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# International Outlook for Privately Protected Areas

Country Profile: CHILE

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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.<sup>1,2</sup> **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](mailto:landconservation@lincolninst.edu).

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<sup>1</sup> 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.

<sup>2</sup> 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

## CHILE (*República de Chile*)

### Outlook for Private Protected Areas

The ILCN and UNDP would like to thank the following volunteer for reviewing this document for accuracy to the best of their ability.

1. Victoria Alonso, Co-Founder, Templado; President, Tierra Austral Land Trust

### I. Country Overview

#### *Land Area*

Chile's total land area is 74,353,200 hectares (ha), of which 15,761,200 ha is utilized for agricultural purposes and 17,434,200 ha is in as forest cover.<sup>3</sup> Chile maintains a very diverse variety of distinct biomes due to its north-south orientation and geographic isolation from the rest of the continent.<sup>4</sup> The country is home to around 31,000 species, including countless endemics, as well as one of the 35 global biodiversity hotspots in its Mediterranean region. Forests are concentrated in the south, with matorral and desert to the north.

#### *Land Ownership and Tenure*

In Chile, private entities and individuals maintain the ability to hold legal title over their land. Land ownership and tenure equality has varied throughout the country's recent history due to several reforms as the government has changed.

Today, roughly 80 per cent of Chile's territory is privately owned.<sup>5</sup> Property transfers must be registered in the Real Estate Register, and there are some restrictions to foreign ownership of property.<sup>6</sup>

It is also important to note that land rights in Chile are disaggregated. Rights to freshwater, subsoil minerals, geothermal water and energy, and the coastal inter-tidal zone are all fully separate from land or 'real property' itself. Therefore, third parties can have rights that overlap with land property rights, and, in some cases, can override private land rights (such as the construction of transmission lines and dams, under the 1982 Electricity Law).<sup>7</sup>

#### *Protected Areas in Chile*

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<sup>3</sup> Food and Agriculture Organization of the United Nations. 2014. "Chile." Accessed July 2017. <http://www.fao.org/countryprofiles/index/en/?iso3=CHL>.

<sup>4</sup> Ministerio del Medio Ambiente, Gobierno de Chile. 2017. Estrategia Nacional de Biodiversidad 2017-2030. <https://www.cbd.int/doc/world/cl/cl-nbsap-v2-es.pdf>.

<sup>5</sup> Swift, Byron, Susan Bass, Victoria Maldonado, and Alberto Cortés. 2003. "Chile." In *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 83-102. Washington, D.C.: Environmental Law Institute. [https://issuu.com/conservamosporaturaleza/docs/private\\_lands](https://issuu.com/conservamosporaturaleza/docs/private_lands).

<sup>6</sup> Barros & Errázuriz Abogados. 2017. "Real estate rights and registration in Chile." Accessed October 2018. <https://www.lexology.com/library/detail.aspx?g=c5108664-9dcd-4112-921c-f9e502345e8e>.

<sup>7</sup> Tecklin, David R. and Claudia Sepulveda. 2014. The Diverse Properties of Private Land Conservation in Chile Growth and Barriers to Private Protected Areas in a Market-friendly Context. *Conservation and Society*, 12(2): 203-217. <https://www.jstor.org/stable/26393155>.

The *Decree Law 4,363 of 1931*, also referred to as the *1931 Forest Law*, gave the president the power to establish national parks and reserves.<sup>8</sup> Currently, Chile has 101 protected areas within the *Sistema Nacional de Áreas Silvestres Protegidas del Estado* (SNASPE; National System of Protected Wildlife Areas of the State), protecting 14.5 million ha (19.2 per cent of the Country's territory).<sup>9</sup> However, these do not fully represent the diversity of ecosystems across the country.<sup>10</sup> (Note: The World Database on Protected Areas shows 14,052,500 ha of land – over 18 per cent of the Country – protected, including by a handful of PPAs.<sup>11</sup> Differences between statistics may be due to differences in methodologies or out of date reporting).

With the recent (January 2018) Tompkins deal (see case study below on Pumalín Park), the national park system has expanded by over 10 million acres, drastically increasing protected area coverage in the Country. This does not yet seem to be reflected in national reporting.<sup>12</sup>

Within SNASPE, State protected areas are categorized as national parks, national reserves, forest reserves and natural monuments. In addition, Chile has nature sanctuaries, marine parks, marine reserves and coastal marine protected areas of multiple uses.<sup>13</sup> Nature sanctuary (*Santuario de la Naturaleza*) is a designation specific to private land and is discussed in more detail below.

Private lands can also be donated to form part of the public protected areas system. However, due to limited capacity of the State to manage protected areas, this sort of arrangement is very rare.<sup>14</sup>

## II. Law and Policy for Private Land Conservation

### *Privately-owned Protected Areas*

Chile does not have a legal definition for PPAs.<sup>15</sup> Regulations were passed in 2003 to implement Article 35 of Chile's 1994 *Environmental Framework Law No 19.300* that states that private reserves can be created on lands that "contribute significantly to assuring the biodiversity, the preservation of nature, and the conservation of the national heritage."<sup>16</sup> However, Article 35 did not provide an operational definition for PPAs, and the legal framework, standards, and administrative procedures needed to operationalize the law were never created.<sup>17</sup>

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<sup>8</sup> Forest Legality Initiative. n.d. "Laws & Regulations." Accessed August 2017. <http://www.forestlegality.org/risk-tool/country/chile>.

<sup>9</sup> Corporación Nacional Forestal (CONFAF), Ministerio de Agricultura, n.d.

<sup>10</sup> Ministerio del Medio Ambiente, Gobierno de Chile, 2017.

<sup>11</sup> UNEP-WCMC. 2018. "Protected Area Profile for Chile from the World Database of Protected Areas" Accessed October 2018. <https://www.protectedplanet.net/country/CHL>.

<sup>12</sup> Royte, Elizabeth and Michael Greshko. 2018. "Chile Adds 10 million acres of parkland in historic first." *National Geographic News*, January 29, 2018. <https://news.nationalgeographic.com/2018/01/chile-new-national-parks-10-million-acres-environment/>.

<sup>13</sup> Ministerio del Medio Ambiente, Gobierno de Chile, 2017.

<sup>14</sup> Victoria Alonso, personal communication, July 16, 2018.

<sup>15</sup> Stolton, Sue, Kent H. Redford and Nigel Dudley. 2014. *The Futures of Privately Protected Areas*. Gland, Switzerland: IUCN. <https://portals.iucn.org/library/sites/library/files/documents/PATRS-001.pdf>.

<sup>16</sup> Swift et al., 2003.

<sup>17</sup> Registro Nacional de Áreas Protegidas. n.d. "Área Protegida Privada (APP)." Accessed October 2018. <http://bdrnap.mma.gob.cl/buscador-#/#/busqueda?p=1251>.

Despite the lack of a legal definition, PPAs are thriving in Chile, expanding since the 1990s. There are several tools a landowner can use to protect their land, ranging from managing land for conservation in the absence of legal protection, to designating their property a *Nature Sanctuary (Santuario de la Naturaleza)*, to conservation servitudes or easements. More information on these tools below.

Chile's *National Biodiversity Strategy and Action Plan (2017)* cites 232 private conservation initiatives, totaling 1,255,341 ha.<sup>18</sup> Of these, 40 per cent overlap with terrestrial priority sites for biodiversity conservation. Most of these initiatives are small and medium landowners, with 60 per cent being less than 200 ha in size (however, there are several notable examples of large PPAs owned by corporations, nonprofits, or wealthy individuals).<sup>19</sup> Only 20 PPAs (19 governed by individual landowners and one by a nonprofit organization) are included in the WDPA.<sup>20</sup> The level of permanency of PPAs varies, in that by law PPAs can be established for a designated term, or until the landowner requests to remove the classification.<sup>21</sup> There is currently no comprehensive state registry of PPAs.<sup>22</sup>

Así Conserva Chile, Chile's association of private conservation initiatives, maintains records of PPAs in Chile. The association formally includes 37 partners (including three regional networks) who, together, protect 600,000 ha.<sup>23</sup> Así Conserva Chile acts as a shared voice for PPAs, providing support for members and advocating for the advancement of PPAs in Chile.

### *Nature Sanctuaries*

Nature Sanctuary (*Santuario de la Naturaleza*) is the only officially recognized protection category open to private landowners, and it holds the same level of protection as public lands.<sup>24</sup> Sanctuaries are declared by the Council of National Monuments through the Ministry of Education if a property is deemed valuable to preserve its natural integrity, either for the purpose of research, or because a property borders a vulnerable area already declared as protected through the SNASPE.<sup>25</sup> Although landowners are responsible for maintaining the property through their own means, this designation establishes permanent protection, unless otherwise dictated by law - meaning that even if a property is transferred or sold, the designation of Nature Sanctuary remains. However, in practice, this tool is not commonly used, as there is no incentive for such a designation.<sup>26</sup> The World Database of Protected Areas (WDPA) includes 55 Nature Sanctuaries.<sup>27</sup>

### *Direct Purchase*

In the absence of formal ways to designate PPAs in Chile over the last several decades, many landowners have chosen to manage their land as a protected area, in the absence of actual legal protection. The vast majority of PPAs in Chile fall into this category.<sup>28</sup> For example, in southern Chile, some wealthy individuals

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<sup>18</sup> Ministerio del Medio Ambiente, Gobierno de Chile, 2017.

<sup>19</sup> Stolton, Redford and Dudley, 2014.

<sup>20</sup> UNEP-WCMC, 2018.

<sup>21</sup> Swift et al., 2003.

<sup>22</sup> Victoria Alonso, personal communication, July 16, 2018.

<sup>23</sup> See: <http://asiconservachile.cl/acch/>

<sup>24</sup> Victoria Alonso, personal communication, July 16, 2018.

<sup>25</sup> Swift et al., 2003.

<sup>26</sup> Victoria Alonso, personal communication, July 16, 2018.

<sup>27</sup> UNEP-WCMC, 2018.

<sup>28</sup> Swift et al., 2003.

purchased defunct timber plantations to be managed as PPAs.<sup>29</sup> In this vein, ASI Conserva Chile only requires that members express their intention to protect their land in perpetuity, expressed through a signed letter.<sup>30</sup> As new tools and systems for protecting private lands develop, it is possible that some of these landowners may pursue legal protection.

There is also a strong history of NGOs purchasing land for conservation purposes.<sup>31</sup>

### *Servidumbre Voluntaria and Derecho Real de Conservación*

Prior to a change in the law in 2016, conservation servitudes (*servidumbre voluntaria*) were possible, though uncommon, under Chile's Civil Code.<sup>32</sup> The servitude is an agreement between two adjacent landowners. Therefore, in the several instances when it has been used, an NGO, or land trust, has held the adjacent parcel of land. However, the tool was not designed for conservation purposes and is, therefore, cumbersome.

Thanks to the tireless work of many conservationists and law makers, Law No 20.930 was enacted in 2016, amending the Civil Code of Chile to create the *Derecho Real de Conservación Medioambiental* (DRC), or real right of conservation.<sup>33</sup> This establishes a voluntary mechanism that allows a landowner to both maintain ownership and conserve their property by establishing a legally-binding agreement between private parties.

The contract establishes restrictions to the use of the property in order to maintain its natural resources. Property owners must have legal title in order to enter into the contract, which outlines permitted activities, maintenance of property and an environmental management plan.<sup>34</sup> Unlike the servitude, the DRC does not require an adjacent parcel. According to Article 3 of this statute, conservation is an implicit right of the property itself, regardless of transfer of ownership, allowing such easements to be applied in perpetuity unless the parties involved agree otherwise.<sup>35</sup> The land remains private, and the agreements are designed to be flexible, allowing for some income-producing compatible land uses, such as forestry and tourism.<sup>36</sup> Chile is the first Civil Code country in the world to create this kind of tool.

As the DRC is such a new tool, it is just now being implemented for the first time. The DRC may one day be defined as part of a state-approved category of PPA, but this is yet to be seen. It is also unclear how the DRC will hold up against competing property interests, such as mining and energy generation.<sup>37</sup>

### *Conservation in Real Estate Development*

Several real estate projects have adopted the practice of developing “conservation communities” or housing developments set in a natural conserved setting.<sup>38</sup> This model ensures longevity by selling shares

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<sup>29</sup> Serenari et al., 2016.

<sup>29</sup> Corporación Nacional Forestal (CONFAF), Ministerio de Agricultura, n.d.

<sup>30</sup> Stolton, Redford and Dudley, 2014.

<sup>31</sup> Swift et al., 2003.

<sup>32</sup> Swift et al., 2003.

<sup>33</sup> Ministerio del Medio Ambiente, Gobierno de Chile, 2017.

<sup>34</sup> Ministerio del Medio Ambiente. 2016. Ley No 20.930 Establece el Derecho Real de Conservación Ambiental. <https://www.leychile.cl/Navegar?idNorma=1091906>.

<sup>35</sup> Ibid.

<sup>36</sup> Fundación de Conservación Tierra Austral. 2018. “Tierra Austral.” Accessed October 2018. <https://www.fundaciontierraaustral.cl/home>.

<sup>37</sup> Victoria Alonso, personal communication, July 16, 2018.

<sup>38</sup> Swift et al., 2003.

of the development to buyers, rather than the physical individual properties, ensuring that future home sales by the owner do not compromise the overall management plan of the development. Buyers are then able to build a home in the area marked for development, and the rest of the property remains a communal park (see case study below).<sup>39</sup> It is yet to be seen if this is an effective system for private land protection in Chile.

#### *National Biodiversity Strategy and Action Plan (NBSAP)*

The Republic of Chile's NBSAP (2017), submitted to the Convention on Biological Diversity, makes explicit note of the need to include both public and private entities in efforts to reach conservation goals.<sup>40</sup> It cites the important role PPAs already play in protecting land across the country and specifically includes strategies around increasing private sector participation in conservation, management, and financing.

### **III. Financial Incentives for Privately Protected Areas**

Those that establish formally recognized PPAs through the government registry theoretically have the right to exoneration of property taxes;<sup>41</sup> however, this tool has not actually been put into place.<sup>42</sup> In practice, there are no formal financial incentives to create PPAs in Chile.

#### *Ecotourism*

Several PPAs, particularly the larger ones, participate in some kind of ecotourism.<sup>43</sup> These initiatives range from small parcels managed for ecotourism to eco-real estate projects that develop subdivisions alongside reserves (similar to the real estate projects noted above).<sup>44</sup> Some of the larger projects have invested substantially in tourism infrastructure, such as trails and lodging. In many of these cases, the goal is for ecotourism to offset some management costs.

### **IV. Organizations for Private Land Conservation**

#### *Governmental*

- *Corporación Nacional Forestal (CONAF)*, National Forestry Corporation: CONAF is the government entity managing the national protected areas system, *Sistema Nacional de Areas Silvestres Protegidas del Estado (SNASPE)*.<sup>45</sup>
- *Ministerio de Educación* (the *Ministry of Education*) is the entity in charge of approving *Santuarios de la Naturaleza*.<sup>46</sup>

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<sup>39</sup> Corcuera, Elisa, Claudia Sepúlveda and Guillermo Geisse. 2002. "Conserving Land Privately: Spontaneous Markets for Land Conservation in Chile." In *Selling Forest Environmental Services: Market-based Mechanisms for Conservation and Development*, edited by Stefano Pagliola, Joshua Bishop, and Natasha Landell-Mills, 140-162. London: Earthscan Publications Ltd.

<https://www.landconservationnetwork.org/sites/default/files/Corcuera%20et%20al%2C%20Conserving%20Land%20Privately%20in%20Chile.pdf>.

<sup>40</sup> Ministerio del Medio Ambiente, Gobierno de Chile, 2017.

<sup>41</sup> Swift et al., 2003.

<sup>42</sup> Victoria Alonso, personal communication, July 16, 2018.

<sup>43</sup> Serenari et al., 2016.

<sup>44</sup> Tecklin and Claudia Sepulveda, 2014.

<sup>45</sup> See their website: <http://www.conaf.cl/incendios-forestales/prevencion/proteccion-snaspe/>.

<sup>46</sup> See their website: <https://www.mineduc.cl/>.

## Non-governmental

- *Comité Nacional Pro Defensa de la Fauna y Flora* (CODEFF; National Committee for the Defense of Flora and Fauna) is a Chilean nonprofit responsible for forming the national PPA Network.<sup>47</sup> They also established the *Red de Áreas Protegidas Privadas* (RAPP), the first Network of Private Protected Areas; however, this group seems to be inactive today.
- *Así Conserva Chile* was formed in 2010 after periodic meetings organized through the UNDP for PPA landowners.<sup>48</sup> As Chile's association of private conservation initiatives, the organization maintains records of PPAs in Chile and supports PPAs through providing technical trainings, legal representation, and connecting them to the larger PPA network. The association formally includes 37 partners (including three regional networks) who, together, protect 600,000 ha.<sup>49</sup>
- *Fundación de Conservación Tierra Austral* (Tierra Austral Land Trust) is one of Chile's first private, non-profit land trust organizations. They work with landowners, non-governmental organizations (NGOs), and government agencies, to protect ecologically, scenically, and culturally significant land in Chilean Patagonia and other regions of the country through the use of legal tools or agreements such as a voluntary *Derecho Real de Conservación*.<sup>50</sup>
- *Fundación de Conservación* (FORECOS) is an organization dedicated to the study and promotion of forest ecosystem services, including research, education and links with society, through actions of dissemination, conservation, restoration and protection of ecosystems. They are the entity that holds the easement on the Valdivian Coastal Reserve (see case study below).<sup>51</sup>
- Tompkins Conservation is an NGO started by Doug and Kristine Tompkins, inspired by their love of wild places. The organization is focused on park creation, restoration ecological agriculture and activism. They have been instrumental in creating parks in several Latin American countries, including the iconic Patagonia and Pumalín Parks in Chile.<sup>52</sup>
- The Nature Conservancy is an international NGO that was instrumental in bringing the idea of conservation easements to Chile.<sup>53</sup> They also own the Valdivian Coastal Reserve.<sup>54</sup>
- WWF Chile works to protect the terrestrial and marine environments of the priority site South of Chile, an area identified by WWF as one of the 35 most important places for conservation in the world.<sup>55</sup>

## V. Case Studies

### *Valdivian Coastal Reserve*

Located roughly 840 km south of the city of Santiago, the Valdivian Coastal Reserve is known as a unique temperate rainforest, home to rare and endemic species.<sup>56</sup> In 2003, The Nature Conservancy (TNC)

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<sup>47</sup> Swift et al., 2003.

<sup>48</sup> Así Conserva Chile. n.d. "Nuestra Historia," Accessed August 2017. <http://asiconservachile.cl/quienes-somos/historia.html>.

<sup>49</sup> See their website: <http://asiconservachile.cl/acch/>.

<sup>50</sup> See their website: <https://www.fundaciontierraaustral.cl/home>.

<sup>51</sup> See their website: <http://forecos.cl/>.

<sup>52</sup> See their website: <http://www.tompkinsconservation.org/home.htm>.

<sup>53</sup> Tepper, Henry and Victoria Alonso. 2010. "The Private Land Conservation Initiative in Chile." In *Conservation Capital in the Americas*, edited by Jim Levitt, 49-62. Cambridge: Lincoln Institute of Land Policy.

<sup>54</sup> See their website: <https://www.nature.org/en-us/about-us/where-we-work/latin-america/chile/>.

<sup>55</sup> See their website: <http://www.wwf.cl/>.

<sup>56</sup> Serenari et al., 2016.



purchased 150,000 ha, creating the Reserve to avoid conversion to plantations and sought to involve local communities in maintaining the area as a reserve.<sup>57</sup>

In 2013, the petroleum and mineral company BHP Billiton created a USD 20 million endowment, managed in partnership with Conservation International, to provide funds to TNC for the protection and management of the Reserve.<sup>58</sup> In addition, TNC conveyed a *servidumbre* agreement to the land trust *Fundación de Conservación* (FORECOS) for nearly all the acreage of the Valdivian Coastal Reserve, thereby protecting the property.<sup>59</sup>

The reserve has utilized a management strategy that combines conservation with visitor access, hiring a variety of local guides and park personnel, as well as maintaining the area with infrastructure for visitors.<sup>60</sup> It also serves as a center for research, most notably in uncovering methods for removing non-native species, such as eucalyptus, which are a common threat to native biodiversity in the region. Finally, the Reserve is recognized as the first “carbon compensation” project in Chile, following some of the most advanced standards of carbon emission reduction in the world.<sup>61</sup>

### *Pumalín Park*

Located within the Palena Province of southern Chile, Pumalín Park encompasses roughly 300,000 ha of forest. Until recently, it was one of the largest PPAs in the country.<sup>62</sup>

The land was originally purchased by Douglas Tompkins, an entrepreneur from the United States and chairman of the Conservation Land Trust, in an effort to conserve the large extent of land, and then later was transferred to the Pumalín Foundation in 2005 to own and manage the reserve.<sup>63</sup> Its status was a formally recognized Nature Sanctuary (*Santuarios de la Naturaleza*), allowing the reserve to be maintained under private ownership, while still receiving legal protection from the national government. The Pumalín Park Nature Sanctuary engaged in multiple activities to sustain and share the integrity of the landscape, including tourism, community outreach, and a land title assistance program to support the park’s rural landholding neighbors in securing formal tenure for their land.<sup>64</sup>

With the death of Douglas Tompkins, his wife, Kristine Tompkins, entered into an agreement with the government of Chile – she would transfer one million of her private acres, including Pumalín and Patagonia Parks, to the State in exchange for the State protecting nine million acres of federally owned land.<sup>65</sup> In early 2018, this unprecedented transfer was completed, shifting Pumalín Park from a PPA to a federal national park.

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<sup>57</sup> The Nature Conservancy. n.d. "Chile, Valdivian Coastal Reserve: Saving Ancient Forests." Accessed August 2017. <https://www.nature.org/en-us/about-us/where-we-work/latin-america/chile/stories-in-chile/our-work-in-chile-the-valdivian-coastal-reserve/>.

<sup>58</sup> BHP Billiton. 2013. "Valdivian Coastal Reserve." Accessed January 2018. <https://www.bhp.com/community/community-news/2013/06/valdivian-coastal-reserve>.

<sup>59</sup> Contreras, Daniela. 2014. "The Nature Conservancy signs the largest conservation easement agreement in Chile." Accessed August 2007. <http://www.nature.org/ourinitiatives/regions/southamerica/chile/explore/the-nature-conservancy-signs-the-largest-conservation-easement-agreement-in-c.xml>.

<sup>60</sup> The Nature Conservancy, n.d.

<sup>61</sup> Valdivian Coastal Reserve - The Nature Conservancy. n.d. "Carbon Footprint Compensation." Accessed August 2017. <http://www.reservacosteravaldiviana.cl/>.

<sup>62</sup> Oyarzún, Lorenzo Soto. 2009. "Private Protected Areas: Legal Framework for Pumalín Park (Chile)." *IUCN-EPLP*, 81. [https://www.iucn.org/downloads/pumalin\\_en.pdf](https://www.iucn.org/downloads/pumalin_en.pdf).

<sup>63</sup> Oyarzún, 2009.

<sup>64</sup> Pumalín Park and Project. 2013. "Social Work." Accessed January 2018. <http://www.parquepumalin.cl/en/index.htm>.

<sup>65</sup> Royte and Greshko, 2018.

### *Patagonia Sur*<sup>66</sup>

In 2012, a private company, Patagonia Sur LLC, made a substantial investment, believing that it could work within the existing legal code to couple low density development with high value land conservation. In Valle California, Patagonia Sur purchased 3,200 ha, containing pristine forests, mountains, lakes, and rivers. The company devised a plan to set aside 92 per cent of the property for conservation land and to allow for a maximum of 25 new houses to be built on the remaining 8 per cent.

In order to achieve this goal, Patagonia Sur supported the creation of one of Chile's first land trusts – *Fundación de Conservación Tierra Austral* (Tierra Austral) – to enter into a *servidumbre voluntaria*. The *servidumbre* is an agreement between two adjacent landowners, and it required Tierra Austral to purchase a small parcel adjacent to the Valle California Reserve, enabling the land trust to hold a *servidumbre* on the Reserve.

Tierra Austral has completed three years of monitoring on the Patagonia Sur property, and landowners who have purchased house lots on the Valle California property. Despite changes in staff and leadership, Patagonia Sur remains subject to the terms of the *servidumbre*, demonstrating that a properly drafted *servidumbre* can be a meaningful land conservation tool.

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<sup>66</sup> Excepted from the International Land Conservation Network (ILCN) newsletter, 2016. Accessed online August 2017. [https://www.landconservationnetwork.org/sites/default/files/May%202016%20ILCN%20Newsletter\\_0.pdf](https://www.landconservationnetwork.org/sites/default/files/May%202016%20ILCN%20Newsletter_0.pdf)