statute. For a future octopus-farming controversy, **Articles 51 to 54** are especially relevant. **Article 51** allows the fisheries authority to propose closed seasons and reserve areas, including zones reserved exclusively for artisanal fishing. **Article 52** provides special protection for threatened hydrobio-logical species. **Articles 53 and 54** define infractions and prohibit fishing-related activities without the required authorization, permit, or concession. These provisions matter because if octopus aquaculture relied on wild juvenile capture or encroached on artisanal spaces, the fisheries statute itself could become a basis for legal challenge.

The environmental framework is **Law 99 of 1993**, especially **Articles 49, 50, and 51**. **Article 49** requires environmental licensing for activities that may cause serious deterioration of renewable natural resources or significant environmental or landscape modification. **Article 50** defines the environmental license as an authorization conditioned by prevention, mitigation, correction, compensation, and management obligations. **Article 51** distributes competence among authorities. The administrative permit pathway is supplemented by the **AUNAP cultivo permit** regime, which confirms that Colombia does have a formal legal structure for aquatic-species cultivation in controlled systems, even without an octopus-specific regime.

2.8 Uruguay

Uruguay's relevant sectoral framework consists of **Law No. 19.175** and **Decree No. 115/018**. The most important legal provision for octopus aquaculture is **Article 19** of the law, which prohibits the import, transit, and introduction of **live exotic species** into national waters, as well as the export of live species, subject to technical exceptions authorized by the competent authority. This article functions as a powerful de facto filter over broodstock, juveniles, and live animal movement.

At the regulatory level, **Articles 115 and 116** of **Decree No. 115/018** are especially relevant. Article 115 gives the national aquatic-resources authority competence over sanitary control of live aquatic species entering or leaving the country, and Article 116 links border release of fisheries and aquaculture products to that intervention. In practice, these rules would make live-

specimen control one of the primary gatekeeping mechanisms for any octopus-farming proposal in Uruguay.

2.9 Paraguay

Although Paraguay is landlocked and thus highly unlikely to develop marine octopus aquaculture in a realistic sense, its legal structure remains notable. Under **Law No. 3556/08**, **Article 1** states the law's object, **Article 3** extends it to aquaculture and related activities, **Article 6** requires environmental impact assessment for works that may alter the hydrological or hydrobio-logical regime, and **Article 7** requires EIA and authorization for introduction of exotic fish fauna. **Articles 23 through 26** regulate and classify aquaculture, while **Article 31** prohibits the breeding and fattening of exotic fish fauna in natural or modified watercourses. The legal significance of these provisions lies in the fact that any hypothetical recirculating octopus-culture model would run directly into exotic-species control and environmental-assessment requirements.

2.10 Bolivia

Bolivia is also landlocked, but **Law No. 938** is detailed enough to show how a hypothetical octopus-culture project would likely be constrained. **Article 1** states the law's object, **Article 2** its scope, **Article 20** requires aquaculture to be conducted sustainably with environmental protection, **Article 21** requires culture centers to avoid harming aquatic ecosystems and to respect carrying capacity, **Article 22** focuses on support for resource-limited aquaculture, and **Article 23** subjects the introduction of exotic species for aquaculture to ecological risk analysis, pathogen-prevention measures, and ictio-sanitary certification of origin. For a non-native octopus species, these provisions would be among the decisive barriers.

2.11 Venezuela

For Venezuela, the most accessible and verifiable legal baseline remains the **2003 Ley de Pesca y Acuicultura** available through stable public sources. **Article 1** is broad in scope and states that the law is intended to regulate fisheries and aquaculture through state measures that foster, promote, develop, and regulate such activities while taking into account biological, technological, economic, food-security, social, cultural, environmental, and commercial factors. This confirms that aquaculture continues to be treated as a formally recognized sector.

In addition, INSOPESCA's procedure portal confirms the existence of documentary and inspection requirements for aquaculture-related activities.

3. Cultural and economic conditions

3.1 Regional pattern

Across the region, the most consistent economic incentive behind interest in octopus aquaculture is the combination of **high value, export demand, and supply volatility**. FAO market reporting on cephalopods consistently points to tight markets and unstable supply, which creates an obvious incentive for controlled production systems. Yet the main cultural brake remains equally consistent. In most countries where octopus matters socially, it is associated with **artisanal fishing, local gastronomy, coastal livelihoods, and community knowledge**, not with an already normalized aquaculture sector. Future farming projects would therefore tend to be interpreted as either diversification and resilience strategies or as mechanisms for privatizing value from a common marine resource.

3.2 Chile

Chile's octopus economy remains fundamentally a **capture-export economy** rather than an aquaculture economy. Official SUBPESCA materials identify Chilean octopus (*Octopus mimus*) as an **artisanal** resource, with export destinations including Spain, South Korea, China, the United States, Mexico, and Argentina, which shows that the species already has clear external market legibility. At the same time, Chile's official 2024 fisheries and aquaculture statistics record octopus in **wild-capture landings**, while the aquaculture yearbook does **not** report octopus among aquaculture harvests by species. This statistical separation does not prove in the abstract that no pilot or private trials exist, but it does support the narrower and more precise proposition that **no commercial octopus aquaculture production reported by species appears in the published official statistics for 2024**. The economic attraction of farming would therefore lie not in creating a new market from nothing, but in stabilizing or expanding the supply of a resource already recognized in export markets.

At the same time, Chile is not a case of complete institutional absence. The country has a documented **pre-industrial R&D trajectory** in octopus culture. Publicly traceable FONDEF/ANID projects were aimed at developing grow-out and enclosure technology, and

SUBPESCA's list of hydrobiological resources for **experimental or pilot culture** includes both *Octopus mimus* and *Enteroctopus megalocyathus*. That combination matters because it shows that octopus has remained within the regulatory perimeter of candidate aquaculture species at the experimental stage even though no commercial-scale production is reflected in the official harvest statistics. In economic terms, this means that Chile's octopus-farming horizon is neither a mature industry nor a purely abstract possibility. It is better understood as a technically explored but still pre-commercial pathway.

Culturally and politically, however, Chile is a difficult setting for octopus aquaculture. Octopus belongs to the artisanal sector, and SUBPESCA's own classification of the resource as artisanal reinforces the idea that its legitimacy is rooted in small-scale extractive labor and coastal use, rather than in industrial mariculture. This helps explain why Chilean public and political discourse has increasingly framed octopus farming not as a straightforward productive innovation, but as a problem of **sentience, welfare, environmental risk, and coexistence with existing coastal livelihoods**. Chile lacks a positive cultural narrative for octopus farming comparable to those that historically accompanied salmon or mussel production, and that absence of narrative makes the activity politically fragile even before technical feasibility is resolved.

This fragility is reinforced by what may be described as Chile's current **regulatory climate**. Public-opinion measurements do not create law, but they are relevant as indicators of legal and political risk in an emerging sector that still lacks a consolidated technical and regulatory framework. An Ipsos Chile study published in 2025 found majority support for recognizing animals as sentient in law, strong support for greater oversight of breeding, transport, and slaughter practices, and explicit concern that aquatic animals, including fish and octopuses, should receive protection comparable to that given to terrestrial animals. In practical terms, this kind of public sentiment tends to increase the likelihood of three things: greater legislative openness to restrictive measures, more demanding environmental and sanitary scrutiny by authorities, and greater social receptiveness to litigation, campaigns, or administrative complaints. In the Chilean octopus context, that does not itself determine the legal outcome, but it does help explain why the regulatory and political environment is unusually unfavorable to the consolidation of industrial octopus aquaculture.

That broader climate is now reflected in the existence of **two pending prohibition bills**. **Boletín No. 17913-12**, introduced on 10 October 2025 and still in its first constitutional stage,

seeks to prohibit the industrial breeding of octopods and was referred to the **Environment and Natural Resources Committee. Boletín No. 17929-21**, introduced on 15 October 2025 and likewise still in its first constitutional stage, would amend the **Ley General de Pesca y Acuicultura** to prohibit the breeding and commercialization of octopus and was routed first to the **Economy Committee** and then to the **Fisheries Committee**. Even before any enactment, the simultaneous existence of these two initiatives is economically and culturally significant. It shows that, in Chile, octopus aquaculture is no longer being debated only as a question of technological feasibility or market opportunity. It is also being framed legislatively as an activity that may need to be restricted or foreclosed before commercial scale-up occurs. In that respect, Chile stands out in the region as the clearest case in which documented R&D and candidate-species status coexist with an increasingly explicit politics of **preemptive prohibition**.

3.3 Argentina

Argentina's main economic advantage lies in the fact that public science has treated **Octopus tehuelchus** as a plausible candidate for mariculture. INIDEP's announcement that it achieved closure of the life cycle of captive-born pulpito tehuelche under controlled conditions is economically significant because it points to a species that may be unusually suitable for cultivation, including through direct development and adaptation to captivity. The economic promise, therefore, lies less in an already existing farming sector than in a convergence of native-species suitability and public R&D capacity. More broadly, Argentina's aquaculture framework is receptive to this kind of trajectory. Law No. 27.231 defines aquaculture broadly across fresh, brackish, and marine waters, expressly promotes research on native species, and is complemented by its regulatory decree. In practical terms, this means that the Argentine pathway is not one of an already consolidated octopus-farming industry, but rather of an institutional and technical roadmap that could move from laboratory and pilot work toward larger-scale testing if the political and regulatory conditions aligned.

That is precisely where the Argentine case becomes more legally and politically complex. The most distinctive feature is not simply that octopus culture has been studied, but that the technical line points toward a possible progression from controlled systems to pilot and potentially commercial applications. That progression tends to mark the critical legal moment, because the shift from research or greenhouse-scale work to facilities with productive capacity, marine occupation, and discharges is the point at which municipal, provincial, and

environmental authorizations become unavoidable. In Argentina, that would likely generate jurisdictional and procedural tension among federal, provincial, and local authorities, especially if coastal mariculture were pursued in multi-use areas. Since Law No. 24.922 does not directly regulate aquaculture but does structure the federal legal environment for marine living resources, marine octopus farming would still be affected by rules on jurisdiction, fisheries administration, conservation, and federal-provincial coordination, even though the direct legal basis for aquaculture development lies in Law No. 27.231. In the absence of cephalopod-specific standards, disputes would likely migrate toward general environmental principles, carrying-capacity debates, and expert evidence about ecological risk.

Yet the Argentine cultural context is inseparable from Patagonian artisanal traditions. Public materials from IBIOMAR-CONICET describe the long-standing “art of catching *pulpos*” along the Patagonian coast, linking octopus not merely to food production but to regional memory, local know-how, and place-based extraction. INIDEP’s own fisheries-economics work also places artisanal fisheries and socioeconomic viability at the center of institutional concern. Thus, while Argentina may be legally and technically capable of piloting native-species octopus aquaculture, such a project would have to justify itself against the backdrop of a strong artisanal coastal culture and a broader language of sustainability.

A further Argentine-specific factor is the country’s unusual strategic-litigation environment in relation to non-human animals. Argentina has produced some of the best-known judicial decisions in Latin America recognizing legal protection in personhood-like or rights-bearing terms for certain captive animals, including the **Sandra** orangutan case and the **Cecilia** chimpanzee case. It would be too strong to say that these precedents make recognition of rights for octopuses likely as a matter of doctrine. But they do support a narrower and more defensible proposition: Argentina is one of the few jurisdictions in the region where industrial cephalopod farming could plausibly become the target of sophisticated strategic litigation framed not only around environment and coastal livelihoods, but also around sentience, captivity, and the legal status of non-human animals. That possibility does not determine the outcome in advance, but it does increase the political and judicial sensitivity of any future octopus-farming project.

3.4 Peru

Peru may be the country where the tension between octopus fisheries and octopus aquaculture is most pronounced. IMARPE’s data describe octopus as an important fishery resource, and

more recent work states that the octopus fishery in Áncash functions as an **alternative income activity for artisanal fishers**, helping diversify production and improve family income. The economic value of octopus in Peru is therefore tied not only to demand and commercialization, but also to its role in coastal livelihood systems. The 2024 Sechura pilot further shows that small-scale grow-out can be framed as a possible complement to artisanal organization and local economic diversification. In that sense, the Peruvian case is not one of a purely external aquaculture model seeking to impose itself on an existing fishery. It is also a case in which octopus culture can be presented, at least in pilot form, as a strategy for productive diversification within coastal communities that already depend on marine extraction.

At the same time, this apparent complementarity is precisely what makes the Peruvian case so sensitive. Peru's octopus economy is still anchored in wild capture, especially in artisanal and small-scale settings, and that means any farming model based on juvenile capture, pre-grow-out, or grow-out could quickly be perceived not as a neutral innovation but as a reallocation of value away from an already existing fishery. In practical terms, the question is whether aquaculture would reduce pressure on wild stocks and stabilize income, or whether it would instead deepen competition over access to a resource that is already economically meaningful for artisanal fishers. The fact that the Peruvian octopus fishery is socially embedded in local production strategies makes that distributive question much more acute than in jurisdictions where octopus lacks the same livelihood relevance.

The cultural side is equally powerful. Peruvian institutions such as FONDEPES and the Ministry of Culture explicitly frame fishing as part of local identity, living cultural heritage, and historical continuity from pre-Hispanic coastal societies to the present. In such a context, octopus aquaculture cannot be understood simply as a neutral productive shift. It enters a field of memory, territory, community pride, and artisanal legitimacy. This is especially important in Peru because fishing is often narrated not merely as an economic sector, but as a historically rooted social practice that organizes coastal life, foodways, and intergenerational knowledge. As a result, any attempt to expand octopus aquaculture would have to contend not only with technical and market questions, but also with a symbolic landscape in which marine extraction retains strong cultural legitimacy.

That is why the key conflict in Peru is not limited to animal welfare. It is whether aquaculture can be presented as a tool for resilience and pressure reduction, or whether it instead becomes a form of controlled appropriation of a species already socially rooted in artisanal fisheries.

The Peruvian debate is therefore likely to be shaped less by an abstract opposition between fishing and farming than by a more specific struggle over who captures the value of octopus, under what productive model, and with what consequences for coastal communities that already treat the resource as part of their economic and cultural landscape. In that respect, Peru illustrates particularly well how octopus aquaculture in Latin America may be contested not only on environmental or ethical grounds, but also on distributive, territorial, and heritage-based grounds.

3.5 Brazil

Brazil does not yet show evidence of a consolidated octopus-farming industry, but it does have localized octopus fisheries of real economic and social importance, particularly in northeastern reef systems and island territories. Research on Fernando de Noronha, for example, describes a small-scale octopus fishery in a marine protected area involving around **45 octopus fishers**, many of them part-time, in a setting also shaped by tourism and local ecological constraints. Research on ***Octopus insularis*** likewise points to the species' commercial relevance in northeastern Brazil and frames it explicitly as part of an artisanal fishery-management problem. These data suggest that the economic importance of octopus in Brazil is locally significant, even if it has not yet translated into a developed aquaculture sector. The Brazilian case is therefore not one of an existing octopus-farming industry awaiting expansion, but of a country where localized octopus fisheries and a broader aquaculture administration could, in principle, make diversification appear technically and economically plausible.

At the same time, that possibility would likely become controversial precisely at the point where research or pilot production moved toward larger-scale marine occupation, licensing, or effluent-generating facilities. Brazil already has a relatively structured environmental licensing framework for aquaculture, but in the absence of cephalopod-specific standards, any future octopus-aquaculture project would probably have to justify itself through general categories of coastal planning, environmental control, and species-risk management. In that sense, the Brazilian economic horizon is best understood not as immediate commercial consolidation, but as a technically conceivable yet politically contingent pathway whose viability would depend on whether octopus farming could be framed as compatible with existing marine uses and regulatory expectations.

Culturally, Brazil's most important contextual feature is the growing federal emphasis on **traditional artisanal fishing peoples**. The **Plano Nacional da Pesca Artesanal** and associated federal initiatives explicitly recognize groups such as **jangadeiros, marisqueiras, caiçaras, extrativistas, ribeirinhos, quilombola fishers, and Indigenous fishers**, and they tie fisheries policy to culture, territory, race, ethnicity, gender, sociobiodiversity, and climate justice. The same materials stress the protection of traditional fishing territories, the valorization of cultural practices, and the recognition of artisanal fishers as subjects of rights. Accordingly, any octopus-aquaculture project in Brazil would likely be assessed not only in terms of productivity or technical innovation, but also in terms of whether it respected traditional fishing territories, established coastal identities, and the state's own public commitment to artisanal fishing communities.

The likely cultural conflict is therefore less about cephalopod personhood and more about the relationship between **industrial marine development** and the official language of **cultural protection and artisanal legitimacy**. In Brazil, octopus aquaculture would not enter an empty coastal space. It would enter a policy environment in which artisanal fishing is increasingly framed as a matter of territory, identity, social rights, and sociobiodiversity. For that reason, even if octopus farming were presented as a form of productive diversification, its cultural and political acceptability would likely depend on whether it was seen as strengthening coastal livelihoods or, instead, as competing with or displacing already recognized traditional modes of marine use.

3.6 Mexico

Mexico offers the strongest regional economic logic for octopus aquaculture because its wild octopus fishery is already of major economic importance. Public communications from Yucatán describe octopus as the most important fishery in the state, generating around **16,000 jobs**, substantial landings, and export revenues linked to Europe, East Asia, and the United States. Mexico therefore already possesses the three most important ingredients of an aquaculture business case: a familiar species, an established market, and functioning export channels. In addition, the existence of a long-running research and production initiative in **Sisal, Yucatán**, means that Mexico is not dealing only with a hypothetical prospect. It is also confronting the legal and political implications of a project that has already become symbolically central to the national debate on octopus aquaculture.

Yet the cultural complexity is equally intense. In Yucatán, octopus is deeply embedded in coastal livelihoods, seasonal labor cycles, food culture, and local governance. Research on the *Octopus maya* fishery shows that fishers' decision-making is influenced by environmental variability, market conditions, community agreements, and local knowledge, and that rigid management can create conflict when it fails to reflect lived ecological realities. There is also a territorial and patrimonial dimension, as public narratives increasingly treat **Pulpo Maya** as an origin-linked, regionally distinctive product associated with the Yucatán Peninsula and premium markets. This raises the cultural stakes of aquaculture significantly. Farming may be presented either as a strategy for retaining value in the region or as a threat to the authenticity, social base, and community control of the fishery.

The current political context reinforces that sensitivity. Public discussion around octopus aquaculture in Mexico is no longer limited to technical feasibility or market opportunity. It has become entangled with broader concerns about precarious artisanal livelihoods, weak enforcement, overexploitation, and the distributive consequences of allowing a new aquaculture model to develop around a species already central to coastal communities. Recent reporting on Yucatán fishers and fishing refuges shows that many fishers already perceive themselves as operating under conditions of ecological stress, institutional fragility, and inadequate protection against harmful or illegal practices. In that context, octopus aquaculture does not enter a neutral field. It enters one already marked by distrust, resource pressure, and strong territorial identification with the species.

This helps explain why Mexico has also moved beyond an exclusively permit-based debate and into the terrain of **species-specific legislative restriction**. The federal initiative analyzed in **Annex II** would prohibit the aquaculture of **any cephalopod species** in the national territory, preserve legally permitted artisanal extractive fishing, and classify controlled reproduction, pre-grow-out, and grow-out of cephalopods as a sanctionable infringement under the Ley General de Pesca y Acuacultura Sustentables. Even before any enactment, the existence of that initiative shows that octopus aquaculture in Mexico is no longer framed solely as an opportunity for innovation or regional economic upgrading. It is also being understood as a potentially illegitimate form of industrialization that could threaten animal welfare, marine ecosystems, and the social and economic position of artisanal fishers. Mexico therefore illustrates especially clearly how a strong commercial rationale for octopus aquaculture can coexist with an equally strong cultural and political logic of resistance.

3.7 Ecuador

Ecuador does not yet display a strong commercial octopus-farming sector, but the relevant cultural-economic forces are nonetheless visible. Coastal artisanal fishing remains a major source of work and social organization, and socioeconomic research from Ecuador emphasizes its labor-intensive character and the broad supporting chain of provisioning, commercialization, transport, and equipment that surrounds it. In this wider context, octopus appears not as a flagship national aquaculture commodity, but as part of a more flexible and localized livelihood structure. That matters because it means octopus aquaculture would not be entering a sector already organized around large-scale commercial production of this species. Rather, it would enter a coastal economy in which octopus is socially legible above all as part of artisanal diversification and household livelihood strategies.

The best available public evidence comes from Esmeraldas, where a thesis indexed by FAO AGRIS describes octopus capture as an alternative fishing activity used by artisanal fishers to diversify production and increase income. That same work shows that women played an important role in capture and that the product served both household consumption and sale. This is especially revealing because it locates octopus within a mixed livelihood strategy involving gendered labor and local food security rather than a purely export-oriented logic. Public local materials from Esmeraldas likewise frame artisanal fishing through community economy, gastronomy, festivals, women's entrepreneurship, and productive reactivation. In this setting, octopus aquaculture would not enter an empty economic field. It would have to justify reshaping a resource that already functions as a flexible, community-linked income supplement and as part of a broader cultural economy of coastal subsistence and local commerce.

That local reality is especially important because Ecuador's broader political and legal culture is not neutral toward new forms of marine industrialization. Even where octopus itself is not a national flagship commodity, aquaculture and coastal development are already read against a constitutional and public discourse that places strong emphasis on ecological protection, territorial impacts, and the legitimacy of community-linked uses of natural resources. For that reason, octopus aquaculture in Ecuador would likely be judged not only by its economic promise, but also by whether it appeared compatible with local livelihoods, coastal ecosystems, and a political environment already sensitized to the risks of intensive marine production. Ecuador's historical experience with coastal aquaculture conflict, especially around shrimp and

mangroves, would likely intensify skepticism toward any new marine farming initiative, including one centered on octopus.

In that sense, Ecuador does not present the clearest case for a rapid commercial transition from octopus fishing to octopus farming. The species appears more firmly embedded in localized and adaptive livelihood systems than in an industrial or export-driven development model. The likely conflict, then, would not simply concern whether octopus aquaculture is technically feasible. It would concern whether a new production model could plausibly present itself as strengthening coastal livelihoods rather than displacing or reordering a resource that, in places like Esmeraldas, is already economically and culturally meaningful in small-scale community life.

3.8 Colombia

Colombia's public record is thinner, but it still reveals an identifiable pattern. The clearest economic signal is the 2008 research project on octopus culture in the Colombian Caribbean, which presented octopus as a candidate species for aquaculture but also acknowledged reliance on wild-caught juveniles, floating cages, low-value feed, and the need to maintain profitability while minimizing environmental impact. This shows that Colombian interest in octopus aquaculture has been driven more by the search for new marine production opportunities than by an already existing sector. In that sense, Colombia is not a case of commercial consolidation waiting to be regulated. It is a case in which octopus aquaculture appears mainly as a prospective diversification strategy, still dependent on technical development, environmental legitimacy, and the economic viability of scaling beyond experimental conditions.

That point is important because the Colombian data do not suggest the existence of a strong, consolidated octopus-farming economy. Rather, they point to a developmental horizon in which octopus is being evaluated as a possible marine species for future culture. The fact that the available research pathway depended on wild juveniles and low-value feed also means that the economic case is inseparable from broader questions about sustainability, profitability, and resource allocation. In practical terms, any move toward larger-scale production would likely have to justify not only its technical feasibility, but also its effect on marine ecosystems and its relationship to existing users of coastal space and marine resources.

Culturally, Colombia appears closer to Peru than to Chile. The likely fault line would not center primarily on cephalopod sentience, but on allocation of marine space and resource value between new farming ventures and existing coastal or artisanal communities. Since the evidence for a developed national octopus fishery culture is weaker than in Mexico or Peru, it would be inappropriate to overstate a Colombian octopus identity. What the available record does support is that octopus aquaculture would likely be debated as a problem of development, marine governance, and environmental legitimacy, especially in a country where constitutional environmental reasoning already has strong public salience.

That constitutional background matters. Colombia's environmental jurisprudence, including the **Atrato River** decision, has helped consolidate a legal and political language in which ecological protection, territorial interests, and community participation can become central to disputes over resource use. Although those precedents are not about octopus aquaculture specifically, they reinforce the broader point that new marine-production initiatives in Colombia are likely to be evaluated not only through sectoral development logic, but also through constitutional ideas of environmental protection and collective interests. For that reason, the most plausible Colombian controversy around octopus aquaculture would concern less the symbolism of the species itself than the legitimacy of introducing a new aquaculture model into already contested coastal and ecological spaces.

3.9 Uruguay

Uruguay is one of the clearest cases where the major constraint is not an octopus-specific fishery culture but a broader weakness in seafood culture overall. Official analysis from the Ministry of Agriculture indicates extremely low fish consumption, averaging about **3.4 kilograms per person** between 2014 and 2023, and attributes the country's weak fisheries and aquaculture development to irregular supply, relatively high prices, centralized production, and the long-term dominance of red meat in national food culture. These data are important because they suggest that the main economic barrier to octopus aquaculture in Uruguay is not the absence of a legal framework in the abstract, but the fragility of the wider seafood economy into which such an activity would have to insert itself.

This matters because it means that the principal economic-cultural obstacle to octopus aquaculture in Uruguay is not social conflict with a deeply rooted octopus fishery, but rather the absence of a strong domestic seafood market and the underdevelopment of aquaculture as

a whole. The likely problem is therefore not high-profile resistance, but simple lack of strategic rationale. In conditions where domestic demand is weak and the broader seafood sector is comparatively marginal, legal uncertainty alone may be enough to discourage investment. In that respect, Uruguay differs from Mexico, Peru, or Chile, where octopus already has stronger social, extractive, or export significance. Here, the threshold question is more basic: whether there is enough market, policy, and productive momentum to make octopus aquaculture commercially intelligible at all.

At the same time, Uruguay's relative lack of a strong octopus-centered cultural field should not be mistaken for a particularly favorable environment for innovation. Precisely because seafood consumption remains low and aquaculture is comparatively underdeveloped, a new octopus-farming initiative would likely face the burden of justifying itself from the ground up, both economically and politically. That burden would be intensified by Uruguay's existing legal caution regarding live aquatic species, especially through the restrictions on import, transit, and sanitary control discussed in the legal section. Thus, the most plausible Uruguayan obstacle to octopus aquaculture is not a highly mobilized public controversy, but the combined effect of weak domestic demand, limited sectoral scale, and a regulatory environment that can already function as a significant barrier to new marine-biological ventures.

3.10 Paraguay

Paraguay's case is most instructive precisely because it shows why octopus aquaculture is so unlikely to emerge. Public and semi-public reporting on aquaculture in Paraguay consistently describes a sector focused on **freshwater fish farming**, especially tilapia, pacú, carp, and other inland species, while also emphasizing financial, infrastructural, and technological bottlenecks. Even where demand has improved, reporting stresses the slow pace of sector consolidation and the fact that Paraguayan consumption culture has historically centered on **river fish**, not marine products. This means that the main obstacle to octopus aquaculture in Paraguay is not the existence of a socially entrenched anti-aquaculture conflict, but the much more basic fact that the country's aquaculture economy is structured around inland waters, freshwater species, and still-consolidating production systems.

The cultural significance of this is straightforward. Octopus lacks both coastal geography and a rooted consumption tradition in Paraguay. Thus, the main influence on octopus aquaculture is negative rather than conflictual. The country's aquaculture horizon is inland, its market

culture is not octopus-oriented, and its sectoral challenges remain basic issues of aquaculture development rather than species-specific expansion. In that sense, Paraguay is useful as a limiting case in the regional comparison. It shows that the absence of octopus aquaculture does not always depend on legal prohibition, ethical controversy, or artisanal resistance. Sometimes it follows from a more elementary mismatch between species, geography, production systems, and consumer habits.

That point also helps explain why Paraguay's legal framework, although broad enough in principle to capture aquaculture and exotic-species issues, has not translated into any meaningful octopus-farming pathway. The practical problem is not simply regulatory uncertainty. It is that octopus aquaculture would have to overcome several structural barriers at once: the absence of a marine setting, the lack of an established octopus market, the priority currently given to freshwater aquaculture, and the still-developing character of the aquaculture sector itself. For that reason, octopus farming in Paraguay is best understood not as a likely future controversy, but as a legally conceivable yet economically and culturally remote possibility.

3.11 Bolivia

Bolivia resembles Paraguay in that the decisive explanatory fact is the orientation of the fisheries and aquaculture sector itself. Public institutional materials present increasing fish consumption through sustainable productive systems as a core mission, which shows that fisheries and aquaculture policy remains primarily centered on **food security, domestic consumption, and freshwater systems**, rather than on developing a niche marine export species such as octopus. That orientation is also consistent with the broader logic of Bolivia's fisheries and aquaculture framework, which emphasizes sustainability, local production, and the management of inland aquatic resources. In practical terms, this means that octopus aquaculture does not appear as a natural extension of an existing sectoral trajectory, but rather as something external to the main productive and policy priorities of the field.

This generates both economic and cultural misfit. Bolivia lacks the coastal geography and market structure that would make octopus farming a natural policy priority, and the cultural logic of the sector remains oriented toward freshwater production and local access rather than cephalopod mariculture. In that sense, the relevant obstacle is not active resistance but lack of sectoral fit. Unlike Mexico, Peru, or even Chile, Bolivia does not present a socially embedded

octopus fishery, a recognizable octopus market, or a broader marine-production culture that could make octopus aquaculture economically intelligible. The problem is therefore not that octopus farming would immediately provoke a major public controversy, but that it lacks the geographic, commercial, and cultural foundations that would ordinarily justify policy or investment attention.

That point also helps explain why Bolivia is better understood as a case of **abstract legal possibility but low practical plausibility**. In theory, a controlled aquaculture model involving exotic species could be imagined, but only at the cost of overcoming major barriers related to species introduction, ecological risk, sanitary controls, market demand, and the absence of any established octopus-oriented production chain. For that reason, Bolivia illustrates a distinct pattern in the regional comparison. The limiting factor is not primarily prohibition, ethical contestation, or artisanal conflict, but the absence of a basic alignment between the species, the productive system, and the country's prevailing fisheries and aquaculture priorities.

3.12 Venezuela

Venezuela is one of the countries where the artisanal octopus economy is best documented socially, even though it does not display a visible octopus-aquaculture pathway. Studies from Margarita and northeastern Venezuela describe octopus fishing as socioeconomically important for certain communities, especially **El Tirano**, and show that it functions as an alternative and sometimes profitable artisanal activity. Some of this work even estimates net income and finds the fishery profitable with relatively low effort. Thus, octopus already has tangible artisanal economic value at the community level. In that sense, Venezuela is not a case in which octopus first becomes economically meaningful through aquaculture. Rather, the species already occupies a recognizable place in localized fishing economies, particularly as a complementary or diversification resource within artisanal production systems.

That localized economic importance is also relevant because it helps explain why octopus aquaculture in Venezuela would not emerge in a social vacuum. The available studies present the resource as one that has already been incorporated into community-level fishing strategies, effort allocation, and seasonal adaptation. At the same time, the public record does not reveal a developed octopus-aquaculture sector, nor a clear state-backed pathway toward one. The result is a distinctive profile in which octopus already matters economically at the artisanal level, but not yet as part of a broader industrial or aquaculture model. Any future attempt to

develop octopus farming would therefore have to justify why a new production system should be built around a species whose existing value is already closely tied to localized artisanal use.

Culturally, octopus in Venezuela is significant, but in a localized rather than generalized sense. In northeastern fishing communities it is associated with cooperative or household fishing, seasonal rhythms, and adaptive livelihoods. At the same time, reporting indicates that octopus is not a broad everyday staple in domestic consumption in the same way as cheaper fish such as sardines, and that export-oriented or higher-value commercialization can yield better returns than domestic sale. As a result, Venezuela presents a distinct profile. The species is already meaningful as an artisanal cash and diversification resource, but it is not broadly normalized as a farmable food commodity. This creates a situation where the economic drivers toward aquaculture exist in principle, but remain constrained by narrow consumption culture, strong artisanal associations, and broader institutional uncertainty.

For that reason, the most plausible Venezuelan obstacle to octopus aquaculture is not a highly developed public debate over cephalopod sentience or a mature legislative prohibition movement, but a combination of narrower social meaning and wider institutional fragility. Octopus already has local value, but that value is embedded in artisanal fishing communities rather than in a consolidated national production strategy. Venezuela therefore illustrates a different pattern from Mexico or Peru. The limiting factor is not the absence of economic relevance altogether, but the fact that octopus remains more socially intelligible as a localized artisanal livelihood resource than as the basis for a stable and politically legible aquaculture sector.

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Annex I

Detailed analysis of the two Chilean octopus-farming prohibition bills

This annex analyzes the two Chilean legislative initiatives discussed in the Chile section. It focuses on four things: the **exact proposed text**, first reproduced in **Spanish** and then translated into **precise English**; the **regulatory technique** used by each bill; the **scope and legal effects** of the proposed prohibitions; and the **motivations expressly invoked in the introductory materials** accompanying each proposal. The first bill is **Boletín No. 17913-12**, introduced on 10 October 2025 and currently in its first constitutional stage before the Chamber of Deputies. The second corresponds to **Boletín No. 17929-21**, introduced on 15 October 2025 and likewise still in its first constitutional stage. The Chamber records show that the first was sent to the **Environment and Natural Resources Committee**, while the second was ultimately routed first to the **Economy Committee** and then to the **Fisheries Committee**.

A. Bill No. 17913-12

Prohíbe la cría industrial de octópodos

The first bill is drafted as a **standalone statute**, not as an amendment to the Ley General de Pesca y Acuicultura. That design choice is important. It signals that the sponsors are not trying to regulate octopus farming as one more branch of aquaculture subject to licensing and mitigation. Instead, they are proposing a **preventive prohibition statute** built around marine environmental protection, biodiversity, and public health. The title and the explanatory memorandum frame octopus aquaculture as an activity that should be excluded **ab initio**, before commercial consolidation occurs. The legislative file identifies the bill as **Boletín No. 17913-12**, introduced on **10 October 2025**, in the **373rd legislature**, and formally taken into account in **Session No. 81 of 15 October 2025**.

The uploaded motion confirms that the bill's **idea matriz** is to prohibit the cultivation of any octopod species in Chile in order to guarantee the right to a healthy environment, protect public health, and promote sustainable aquaculture. It also states that the sponsors requested referral to the **Environment and Natural Resources Committee** as the technically competent committee.

Proposed text in Spanish

ARTÍCULO PRIMERO. Establézcase la siguiente Ley, que protege el medio ambiente marino, prohibiendo la cría industrial de octópodos. para la conservación y prevención de la biodiversidad.

Artículo 1. Para efectos de esta ley, se entenderá por:

a) *Especies del orden Octópoda:* Conjunto de moluscos cefalópodos marinos pertenecientes al orden Octópoda, caracterizados por poseer ocho brazos, gran capacidad cognitiva y hábitos bentónicos. En Chile, las especies más representativas son *Octopus mimus* (pulpo del norte) y *Enteroctopus megalocyathus* (pulpo rojo patagónico), sin perjuicio de que la prohibición establecida en esta ley se aplique a todas las especies del mismo orden, nativas o exóticas.

b) *Cría industrial de octópodos o cultivo intensivo de octópodos:* Toda actividad productiva orientada a la reproducción, engorda o mantención en cautiverio de ejemplares de especies del orden Octópoda con fines comerciales, alimentarios, experimentales o de exportación, en sistemas artificiales o semicontrolados. Se entenderá como intensiva cuando la densidad de individuos, el confinamiento o la manipulación ambiental (temperatura, iluminación, alimentación o salinidad) excedan los parámetros naturales de su hábitat, implicando privación de comportamientos naturales y riesgos sanitarios o ambientales.

c) *Granjas de cultivo o instalaciones de cría intensiva:* Infraestructura, sistema o conjunto de instalaciones (en tierra o en el mar) destinadas a la producción, reproducción, engorda o experimentación con especies de octópodos. Comprende jaulas, estanques, balsas, laboratorios, o cualquier otro sistema de confinamiento parcial o total, sea de titularidad pública o privada, que mantenga a los animales en cautiverio con fines productivos o científicos.

Artículo 2. Queda prohibido en todo el territorio nacional la instalación, operación o funcionamiento de centros o sistemas de cultivo destinados a la cría, reproducción o engorde de especies de octópodos.

Artículo 3. La autoridad correspondiente deberá velar por el cumplimiento de la presente ley, en el marco de las competencias que le confiere la Ley N° 19.300 sobre Bases Generales del Medio Ambiente y demás normativa aplicable.

Precise English translation

FIRST ARTICLE. *The following law is hereby established, protecting the marine environment by prohibiting the industrial breeding of octopods for the conservation and prevention of biodiversity.*

Article 1. *For the purposes of this law, the following terms shall mean:*

(a) Species of the order Octopoda: *The group of marine cephalopod mollusks belonging to the order Octopoda, characterized by possessing eight arms, high cognitive capacity, and benthic habits. In Chile, the most representative species are Octopus mimus (north octopus) and Enteroctopus megalocyathus (Patagonian red octopus), without prejudice to the fact that the prohibition established in this law shall apply to all species of the same order, whether native or exotic.*

(b) Industrial breeding of octopods or intensive cultivation of octopods: *Any productive activity aimed at the reproduction, fattening, or maintenance in captivity of specimens of species of the order Octopoda for commercial, food, experimental, or export purposes, in artificial or semi-controlled systems. It shall be deemed intensive when the density of individuals, confinement, or environmental manipulation (temperature, lighting, feeding, or salinity) exceeds the natural parameters of their habitat, thereby implying deprivation of natural behaviors and sanitary or environmental risks.*

(c) Aquaculture farms or intensive-breeding facilities: *Infrastructure, a system, or a set of facilities (on land or at sea) intended for the production, reproduction, fattening, or experimentation with octopod species. This includes cages, tanks, rafts, laboratories, or any other system of partial or total confinement, whether publicly or privately owned, that keeps the animals in captivity for productive or scientific purposes.*

Article 2. *The installation, operation, or functioning, throughout the national territory, of centers or cultivation systems intended for the breeding, reproduction, or fattening of octopod species is prohibited.*

Article 3. The corresponding authority shall ensure compliance with this law, within the framework of the powers conferred upon it by Law No. 19.300 on the General Bases of the Environment and other applicable regulations.

Detailed analysis of Bill No. 17913-12

The first striking feature of Bill No. 17913-12 is that it uses a **definitions-heavy prohibition model**. It does not merely ban “octopus farms” in colloquial terms. It first defines the **animals covered**, then defines the **type of cultivation covered**, and finally defines the **facilities covered**. That architecture is designed to reduce evasion through species substitution, institutional relabeling, or technological redesign. In particular, the bill’s taxonomic definition reaches the entire **order Octopoda**, native and exotic alike. Its facility definition reaches **land-based and sea-based systems, public and private ownership**, and both **productive and scientific** purposes. Its functional definition of “intensive” culture is also significant because it is not purely numeric. It depends on whether confinement or environmental manipulation exceeds natural habitat parameters and thereby causes deprivation of natural behaviors and sanitary or environmental risk. That means the bill embeds a **welfare-inflected concept** inside an environmental prohibition.

This breadth has two major legal consequences. First, the bill is broader than a conventional aquaculture-facility ban because it expressly reaches activities pursued for **commercial, food, experimental, or export purposes**. Second, the inclusion of **laboratories and scientific purposes** means the bill can reach not only commercial grow-out or breeding centers, but also at least some forms of public or academic experimentation if they involve captive reproduction, grow-out, or husbandry systems. That is one of the bill’s most consequential drafting choices. It helps explain why this initiative should not be described as a mere ban on “industrial food production.” As drafted, it potentially reaches parts of the research pipeline as well.

The operative prohibition in **Article 2** is simultaneously broad and selective. It is broad because it is **nationwide** and blocks several temporal stages of the activity at once, namely **installation, operation, and functioning**. It is selective because it is directed at **centers or cultivation systems** for breeding, reproduction, or fattening. In other words, this bill is very strong as a prohibition on **domestic production infrastructure**, but it is comparatively weaker on **downstream trade**. It does **not** expressly prohibit the sale, importation, commercialization, or market circulation of farmed octopus products. Nor does it address the wild-capture fishery. In

that respect, its regulatory design is narrower than California's 2024 law and narrower than the second Chilean bill analyzed below.

The enforcement clause in **Article 3** is functional but thin. It anchors compliance in the powers conferred by **Law No. 19.300** and the broader environmental framework, but it does not identify the primary enforcing authority, specify sanctions, address permit invalidity, regulate closure orders, or establish a transition rule for any existing research or pilot activities. This is probably the bill's main drafting weakness. The substantive prohibition is intelligible, but the implementation architecture is underdeveloped. That weakness becomes more visible precisely because the bill is drafted as a standalone law rather than as an amendment integrated into a sectoral enforcement statute such as the LGPA.

As to motivations, the explanatory memorandum advances **two principal families of justification**. The first is **environmental risk**. The motion argues that octopus farming would generate effluents and waste discharges capable of harming surrounding ecosystems, contaminate waters relevant to nearby communities, intensify pressure on wild populations because of the carnivorous diet of octopods, and create escape risks involving disease transfer, pathogen dissemination, and chemical contamination. The memorandum also analogizes to the ecological externalities associated with intensive salmon aquaculture in Chile, not because the species are identical, but because the sponsors use salmon as a familiar domestic example of how large-scale confined aquaculture can externalize environmental harm. The motion further invokes foreign experience, especially references to Mexico and Spain, as evidence that the available trajectory already reveals serious problems and that Chile should act preventively before commercialization begins. Importantly, these are **claims of the motion** and must be understood as part of the legislative reasoning advanced by its sponsors.

The second family of justification is **public health risk**. Here the motion links octopus farming to water contamination, antibiotic resistance, zoonotic or pathogen-related concerns, and the absence of an established Chilean legal framework capable of controlling disease transmission and sanitary impact. The memorandum mentions betanodavirus, *Vibrio* bacteria, and paragonimiasis-related risks. Doctrinally, this is significant because the bill uses something close to a **One Health** logic, even without using that label: animal confinement, environmental degradation, pathogen proliferation, and human exposure are treated as part of one integrated field of risk.

The Chile-specific section of the memorandum is equally important. It emphasizes that Chilean octopus aquaculture has **not yet been implemented industrially**, that there are **no officially established protocols for commercial deployment**, and that research remains **experimental**, centered on reproduction, feeding, and larval development, mainly in academic or publicly funded institutions. The motion also asserts that Chile has spent more than **CLP 2.423 billion** on octopus-farming research since 1983 and cites recent public projects. The sponsors then argue that these investments have not demonstrated environmental viability or adequate animal welfare, and that this is precisely why Chile remains in a **pre-industrial decision window** in which a preventive statutory prohibition is still politically and legally feasible. That is a central strategic premise of the bill.

In synthesis, Bill No. 17913-12 is best understood as a **precautionary, standalone environmental prohibition bill**. It is broader than it first appears because it uses expansive definitions that can capture research and experimental settings, but it is also narrower than a full market-ban statute because it does not expressly prohibit the sale or importation of farmed octopus products. Its clearest strengths are its conceptual clarity, taxonomic breadth, and anticipatory logic. Its clearest weaknesses are its underdeveloped enforcement clause and its possible overbreadth with respect to non-commercial research.

B. The second Chilean bill

Proyecto de ley que modifica la Ley General de Pesca y Acuicultura para prohibir el cultivo intensivo de pulpos

(corresponding to Boletín No. 17929-21)

The second initiative uses a different legislative technique. Rather than creating a standalone statute, it proposes to **modify the Ley General de Pesca y Acuicultura** by adding a new **Article 13 G** to paragraph 6 of Title II. The Chamber's public legislative file identifies this initiative as **Boletín No. 17929-21**, introduced on **15 October 2025**, still in its **first constitutional stage**, and ultimately assigned first to the **Economy Committee** and then to the **Fisheries, Aquaculture and Maritime Interests Committee**. This routing alone already suggests a somewhat different policy framing from Bill No. 17913-12: the second bill is embedded more directly in **fisheries and market regulation**, not only in environmental protection.

Unlike the first bill, the uploaded text does not itself display the boletín number on its face, but the title, proposed insertion into the LGPA, and Chamber records align it with **Boletín No. 17929-21**, titled “**Modifica la Ley General de Pesca y Acuicultura para prohibir la crianza y comercialización de pulpos.**” The uploaded Word document also includes a set of “considerandos” and an explicit **idea matriz**, which states that the objective is to incorporate into the LGPA a provision prohibiting the intensive breeding of octopuses.

Proposed text in Spanish

Artículo único. Modifíquese el Decreto con Fuerza de Ley 430, que fija el texto refundido, coordinado y sistematizado de la Ley N° 18.892, de 1989 y sus modificaciones, Ley General de Pesca y Acuicultura, en los siguientes términos: Incorpórese al párrafo 6° del Título II de la Ley un nuevo artículo 13 G, del siguiente tenor:

“Prohíbese en todo el territorio nacional la instalación, operación, autorización y funcionamiento de establecimientos destinados a la cría de pulpos de cualquier especie. Asimismo, se prohíbe la venta, comercialización, importación e introducción en el mercado nacional de pulpos vivos, su carne o de sus productos derivados, cuando provengan de sistemas de crianza en cautiverio”.

Precise English translation

Sole Article. Amend Decree with Force of Law No. 430, which sets the revised, coordinated, and systematized text of Law No. 18.892 of 1989 and its amendments, the General Law on Fisheries and Aquaculture, as follows: incorporate into paragraph 6 of Title II of the Law a new Article 13 G, in the following terms:

“The installation, operation, authorization, and functioning, throughout the national territory, of establishments intended for the breeding of octopus of any species is prohibited. Likewise, the sale, commercialization, importation, and introduction into the national market of live octopus, octopus meat, or derivative products is prohibited whenever they come from systems of captive breeding.”

Detailed analysis of the second bill

The most important structural difference from Bill No. 17913-12 is that this second initiative is **much shorter** and uses an **amendment model** instead of a standalone special law. That difference matters in at least three ways. First, because the new prohibition would sit inside the **LGPA**, it is more naturally integrated into the existing Chilean fisheries and aquaculture framework. Second, the bill's drafting is more direct and more administratively legible. Third, because it is shorter and definition-free, it leaves more concepts to be supplied by ordinary interpretation or by the surrounding statutory context.

The operative prohibition is also broader in one crucial respect. The proposed **Article 13 G** prohibits not only the **installation, operation, and functioning** of establishments for breeding octopus of any species, but also their **authorization**. This means the bill tries to close the activity both at the level of factual deployment and at the level of administrative permission. It is therefore not merely a ban on operating facilities; it is also an instruction against authorizing them in the first place.

Even more significantly, the bill extends the ban into the **commercial sphere**. It prohibits the **sale, commercialization, importation, and introduction into the national market** of live octopus, octopus meat, and derivative products whenever they come from captive-breeding systems. This is a major doctrinal and practical difference from Bill No. 17913-12. The first bill is strongest as a domestic production ban. The second bill is both a **production ban** and a **market-circulation ban**. As drafted, it appears capable of reaching not only Chilean captive-breeding systems, but also products coming from captive breeding abroad, because the text does not geographically limit the origin of the prohibited products. That makes it functionally closer to the Californian model cited by the bill's sponsors than the first Chilean initiative does.

At the same time, the second bill is narrower in another respect. It does **not** define “cultivo intensivo,” “cría,” or “sistemas de crianza en cautiverio.” Nor does it define the category of facilities covered, or specify whether experimental laboratories, university research programs, or non-commercial pilot systems are included. That silence may be deliberate, but it creates more interpretive dependence on the ordinary meaning of the prohibition and on the broader conceptual environment of the LGPA. In practical terms, this means that the second bill is clearer on **market closure** but less precise on the **boundaries of the prohibited productive activity** than Bill No. 17913-12.

The motivations set out in the introductory “considerandos” differ in emphasis from those of the first bill, even though there is overlap. The second bill begins with a strong **ethical, bioethical, and environmental incompatibility** framing. It states that growing interest in intensive octopus-farming systems has generated concern among the scientific community, animal-welfare organizations, and environmental groups because the practice is evidently incompatible with the principles that should guide national aquaculture. It then points to **public funding**, asserting that the Chilean state has allocated **CLP 2,423,024,404** to octopus-culture research and that the activity is still only in an **experimental phase**, according to SUBPESCA. In other words, the bill presents Chile as being at a stage where it can still choose not to normalize the activity.

The second bill’s explanatory section also foregrounds **animal fragility and suffering** more explicitly than the first. It refers to very high mortality figures in captivity, states that octopuses are solitary and territorial, and argues that confinement generates cannibalism, aggression, stress, and frustration. This part of the memorandum does not merely supplement environmental arguments. It helps make the proposed ban intelligible as a response to a form of farming seen as inherently inconsistent with the species’ biological and behavioral needs. That is important because the first bill embeds welfare language inside its definition of intensive culture, whereas the second bill places that concern more squarely in the explanatory rationale.

The ecological arguments are also substantial. The memorandum states that intensive octopus farming would intensify pressure on marine ecosystems because octopuses are carnivorous and require large quantities of animal protein. It gives a ratio of approximately **3 kg of feed** based on fishmeal and fish oil for every **1 kg of octopus meat**, and it also points to nitrogenous and phosphorous wastes that can alter water quality, stimulate harmful algal blooms, and affect coastal biodiversity. The memorandum then adds comparative-legislative support, noting that more than one hundred scientists and veterinarians published an article in **Science** in March 2024 opposing octopus farms, and that California and Washington prohibited intensive octopus farming in 2024, while federal bills were introduced in several U.S. states. Again, these references are part of the legislative justification as stated by the sponsors.

A significant strength of the second bill is therefore its **market-completion logic**. By targeting production, authorization, and market circulation at once, it avoids one of the main limitations of Bill No. 17913-12. Yet this strength comes with drafting costs. The second bill does not

create a special sanctioning regime, does not specify enforcement mechanisms, and does not define critical concepts. Because it is an amendment to the LGPA, one can infer that existing fisheries-and-aquaculture institutional tools would be relevant, but the proposed text itself does not spell out how the prohibition would be implemented, supervised, or sanctioned. Nor does it address research exceptions, transition rules, or the relation between the new Article 13 G and any already existing research programs or experimental authorizations.

In synthesis, the second bill is best understood as a **short, high-impact amendment to the LGPA**. Compared with Bill No. 17913-12, it is **narrower in definitional architecture** but **broadier in market reach**. It says less about why the activity is prohibited in the normative text itself, but more decisively closes both production and circulation channels. Its main strength is that it makes Chilean law speak not only to domestic captive breeding, but also to the presence of captive-bred octopus products in the national market. Its main weakness is that it depends on concepts that remain undefined and leaves much of the enforcement and interpretive burden to the existing legal framework.

C. Comparative observations on the two bills

Although both initiatives seek to prevent the development of octopus aquaculture in Chile, they do so through **different legal techniques and different strategic emphases**. Bill No. 17913-12 is the more **theoretically elaborate** of the two. It builds a preventive environmental statute with detailed definitions and a hybrid rationale combining biodiversity, environmental precaution, public health, and sustainable aquaculture policy, while also embedding behavioral deprivation inside the concept of intensive captivity. By contrast, the second bill is more **economical and interventionist**. It amends the LGPA directly, adds a single prohibition rule, and closes the market dimension much more explicitly.

The difference in scope is especially important. Bill No. 17913-12 is broader regarding **research, laboratories, and experimental systems**, because it defines the prohibited universe expansively. But it is weaker on **trade and product circulation**, because it does not expressly ban sales or imports. The second bill reverses that pattern. It is less explicit about research and about the meaning of intensive culture, but it is much stronger on **authorization, sale, commercialization, importation, and introduction into the national market**. In practical terms, the first bill is stronger as a **domestic production-system ban**, while the second is stronger as a **production-and-market closure model**.

The two memoranda also reveal slightly different motivational centers. The first bill gives more space to **marine environmental protection, public health, biodiversity, and comparative foreign examples**, and presents Chile as being in a pre-industrial window where prevention is still possible. The second bill gives more weight to **ethical and bioethical incompatibility, species fragility, mortality, captive suffering**, and the ecological burden of feeding carnivorous octopuses, while still invoking public funding, experimental status, and comparative prohibitions abroad. Both proposals, however, share the same deeper premise: Chile should not wait until octopus aquaculture becomes economically entrenched before deciding whether it is acceptable as a matter of law and public policy.

Annex II

Detailed analysis of the Mexican initiative to prohibit cephalopod aquaculture

This annex analyzes the Mexican legislative initiative uploaded to the conversation, titled **“Iniciativa con proyecto de decreto por el que se reforma y adicionan diversas disposiciones de la Ley General de Pesca y Acuacultura Sustentables, en materia de acuacultura y producción intensiva de pulpos.”** The analysis is based on the text of the initiative itself, including its **Exposición de Motivos**, the comparative table of proposed amendments on **pages 13–14**, and the final proposed decree and transitory provisions on **pages 15–16**. The aim here is to reproduce the proposed operative text in **Spanish**, provide a **precise English translation**, and then offer a detailed analysis of the initiative’s **scope, regulatory technique, and stated motivations**.

A. Legislative technique and general structure

The initiative uses an **amendment model** rather than a standalone prohibition statute. It does not create a separate special law on octopus farming. Instead, it proposes to **insert a prohibition directly into the Ley General de Pesca y Acuacultura Sustentables**, and then to reinforce that prohibition through the Law’s existing **infringement and fine structure**. More specifically, the initiative proposes three operative changes. First, it adds two new paragraphs to **Article 91** in order to prohibit the aquaculture of any cephalopod species and to prevent the issuance of concessions or permits for that activity. Second, it adds a new **fraction XXXI to Article 132** in order to classify certain cephalopod-aquaculture activities as an infringement. Third, it amends **Article 138, fraction IV**, so that the new infringement is expressly subject to the corresponding fine bracket. It also includes three transitory provisions, one on entry into force, one on regulatory adaptation, and one on derogation of conflicting norms.

This design choice is legally significant. The initiative is not framed primarily as a new autonomous welfare statute. Nor is it drafted as a narrow market-ban measure. Instead, it operates by **closing the administrative gateway** to cephalopod aquaculture within the existing fisheries-and-aquaculture statute and by attaching the prohibition to the Law’s existing

sanctioning machinery. In that respect, the initiative is structurally more similar to an internal **sectoral exclusion rule** than to a freestanding prohibition code.

A second striking feature is the relationship between the **title** and the **operative text**. The title refers to “**acuacultura y producción intensiva de pulpos**”, which sounds octopus-specific. The operative provisions, however, are taxonomically broader. They prohibit the aquaculture of “**cualquier especie de cefalópodo**” and typify as an infringement the reproduction, pre-grow-out, and grow-out of **any cephalopod species**. The initiative therefore goes beyond octopus alone. It is, in operative terms, a **cephalopod-aquaculture prohibition**, even though the explanatory narrative and many of the examples center on octopuses, and especially on the Sisal, Yucatán operation.

B. Proposed text in Spanish

The operative amendments proposed by the initiative read as follows:

ÚNICO. Se reforma la fracción IV del artículo 138 y se adiciona un segundo y tercer párrafo al artículo 91 y la fracción XXXI al artículo 132, recorriendo la subsecuente en su siguiente manera:

ARTÍCULO 91.- ...

Queda prohibida la acuicultura de cualquier especie de cefalópodo dentro del territorio nacional, por lo que no se otorgarán concesiones o permisos para la realización de dicha actividad.

La prohibición prevista en el párrafo anterior no afecta ni limita las actividades de pesca extractiva artesanal legalmente permitidas, las cuales se regirán por las disposiciones aplicables en materia de pesca y conservación de los recursos pesqueros.

ARTÍCULO 132.- ...

I. a XXIX ...

XXX. Falsificar o alterar los títulos que amparan los derechos de los permisos o concesiones;

XXXI. Realizar actividades dirigidas a la reproducción controlada, preengorda y engorda por medio de técnicas de cría o cultivo de cualquier especie de

cefalópodo, y

XXXII. Cualquier otra contravención a lo dispuesto en la presente Ley.

ARTÍCULO 138.- *La imposición de multas a que se refiere el artículo 133 se determinará en la forma siguiente:*

I. a III ...

IV. Con el equivalente de 10,001 a 30,000 veces la Unidad de Medida y Actualización a quien cometa las infracciones señaladas en las fracciones: III, IV, X, XIII, XVI, XIX, XXIX y XXXI del artículo 132.

Artículos Transitorios

Primero. - El presente decreto entrará en vigor el día siguiente al de su publicación en el Diario Oficial de la Federación.

Segundo. - El Poder Ejecutivo Federal deberá revisar y modificar las disposiciones reglamentarias respectivas, así como las normas oficiales que correspondan, para dar cumplimiento a este decreto, en un término que no exceda los 60 días naturales contados a partir de su entrada en vigor.

Tercero. - Se derogan todas las disposiciones que se opongan al presente decreto.

C. Precise English translation

A precise English translation of the operative proposed text is as follows:

SOLE ARTICLE. *Fraction IV of Article 138 is amended, and a second and third paragraph are added to Article 91, together with fraction XXXI to Article 132, the subsequent fraction being renumbered accordingly, as follows:*

ARTICLE 91.- ...

The aquaculture of any cephalopod species within the national territory is prohibited; accordingly, no concessions or permits shall be granted for the carrying out of such activity.

The prohibition set forth in the preceding paragraph does not affect or limit legally permitted artisanal extractive fishing activities, which shall be governed by the applicable provisions on fishing and conservation of fishery resources.

ARTICLE 132.- ...

I to XXIX ...

XXX. To falsify or alter the titles that support the rights arising from permits or concessions;

XXXI. To carry out activities directed at the controlled reproduction, pre-grow-out, and grow-out, by means of breeding or cultivation techniques, of any cephalopod species; and

XXXII. Any other contravention of the provisions of this Law.

ARTICLE 138.- The imposition of fines referred to in Article 133 shall be determined as follows:

I to III ...

IV. By the equivalent of 10,001 to 30,000 times the Unit of Measure and Update, against any person who commits the infringements indicated in fractions III, IV, X, XIII, XVI, XIX, XXIX, and XXXI of Article 132.

Transitory Articles

First. This Decree shall enter into force on the day following its publication in the Official Gazette of the Federation.

Second. The Federal Executive shall review and amend the corresponding regulatory provisions, as well as the applicable official standards, in order to give effect to this Decree, within a period not exceeding 60 calendar days counted from its entry into force.

Third. All provisions contrary to this Decree are repealed.

D. Detailed analysis of the initiative's scope

The initiative's most important substantive feature is its **taxonomic breadth**. Although the political and narrative focus of the explanatory memorandum is octopus, the proposed rule in Article 91 is not limited to octopus. It prohibits the aquaculture of **any cephalopod species** within the national territory. The same breadth appears again in proposed Article 132, fraction XXXI. This means the initiative would not merely foreclose the industrial farming of *Octopus maya* or other octopus species. As drafted, it would extend to the aquaculture of other cephalopods as well. That breadth is one of the initiative's most consequential drafting choices.

The second important feature is the initiative's **administrative-gatekeeping logic**. The prohibition is inserted into **Article 91**, which is the provision dealing with concessions for commercial aquaculture in waters of federal jurisdiction. By adding the new second paragraph there, the initiative attacks the activity at the level of **legal access to the aquaculture regime itself**. It does not merely say that a particular production method is undesirable. It says that no concessions or permits may be granted for such aquaculture at all. This is an ex ante exclusion rule, not a case-by-case mitigation rule.

At the same time, the initiative does **not** build a separate market-ban architecture. Unlike some other prohibition models, it does not expressly prohibit the **sale, commercialization, importation, or introduction into the national market** of products obtained from captive-bred cephalopods. Its focus is narrower and more internal to the aquaculture title of the statute. It closes the route of domestic aquaculture authorization and typifies the underlying production activities as unlawful, but it does not separately legislate downstream product circulation. That distinction is important for comparative purposes and for future interpretation.

The third notable feature is the initiative's explicit **carve-out for artisanal extractive fishing**. The proposed third paragraph of Article 91 states that the prohibition does not affect or limit legally permitted artisanal extractive fishing and that such activity will continue to be governed by the applicable fisheries and conservation rules. This is a highly significant clause. It shows that the initiative is not trying to eliminate octopus or cephalopod use as such. Rather, it differentiates between **aquaculture** and **artisanal extraction**, preserving the latter while excluding the former. That makes the project not only anti-aquaculture, but also distributive in orientation. It protects the continuity of artisanal fishing as a lawful and distinct mode of resource use.

The fourth important element is the way the initiative uses the Law's **infringement and fine structure**. Proposed Article 132, fraction XXXI, classifies as an infringement the carrying out of activities aimed at **controlled reproduction, pre-grow-out, and grow-out** through breeding or cultivation techniques involving any cephalopod species. This drafting matters because it extends beyond a completed commercial farm. It reaches earlier and intermediate stages of the productive sequence. The inclusion of **reproducción controlada, preengorda, and engorda** means that the initiative is drafted to capture both hatchery-like or breeding functions and later fattening or production phases. It therefore addresses the aquaculture chain more comprehensively than a simple ban on "commercial exploitation" would.

That infringement is then linked to **Article 138, fraction IV**, which places it in a specific and relatively severe fine bracket. This is significant because the initiative is not purely declaratory. It does not only prohibit. It also ensures that the prohibition can be enforced through an existing sanction category of the LGPAS. In addition, the second transitory article requires the Federal Executive to review and amend the corresponding regulations and official standards within **60 calendar days**. This shows that the project assumes regulatory adaptation will be necessary for implementation and that the legislative reform is intended to have immediate practical consequences, not merely symbolic value.

The initiative is also notable for what it **does not** do. It does not define “cephalopod,” “aquaculture,” or “intensive production” in a species-specific way, relying instead on the existing legal vocabulary of the statute and on the explanatory memorandum to frame the problem. It does not create an exception for scientific research or experimental systems. Nor does it establish a transitional regime for any existing operation. Since the first transitory article provides that the decree would enter into force the day after publication, the absence of a specific grandfathering clause is potentially important, especially in light of the exposition’s repeated references to the Sisal, Yucatán center. As drafted, the project suggests an immediate prohibition followed by rapid regulatory alignment, rather than a gradual phase-out.

E. Motivations expressly invoked in the Exposición de Motivos

The initiative’s explanatory memorandum presents a **multi-layered justification**. It is not framed only as an animal-welfare measure, nor only as an environmental measure. Instead, the project combines **ethical, environmental, socioeconomic, sanitary, and public-health rationales**, and presents the prohibition as a preventive response grounded in the interrelationship between these factors.

The first major strand is **ethics and animal sentience**. The memorandum begins by arguing that law and ethics require direct moral consideration for nonhuman animals because scientific evidence shows that they are sentient and conscious. It invokes the **Cambridge Declaration on Consciousness (2012)** and the **New York Declaration on Animal Consciousness (2024)** and explicitly includes cephalopods in that moral and scientific frame. The document then argues that octopuses are highly intelligent, sentient beings and that they are especially vulnerable to intensive confinement because of their biological and behavioral characteristics. This ethical structure is not merely rhetorical background. It is used to justify a legal conclusion

that cephalopod aquaculture should not be normalized under a regime that cannot secure acceptable welfare conditions.

The second strand is **environmental impact and social justice**. The memorandum states that the only currently operating octopus farm in the country is located in **Sisal, Yucatán**, in collaboration with the **Universidad Nacional Autónoma de México**, and asserts that the project began as a research center but now commercializes the octopuses produced in its facilities. It then argues that intensive octopus production would create serious environmental and sanitary risks through the generation of effluents and their discharge into marine and coastal ecosystems, with possible effects on flora, fauna, water bodies, and fragile ecological equilibria. The exposition uses the porous geology of Yucatán and prior controversies over industrial animal production there as illustrations of how coastal and groundwater systems can be affected. It also argues that farming carnivorous marine species intensifies pressure on wild fish and crustacean populations by requiring inputs such as fishmeal and fish oil, thereby generating food-security tensions and ecological externalities.

That environmental argument is linked directly to **artisanal fisheries and local economies**. The memorandum states that the entirety of octopus destined for human consumption in Mexico currently comes from **artisanal fishing**, according to the statistical yearbook it cites, and argues that industrial octopus production would therefore not complement the existing sector but could displace traditional fishers economically, weaken local food security, and damage regional economies that depend on artisanal extraction. It further argues that intensive aquaculture projects lacking adequate information, consultation, and community participation often lack **social licence to operate**, generating social-environmental conflict, labor tensions, and exclusion of coastal communities. This is one of the initiative's most important features. It frames the prohibition not only as ecological precaution, but also as a measure of **social and distributive protection** for coastal artisanal livelihoods.

A third strand is the initiative's use of **comparative precedents**. The memorandum refers to prohibitions or restrictive measures in **Washington** and **California**, mentions the federal **OCTOPUS Act of 2024** in the United States, notes initiatives in other U.S. states, and refers to Chile's pending octopus-farming bill. It also places particular weight on the environmental evaluation of the proposed Nueva Pescanova octopus project in the **Canary Islands**, presenting that experience as evidence of significant risks such as organic effluents, pathogen release, habitat degradation, and effects on surrounding marine areas. In addition, the memorandum

uses **salmon aquaculture** as a comparative environmental precedent. It does not claim that salmon and octopus farming are identical. Rather, it argues that both involve intensive marine systems with comparable risk mechanisms, such as biomass concentration, organic waste, pathogen pressure, dependence on marine feed inputs, and externalities imposed on coastal ecosystems and communities. The initiative expressly presents this comparison as relevant from the standpoint of **preventive environmental policy**.

A fourth strand is **animal welfare in captivity**. The exposition argues that no legal framework in Mexico guarantees meaningful welfare for octopuses in captivity and that, given their biology, welfare in intensive systems is effectively unattainable. It cites solitary behavior, aggression, cannibalism, and stress under high densities. It also refers to a mortality rate of **52%** in the Sisal center, with **30%** allegedly linked directly to cannibalism, and notes that the facility has operated for about **twelve years** while still presenting these high mortality levels. The memorandum further emphasizes that cephalopods lack internal and external skeletons and are highly susceptible to sudden changes in environment, substrate, enrichment, and handling, which keeps them in a state of chronic vulnerability and stress. The project therefore presents prohibition as necessary not only because of sentience in the abstract, but because confinement is said to be biologically incompatible with octopus welfare.

The exposition also seeks to connect this argument to the **Mexican constitutional framework**, invoking **Article 4** of the Constitution, especially the paragraph prohibiting animal maltreatment and obliging the Mexican State to guarantee animal protection, adequate treatment, conservation, and care, in the terms provided by the laws. Whether that constitutional provision alone would be sufficient to ground the prohibition is a separate interpretive question. What matters here is that the sponsors explicitly present the initiative as constitutionally aligned with Mexico's duty to protect animals and to guarantee a healthy environment.

A fifth and particularly important strand is **public health**, framed through **One Health** and **One Welfare**. The exposition expressly grounds the initiative in the **One Health** approach promoted jointly by the WHO, WOA, FAO, and UNEP, and in the complementary **One Welfare** framework. It argues that intensive aquaculture of carnivorous, highly sensitive marine species creates intertwined risks for human health, animal health, and ecosystem integrity. The memorandum specifically refers to antimicrobial resistance, notes that a high proportion of antimicrobials used in aquaculture may remain active when released into the

environment, and presents this as relevant to Latin America. It also cites pathogens such as **betanodavirus** in cephalopods and refers to **paragonimiasis** associated with the consumption of cephalopods in Mexico, including Yucatán. The document then argues that the absence of a specific Mexican regulatory framework capable of setting effective rules on disease transmission, environmental impact, and welfare in octopus farms aggravates the public-health risk. In short, the project is presented not merely as an ethics bill, but as a **preventive public-health and ecosystem-protection measure**.

F. Overall assessment

As drafted, the initiative is best understood as a **federal statutory prohibition of cephalopod aquaculture implemented through the existing structure of the LGPAS**. Its strongest legal features are its clear prohibition of concessions and permits, its explicit protection of legally permitted artisanal extractive fishing, and its decision to anchor the new ban in the Law's existing infringement and fine system. Its most important substantive breadth lies in the fact that it covers **any cephalopod species**, not just octopus.

Its most important limitations are equally clear. It does not establish a separate market-ban regime for products derived from captive-bred cephalopods. It does not provide detailed definitions of the biological or production concepts it uses. It does not expressly address scientific research exceptions. And it does not include a tailored transitional regime for existing or ongoing operations. Those silences do not prevent the initiative from functioning as a strong prohibition project, but they do mean that much of its eventual implementation would depend on regulatory adaptation, administrative interpretation, and the interaction between the amended LGPAS and the broader Mexican legal framework.

What the initiative does most forcefully is articulate a legislative judgment that intensive cephalopod aquaculture should be prevented **before** it becomes economically entrenched. It presents that judgment as justified by animal sentience, welfare impossibility in confinement, environmental risk, harm to artisanal coastal economies, and One Health-type sanitary concerns. Whether those premises would ultimately prevail in legislative debate is a separate question. But as a proposal, the initiative is coherent in one central respect. It treats cephalopod aquaculture not as a sector to be better regulated, but as an activity whose combination of ethical, ecological, social, and sanitary risks warrants exclusion from the ordinary aquaculture regime altogether.