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International Outlook for Privately Protected Areas

Country Profile: BOLIVIA

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Introduction:

This country profile is part of a study by the International Land Conservation Network (ILCN) and United Nations Development Program (UNDP) summarizing the **legal, policy, and institutional mechanisms used to establish and incentivize privately protected areas (PPAs) in 30 understudied countries.**

PPAs contribute to the achievement of global conservation goals and biodiversity targets by contributing to landscape-scale conservation, connectivity and ecological-representativeness of protected areas.

For the purposes of this profile, an area is considered a PPA if it conforms to the definition agreed upon by the International Union for the Conservation of Nature (IUCN). Generally speaking, a PPA's protection must be recognized and durable (with long term conservation intent); it must be governed by a private or non-governmental entity; and it must be governed and managed to meet the general conservation standards of a protected area (PA) as laid out by the IUCN.^{1,2} **Note: Alongside currently existing mechanisms in these countries, this study also references mechanisms that represent *potential opportunities for the creation of PPAs.***

The data in this profile is based on a 2018 desk review of law and policy documents, government reports, publications by multi-lateral organizations, scholarly literature, and other sources. For 28 of the 30 country profiles, data was reviewed by a volunteer in-country expert. We are grateful to these experts, whose names and the profiles they reviewed are listed in the appendix to the [International Outlook for Privately Protected Areas summary report](#).

Finally, this profile is intended to be a living document, which will be updated periodically as more information is submitted and time and resources allow. If you have a contribution, please contact the authors at landconservation@lincolninst.edu.

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¹ Mitchell, B.A., Stolton, S., Bezaury-Creel, J., Bingham, H.C., Cumming, T.L., Dudley, N., Fitzsimons, J.A., Malleret-King, D., Redford, K.H. and Solano, P. (2018). *Guidelines for privately protected areas*. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

² Dudley, N. (ed.) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., Shadie, P. and Dudley, N. (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, Best Practice Protected Area Guidelines Series No. 21. Gland, Switzerland: IUCN

BOLIVIA (*Estado Plurinacional de Bolivia*)

Outlook for Privately Protected Areas

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1. Maria Teresa Vargas, Executive Director, Fundación Natura Bolivia
2. Elisa Cañizalez Parra, MSc., Biologist Lawyer

I. Country Overview

Land Area

Bolivia's total land area is an estimated 108,330,000 hectares. Of this, 37,704,500 hectares (roughly 35 per cent) is agricultural land and 55,053,000 hectares (roughly 51 per cent) are forested.³ Due to its complex topography, Bolivia has 12 different ecoregions and is among the top ten countries for bird and mammal diversity (it is also in the top 11 countries for plant diversity, top 13 for amphibians, and top 11 for freshwater fish).⁴ Though the country covers only 0.2 per cent of the world surface, it is home to 40 per cent of the world's biological diversity recorded so far.

Land Ownership and Tenure

Bolivians have the right to own land and to register for legal title to privately-owned land. This process is administrated by the National Institute of Agrarian Reform (*Instituto Nacional de la Reforma Agraria* or INRA), under the umbrella of the Ministry of Rural Development and Lands (*Ministerio de Desarrollo Rural y Tierras*).⁵

Roughly 56 per cent of titled land is held by rural indigenous communities (*comunidades originarias indígenas campesinas*), while roughly 25 per cent is held by individuals.⁶ Approximately 23 per cent has been titled as state-owned land, and much of the country's land and resources remain under State control as the Bolivian government processes requests for the return of land and land titles to rural people.⁷

Protected Areas in Bolivia

The *Constitution Política del Estado* (2009; Political Constitution of the State) defines Protected Areas as "a common good that is part of the natural and cultural heritage of the country; and that they fulfill environmental, cultural, social and economic functions for sustainable development."⁸ In addition, the

³ Food and Agriculture Organization of the United Nations. 2014. "Bolivia," Accessed November 2017. <http://www.fao.org/countryprofiles/index/en/?iso3=BOL>.

⁴ Estado Plurinacional de Bolivia. 2015. V Informe Nacional Convenio de las Naciones Unidas Sobre la Diversidad Biológica: Vivir Bien en armonía con la Madre Tierra. <https://www.cbd.int/doc/world/bo/bo-nr-05-es.pdf>.

⁵ Instituto Nacional de Reforma Agraria. 2012. "Dirección General de Saneamiento y Titulación." Accessed November 2017. <http://www.inra.gob.bo/InraPb/paginaController?cmd=contenido&id=6559>.

⁶ Achtenberg, Emily. 2013. "Bolivia: The Unfinished Business of Land Reform." *nacla*, published March 31, 2013. <https://nacla.org/blog/2013/3/31/bolivia-unfinished-business-land-reform>.

⁷ Colque, Gonzalo, Efraín Tinta, and Esteban Sanjinés. 2016. "Segunda Reforma Agraria: Una historia que incomoda." La Paz: TIERRA. http://www.ftierra.org/index.php?option=com_mtree&task=att_download&link_id=151&cf_id=43.

⁸ Servicio Nacional de Áreas Protegidas. n.d. "Presentación." Accessed November 2018. <http://sernap.gob.bo/presentacion/>. Author's translation.

Ley Marco de la Madre Tierra (2010 and 2012; Framework Law of Mother Earth), which recognizes the rights of Mother Earth and the obligation of the State and society to respect those rights, highlights the importance of the System of Protected Areas.^{9,10}

Bolivia's protected areas are managed within the National Protected Areas Service (*Servicio Nacional de Áreas Protegidas*; SNAP).¹¹ While this system operates at the national level, protected areas can be characterized as national, departmental, or municipal, depending on the level of government by which they were established. SNAP's operations are coordinated by the *Servicio Nacional de Áreas Protegidas* (SERNAP).

As of 2013, there were 130 legally established protected areas registered within the system, covering over 250,000,000 ha, or 23 per cent of the national territory: 22 formed at the national level (covering 17 per cent of the territory and under the administration of SERNAP); 25 departmental protected areas; and 83 municipal protected areas.¹² There are also 44 Natural Heritage Private Reserves, discussed in more detail below.¹³ (Note: The World Database on Protected Areas shows 33,640,600 ha of land – over 30 per cent of the country – protected across a wide range of national designations.¹⁴ Differences between statistics may be due to differences in methodologies or out of date reporting).

II. Law and Policy for Private Land Conservation

Privately-owned Protected Areas

Bolivia's *Ley Forestal N° 1700* (Forestry Law; Article 13) serves as the legal basis for private land conservation.¹⁵ The law promotes a variety of legal means for private land conservation. The most widespread of these is the creation of private reserves, known as *Reservas Privadas de Patrimonio Natural* (RPPNs, Natural Heritage Private Reserves) under Article 13 of the Forestry Law. This and other tools are also described below.

Reservas Privadas de Patrimonio Natural (RPPNs, Natural Heritage Private Reserves)

Article 13 of the Forestry Law states, "Through private initiative, Natural Heritage Private Reserves (RPPNs) may be established that benefit from all of the judicial security of protected lands."¹⁶ Additionally, a sublegal instrument, known as the *Reglamento General de Áreas Protegidas de la Ley Forestal (Decreto Supremo 2445 3 de 1996, General Regulation of Protected Areas)*, includes within its protected area

⁹ La Asamblea Legislativa Plurinacional. 2010. Ley núm. 071 de 21 de diciembre de 2010 de Derechos de la Madre Tierra. (Gaceta Oficial (Separata), 2010-12-22, núm. 205NEC, 4 págs).

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92470/107736/F1549363084/BOL92470.pdf>

¹⁰ La Asamblea Legislativa Plurinacional. 2012. Ley núm. 300 marco de la madre tierra y desarrollo integral para vivir bien (Gaceta Oficial (Separata), 2012-10-15, núm. 431NEC, 61 págs). <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92468/107732/F-1782935448/BOL92468.pdf>.

¹¹ Estado Plurinacional de Bolivia, 2015.

¹² Estado Plurinacional de Bolivia, 2015.

¹³ Autoridad de Fiscalización y Control Social de Bosques y Tierra de Bolivia. 2010. Accessed October 2018.

http://abt.gob.bo/index.php?option=com_content&view=category&id=37&lang=es.

¹⁴ UNEP-WCMC. 2018. "Protected Area Profile for Bolivia (Plurinational State of) from the World Database of Protected Areas." Accessed November 2018. <https://www.protectedplanet.net/country/BOL>

¹⁵ El Honorable Congreso Nacional. 1996. Ley Forestal N° 1700, Ley de 12 de julio de 1996. Artículo 13º. www.iufo.org/download/file/6055/4857/ley-forestal-bolivia.pdf/.

¹⁶ El Honorable Congreso Nacional, 1996. Author's translation.

categories a category for RPPNs, which form part of the National System of Protected Areas.¹⁷ This instrument constitutes the principal tool for private land conservation in Bolivia.

Article 41 of the Regulation, defines an RPPN as “a voluntary ecological or conservation easement established by the owner to preserve the value or scenic beauty in their property”, and can be managed for specific socio-economic functions by the landowner through a management plan known as the Predial Ordering Plan (POP).^{18,19}

Landowners must have registered their land title with INRI in order to establish a RPPN.²⁰ These reserves must be established for a minimum of 10 years and may encompass no more than 5,000 ha.²¹ As of 2010, there were 44 RPPNs registered in Bolivia totaling 74,480 hectares.²²

RPPNs are a successful tool for private land conservation because comprehensive legal regulations are in place, including a Law, a General Regulation, and technical norms and financial incentives, that enable their application.

Ecological Easements

Article 13 of the Forestry Law, as well as Article 35 of the General Regulations of the Forestry Law, includes another category of protected lands known as *Servidumbres ecológicas en tierras de propiedad privada* (ecological easements). These are lands protected by “legal limitations to the rights of use and exploitation imposed on a property, because of the conservation and sustainability of renewable natural resources.”²³ Ecological easements indirectly allow conservation on private lands, and the Regulations define a series of locations that would warrant easements, such as areas susceptible to degradation, such as high slopes, windy semi-arid valleys, riverbanks and wetlands. Ecological easements have been used in Bolivia, but the author was unable to find data on their extent.²⁴

Forest Concessions

Established through Article 29 of the Forestry Law, forest concessions are granted for 40-year periods and must comply with the government’s management plan for that territory.²⁵ Even when not explicitly established for purposes of conservation, forest concessions can be used for conservation, just as they can be used for resource extraction or other uses. Such conservation-oriented concessions are described as *Ecological Reserves* within the Forestry Law. The extent to which such concessions have been used for conservation is unknown to the authors of this study.

¹⁷ Reglamento General de Áreas Protegidas de la Ley Forestal, Decreto Supremo 2445 3 de 1996. <http://www.oas.org/dsd/EnvironmentLaw/Serviciosambientales/Bolivia/Microsoft%20Word%20-%20Reglamentoforestal,DS24453de1996Bolivia.pdf>.

¹⁸ Swift, Byron, Susan Bass, and Verónica Sanjinés. 2003. “Bolivia.” In *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 49-59. Washington, D.C.: Environmental Law Institute. https://issuu.com/conservamospornaturaleza/docs/private_lands.

¹⁹ El Honorable Congreso Nacional, 1996. Artículo 41.

²⁰ Choquehuanca, 2003. “Conservación Privada en Bolivia.” *Áreas Protegidas*, 1(2): 379-383. La Paz, Centro Boliviano de Estudios Multidisciplinarios. <http://cebem.org/revistaredesma/vol2/pdf/conservacion1.pdf>.

²¹ El Honorable Congreso Nacional, 1996. Artículo 41.

²² Autoridad de Fiscalización y Control Social de Bosques y Tierra de Bolivia, 2010.

²³ El Honorable Congreso Nacional, 1996. Author’s translation.

²⁴ Choquehuanca, 2003.

²⁵ El Honorable Congreso Nacional, 1996. Artículo 29.

According to *Guidelines for Privately Protected Areas* (2018), released by the IUCN, “PPAs can be established on leased land, provided these are intended to be long-term and renewable.”²⁶ Therefore, depending on the terms of a contract, it is possible that conservation concessions may fall within the IUCN’s definition of PPAs.

National Biodiversity Strategy and Action Plan (NBSAP)

Bolivia’s NBSAP was submitted to the Convention on Biological Diversity in 2001 and a recent NBSAP is unavailable. However, Bolivia’s 2012 Action Plan for the Implementation of the Program of Work on Protected Areas does reference the contribution of RPPNs to conservation, while maintaining²⁷

III. Financial Incentives for Private Land Conservation

Tax and Fee Incentives

According to Article 41 of the Regulations, “private reserves of natural heritage and other ecological easements are not subject to the tax levied on real estate, without prejudice of what is established in the following article.”²⁸

In addition, Ecological Reserves established under forestry concessions are exempt from forest use fees for the conservation area.²⁹

Rehabilitated Lands

Article 17 of Bolivia’s Forestry Law defines rehabilitated lands as those lands that have been subject to degradation and are recognized by governmental authority as beneficial to public utility and of national priority.³⁰ Within this statute, individuals or groups who obtain prior approval may receive incentives to conduct restoration of degraded lands that have been classified as national priority. They are eligible for discounts of up to 100 per cent on forest patent fees, may obtain property rights to degraded lands, can be reimbursed on their investment to restore degraded lands, and are eligible to receive technical assistance for rehabilitation work.³¹

Payments for Ecosystem Services

In 2003, in Los Negros, Bolivia, *Fundación Natura Bolivia* helped initiate a new incentive-based watershed conservation model: municipal payments for environmental services (PES).³² Through this initiative 50 municipalities in Bolivia led the implementation of Reciprocal Watershed Agreements (*Acuerdos Recíprocos por Agua* or ARA) in five departments throughout the Country. This scheme has resulted in

²⁶ Mitchell, B.A., S. Stolton, J. Bezaury-Creel, H.C. Bingham, T.L. Cumming, N. Dudley, J.A. Fitzsimons, D. Malleret-King, K.H. Redford, and P. Solano. 2018. *Guidelines for privately protected areas*. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

²⁷ Estado Plurinacional de Bolivia. 2012. *Plan de Acción para la Implementación del Programa de Trabajo sobre Áreas Protegidas de la Convención sobre la Diversidad Biológica*. P. 5. <https://www.cbd.int/doc/world/bo/bo-nbsap-powpa-es.pdf>.

²⁸ Reglamento General de Áreas Protegidas de la Ley Forestal, Decreto Supremo 2445 3 de 1996 Artículo 41.

²⁹ Greiber, T (ed.). 2009. “Payments for ecosystem services: Legal and institutional frameworks.” IUCN Environmental Policy and Law Paper, no. 78. Gland: IUCN. https://www.iucn.org/downloads/eplp_78_1.pdf.

³⁰ El Honorable Congreso Nacional, 1996. Artículo 17

³¹ Ibid.

³² *Fundación Natura Bolivia*. 2015. “Reciprocal Water Agreements.” Accessed November 2018. <http://www.naturabolivia.org/en/reciprocal-water-agreements/>.

6,419 rural families voluntarily conserving 335,740 hectares of privately-owned land in ecosystems important for the provision of water quality and quantity.³³

IV. Organizations for Private Land Conservation

Governmental

- The National System of Protected Areas (*Sistema Nacional de Áreas Protegidas*; SNAP), coordinated by the *Servicio Nacional de Áreas Protegidas*,³⁴ encompasses all national and departmental protected areas within Bolivia, including those created by local and regional governments. While SNAP does not automatically include PPAs, Article 18 of the *General Rule of Protected Areas* states that PPAs voluntarily managed and financed by a private entity in a manner that conforms to SNAP norms and regulations for protected areas may apply to the national authority to be registered and included in the SNAP system.³⁵
- The National Institute for Agrarian Reform (*Instituto Nacional de Reforma Agraria*; INRA) is the national entity responsible for managing the titling process for rural properties.³⁶ This process is a crucial step for property owners seeking to register lands as Natural Heritage Private Reserves.

Non-governmental

- *Fundación Natura Bolivia* works to develop biodiversity conservation actions and natural resources sustainable management. They have been leaders in Reciprocal Watershed Agreements and forest conservation agreements.³⁷
- *Fundación para El Desarrollo del Sistema Nacional de Áreas Protegidas* (FUNDESNAP) is the primary organization that supports SNAP. FUNDESNAP is responsible for the management of administrative and financial management and planning, fundraising, capacity building, and development and support for inter-institutional networks of cooperation, as well the as implementation of specific programs and projects according to institutional objectives.³⁸
- Focusing on mitigating the overuse of natural resources, the Weeden Foundation has purchased lands for private conservation and implemented payments for ecosystem services programs in an effort to conserve Bolivia's most vulnerable natural resources.³⁹

V. Case Studies

Private Reserves of Natural Patrimony within Ñuflo de Chávez region, Santa Cruz

The Ñuflo de Chávez region of the Santa Cruz department of Bolivia has been long identified as an area of concern with regard to deforestation. It is estimated that in the region alone, roughly 5,862 hectares per year are deforested due to logging, agricultural production, and cattle ranching.⁴⁰

³³ Maria Teresa Vargas, personal communication, July 18, 2018.

³⁴ See their website: <http://sernap.gob.bo/areas-protegidas/>.

³⁵ Maria Teresa Vargas, personal communication, July 17 2018.

³⁶ Instituto Nacional de Reforma Agraria. 2016. "Misión y Visión." Accessed November 2017. <http://www.inra.gob.bo/InraPb/paginaController?cmd=contenido&id=5009>.

³⁷ See their website: <http://www.naturabolivia.org>.

³⁸ See their website: <http://www.fundesnap.org/>.

³⁹ Weeden Foundation. 2016. "Weeden Foundation Mission." Accessed November 2017. <http://www.weedenfdn.org/Weeden-Foundation-Mission-Statement.htm>.

⁴⁰ Conservation International. 2013. "Bolivia." Accessed November 2017. <http://www.nestle.com/asset-library/documents/creating%20shared%20value/responsible-sourcing/deforestation-guide-bolivia.pdf>.

Because of this trend and its acceleration in recent decades, an emphasis has been placed on establishing forms of private lands conservation within the region. Of the 17 legally recognized Private Reserves of Natural Patrimony, 11 are located within the Ñuflo de Chávez region, and a total of 16 within the Santa Cruz department.⁴¹ The majority, such as El Porvenir and Los Socios, address conservation of the Chiquitano Dry Forest, while others incorporate watershed restoration of the San Julián River.⁴² This clustering of private reserves in vulnerable zones is a practice that can be replicated throughout other threatened regions within the Country.

El Refugio Huanchaca

Located adjacent to the Noel Kempff Mercado National Park, El Refugio Huanchaca is a 125,000-acre reserve and research station, purchased in sections in 1994 and 1998 by the Weeden Foundation.⁴³ El Refugio Huanchaca is situated at the union of several different critical ecosystems, joining the wet Amazonian forest with the drier grasslands; therefore, the reserve protects savanna, primary forest, and a wetland.⁴⁴ Within the reserve, the research station is small and open to scientists conducting biological investigations within the area.

El Refugio Huanchaca is an example of the supporting benefit that private reserves can provide in buffer zones between ecosystems, as well as in areas with national parks.

Private and community conservation through Reciprocal Watershed Agreements in the southern Andes⁴⁵

Reciprocal Watershed Agreements (ARAs) are a mechanism for the conservation of ecosystem services and biodiversity that involves rural indigenous and peasant families in voluntary agreements for the conservation of forests and water sources. These families may be individual landowners or form part of a community's communal land area.

In the southern range of the Bolivian Andes, *Fundación Natura Bolivia* is advancing a conservation corridor for the protection of the headwaters of micro-watersheds that supply water for human consumption and productive use for hundreds of rural families in Bolivia. In this corridor formed by national, departmental, and municipal protected areas, private and community conservation through ARAs complements a mosaic of conserved areas.

ARAs serve as buffer zones and areas of connectivity around and between national protected areas (Fig. 1). Within subnational protected areas, ARAs act as a measure for soil, water, and biodiversity management. For example, around the Parque Nacional Amboró (a biodiversity hotspot), no less than 536 families have dedicated part of their land to the conservation of forests and water since 2003, conserving a land area of 21,467 ha through private action.

⁴¹ Choquehuanca, 2003.

⁴² Choquehuanca, 2003.

⁴³ Weeden Foundation. 2016. "Estación Biológica El Refugio Huanchaca." Accessed November 2017. <http://www.weedenfoundation.org/Weeden-Foundation-El-Refugio.htm>.

⁴⁴ IUCN/SSC Primate Specialist Group. 2005. "Estación Biológica El Refugio Huanchaca, Bolivia." *Neotropical Primates*, 13(2), 39-40. <https://doi.org/10.1896/1413-4705.13.2.39>.

⁴⁵ This case study was provided by María Teresa Vargas, Executive Director, Fundación Natura Bolivia. Personal communication, July 17, 2018. Author's Translation.

Landowners who sign an ARA make a set of commitments for the protection of the conserved area, such as avoiding deforestation, fires, hunting, and the presence of cattle in or near water sources. These commitments are assumed for a minimum of 3 years. In return, local institutions that form part of a Local Water Fund give landowners incentives for production and access to water, to support their conservation work alongside promoting sustainable development. The institutional framework of the Water Fund is usually composed of the municipal government, a potable water service entity, and Fundación Natura.

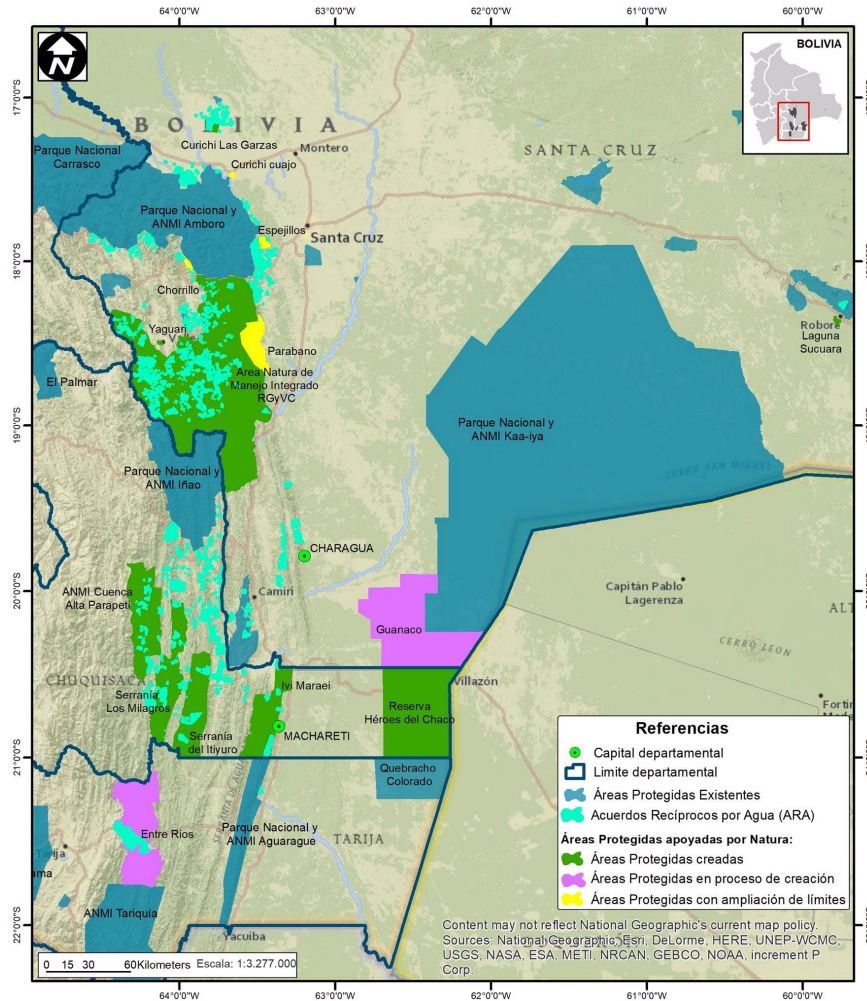


Figure 1. Map of the location of Reciprocal Watershed Agreements and Protected Areas