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International Outlook for Privately Protected Areas

Country Profile: COSTA RICA

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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

COSTA RICA (*República de Costa Rica*)

Outlook for Private Protected Areas

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1. Tania Villegas, Sub-secretary of Natural Heritage, Costa Rican Ministry of Environment

I. Country Overview

Land Area

With a total land area of 5,106,000 hectares (ha), Costa Rica's territory contains roughly 1,811,100 ha (35 per cent) dedicated to various forms of agriculture and 2,725,800 ha (53 per cent) of forest cover.³ Costa Rica's position on the Central American Isthmus contribute to very high levels of biodiversity; despite covering only 0.03 per cent of the world's landmass Costa Rica contains 4.8 per cent of all of the world's species that have been identified to date.⁴

Land Ownership and Tenure

Costa Rica features private land tenure. Since 2000, Costa Rica has sought to address the issue of tenure insecurity by improving their land titling process. More than 70 per cent of land titles have been verified through systematic information gathering and mapping, advancing the process of ensuring secure land tenure within the country.⁵

Protected Areas in Costa Rica

The National System of Conservation Areas ("Sistema Nacional de Areas de Conservacion" or SINAC) has identified privately protected areas as an important opportunity for land and biodiversity conservation in the country.⁶ Over the past few decades, Costa Rica has gained recognition for its efforts to protect both state and private land. Privately-owned protected areas in Costa Rica make up a significant portion of the overall protected area network.

As of 2002, state-owned areas comprise 732,205 ha (14 per cent of the country), while privately protected areas registered within the national park system comprise 572,099 ha (11.2 per cent of the country).⁷ Landowners who register within SINAC must follow certain conservation restrictions imposed by the national government.

³ Food and Agriculture Organization of the United Nations, "Costa Rica," 2014, FAO website <http://www.fao.org/countryprofiles/index/en/?iso3=CRI> accessed on July 20, 2017

⁴ Government of Costa Rica. 2009. IV Informe de País sobre el Convenio de la Diversidad Biológica. San José, Costa Rica.

⁵ Inter-American Development Bank, "Costa Rica," 2017, IDB website <http://www.iadb.org/es/mapamericas/costa-rica-old/mejorando-el-sistema-de-titulacion-de-tierras-de-costa-rica,7797.html> accessed on July 21, 2017

⁶ Sistema Nacional de Áreas de Conservación-SINAC del Ministerio de Ambiente, Energía y Telecomunicaciones-MINAET 2010. Plan Estratégico Sistema Nacional de Áreas de Conservación-SINAC 2010-2015. San José CR 64 pp.

⁷ Environmental Law Network, "Costa Rica," *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 106

II. Law and Policy for Private Land Conservation

Policies for Establishing Privately Protected Areas

Legislation in Costa Rica has traditionally supported the establishment of privately-owned protected areas. Article 7, section C of the *Wildlife Conservation Law No 7317 of 1998* states that the national authority will “promote the establishment of national wildlife refuges on mixed (government-owned and private) or private property.”⁸ Additionally, *Law 7575 of 1996*, the *Forestry Law*, specifies the ability for landowners to voluntarily declare their land a protected forest or for the government to expropriate that land in order to establish a protected forest if it is found to be within the best interests of society.⁹ These policies combine government enforcement of environmental objectives with voluntary conservation efforts from private entities.

In addition to formal privately protected areas, it is possible to create a privately protected area through informal mechanisms. It is common for property owners to conserve some portion of their properties without declaring it a privately protected area. Often those who engage in different forms of agriculture and ecotourism choose to conserve a portion of their land.¹⁰ Many also choose to be a part of the *Red Costarricense de Reservas Naturales Privadas*, the Costa Rican Network of Private Nature Reserves, to benefit from being affiliated with a larger regulatory organization without legally registering their property with the national government.

Privately protected areas in Costa Rica are defined through several different mechanisms: primarily as private nature reserves, both formal and informal; land purchases by NGOs for the goal of conservation; and conservation easements.¹¹ As of 2005, there were roughly 100 private reserves in Costa Rica that were recognized either by the national government or NGOs, more than any other country in Central America.¹²

Private Reserves

Private Wildlife Refuges are the most common form of private conservation in Costa Rica, and may be established for periods of 5, 10, and 20 years with option for renewal while maintaining a management plan that addresses how certain activities and management strategies will be applied to protect clearly stated resources.¹³ Under this mechanism, properties must have legal title in the name of their owner. As of 2003, Private Wildlife Refuges covered 180,035 ha of land in Costa Rica, established both by private land owners and through government initiation.¹⁴

⁸ Artículo 7, seccion c. Ley de Conservación de la Vida Silvestre N°7317 de 1998.

⁹ Artículo 2, Ley Forestal N°7575 de 1996

¹⁰ Environmental Law Network, “Costa Rica,” *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 109

¹¹ Environmental Law Network, “Costa Rica,” *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 108-109

¹² Chacon, C, "Fostering conservation of key priority sites and rural development in Central America: the role of private protected areas." 2005, *Parks: Protected Areas Programme*, vol. 15 no 2., p. 45

¹³ Environmental Law Network, “Costa Rica,” *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, pp. 107 -108

¹⁴ Environmental Law Network, “Costa Rica,” *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 108

In Costa Rica, private reserves on land held with legal title can also be formed under the *Forestry Law*; however, permanence is not guaranteed, as an owner may choose to withdraw their property.¹⁵

Land Purchases for Conservation

NGOs are able to purchase land in order to establish private reserves for conservation. Oftentimes, these reserves are later utilized as strategic buffer zones between larger state-owned reserves. Such was the case for the Monteverde and La Selva Reserves (see case studies below). There are also different tax exemptions that NGOs can receive for purchasing land for the goal of conservation (see section III below).¹⁶

Conservation Easements

Conservation easements are formed under the following situations: between non-adjacent lands that share the same characteristic, such as a target species for conservation; between adjacent properties that contain areas of value for conservation; or through several properties that form a biological corridor.¹⁷ The first easement was done through the Costa Rican organization *Centro de Derecho Ambiental y Recursos Naturales* (CEDARENA) in 1992. This organization employs specific standards of environmental management and conservation, outlined in their conservation easement contracts.¹⁸ In total, there are over 50 easements covering over 5,500 ha in Costa Rica.¹⁹ Appurtenant easements, or those that occur between adjacent properties, are the only classification that can be applied in perpetuity.²⁰

National Biodiversity Strategy and Action Plan (NBSAP)

Costa Rica's most recent National Biodiversity Strategy and Action Plan (NBSAP) 2016-2025²¹ explicitly addresses the role of privately protected areas (private reserves) as a complementary governance type that is included in the country's national protected area system. The country's NBSAP describes the total land area protected by the National Network of Private Reserves and the network's importance in Costa Rica's biodiversity conservation efforts.

III. Financial Incentives for Private Land Conservation

Incentives for PPAs

Costa Rica has developed very clearly elaborated financial incentives for different forms of private land conservation. While Private Wildlife Refuges are not established permanently, owners do receive monetary incentives, which include exemption from property taxes, and prioritized attention to the issue

¹⁵ Environmental Law Network, "Costa Rica," *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 108

¹⁶ Environmental Law Network, "Costa Rica," *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 108

¹⁷ Environmental Law Network, "Costa Rica," *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 109

¹⁸ Chacon, C, "Fostering conservation of key priority sites and rural development in Central America: the role of private protected areas." 2005, *Parks: Protected Areas Programme*, vol. 15 no 2., p. 42

¹⁹ Environmental Law Network, "Costa Rica," *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 109

²⁰ Environmental Law Network, "Costa Rica," *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 109-110

²¹ Ministerio de Ambiente y Energía, Comisión Nacional para la Gestión de la Biodiversidad, Sistema Nacional de Áreas de Conservación. 2016. Estrategia Nacional de Biodiversidad 2016-2025, Costa Rica. FMAM-PNUD, Fundación de Parques Nacionales-Asociación Costa Rica por Siempre, San José, Costa Rica. p.146

of illegal occupation on their land, should it occur.²² The same incentives are guaranteed to those who establish private reserves under the Forestry Law.

Incentives for PPAs Created by NGOs

Both informal reserves and those legally recognized by the government as Private National Wildlife Refuges are eligible for tax exemptions when owned by NGOs or non-profit organizations.²³

Payments for Ecosystem Services

Between 1997 to 2000, Costa Rica began to implement their first phase of incentives for environmental services, aimed towards greenhouse gas mitigation, watershed protection, biodiversity conservation, and scenic landscape preservation.²⁴ Payments were provided per hectare, assuming each conserved area was of equal value, and ranged roughly from USD 22-42 per hectare per year throughout the period of the contract.²⁵ As of 2005, there were over 400,000 ha of land protected by over 7,000 property owners that were receiving payments for ecosystem services.²⁶

Additionally, forest conservation, reforestation, and sustainable forest management contracts have been established. Forest conservation contracts require existing forests to be conserved for 5 years.²⁷ Under reforestation contracts, new plantations must be conserved for 15 years.²⁸ Finally, sustainable forest management contracts address management strategies for lands used for logging and are established for periods of 15 years. Contracts are legally binding even after the transfer of ownership, serving as a temporary easement on the property.²⁹ A tax on fossil fuels and contracts with private hydroelectric companies provide most of the funding for these incentives, in addition to funding from the World Bank's Global Environment Facility.

IV. Organizations for Private Land Conservation

Governmental Organizations

The Ministry of the Environment (MINAEC) is the national governmental authority in charge of administrating the natural resources of the country. Within their structure, the department SINAC regulates areas of conservation. Apart from managing protecting areas, they also work to promote activities such as ecotourism.³⁰

²² Environmental Law Network, "Costa Rica," *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 108

²³ Environmental Law Network, "Costa Rica," *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 2003, p. 108

²⁴ Sánchez-Azofeifa, A., Pfaff, A., Robalino, J., & Boomhower, J., "Costa Rica's Payment for Environmental Services Program: Intention, Implementation, and Impact," 2007, *Conservation Biology*, vol. 21 no. 5, pp. 1165-1173

²⁵ Sánchez-Azofeifa, A., Pfaff, A., Robalino, J., & Boomhower, J., "Costa Rica's Payment for Environmental Services Program: Intention, Implementation, and Impact," 2007, *Conservation Biology*, vol. 21 no. 5, pp. 1165-1173

²⁶ Chacon, C, "Fostering conservation of key priority sites and rural development in Central America: the role of private protected areas." 2005, *Parks: Protected Areas Programme*, vol. 15 no 2., p. 46

²⁷ Sánchez-Azofeifa, A., Pfaff, A., Robalino, J., & Boomhower, J., "Costa Rica's Payment for Environmental Services Program: Intention, Implementation, and Impact," 2007, *Conservation Biology*, vol. 21 no. 5, pp. 1165-1173

²⁸ Sánchez-Azofeifa, A., Pfaff, A., Robalino, J., & Boomhower, J., "Costa Rica's Payment for Environmental Services Program: Intention, Implementation, and Impact," 2007, *Conservation Biology*, vol. 21 no. 5, pp. 1165-1173

²⁹ Sánchez-Azofeifa, A., Pfaff, A., Robalino, J., & Boomhower, J., "Costa Rica's Payment for Environmental Services Program: Intention, Implementation, and Impact," 2007, *Conservation Biology*, vol. 21 no. 5, pp. 1165-1173

³⁰ Sistemal Nacional de Áreas de Conservación Costa Rica, "About Us," n.d. SINAC website, <http://www.sinac.go.cr/EN-US/conozca/Pages/default.aspx> accessed on July 28, 2017

Non-governmental organizations

The Costa Rican Network for Natural Reserves (*Red Costarricense de Reservas Naturales*) is a national network of private reserves, mainly comprised of farms practicing agroforestry or silvopastoral systems, biological corridors, or buffer zones, in addition to other forms of management.³¹ Of the 82,000 ha within the network, 60 per cent are maintained solely for conservation while 40 per cent also incorporate other activities such as tourism and research.³²

V. Best Practices/Case Studies

Monteverde Reserve

The region of Monteverde has been one of the premier ecotourism destinations in Costa Rica since the late 1980s. Set in the highlands at 1,440m above sea level, Monteverde is characterized by cloud forests, coffee production, wildlife and local communities.³³ Monteverde's success in conserving a vulnerable area of cloud forest was due in part to NGO collaboration and community participation. Originally settled by a Quaker population from the United States in the 1950s, the reserve was formed in 1972 through the transfer of ownership and management to the Tropical Science Center, an NGO dedicated to scientific investigation, that expanded the Monteverde Cloud Forest Reserve's coverage from 328 to 10,500 ha.³⁴ The Monteverde region features roughly 100 mammal species, 400 bird species, 120 reptile species and around 2500 plant species.³⁵

Among the many tourism-based activities, which generate income and local employment opportunities within the reserve, one of the most notable is the Sky Walk-Sky Trek attraction. Comprised of suspended bridges through the forest, the Sky Walk-Sky Trek allows visitors to move through the forest with minimal impact. The project came about from the efforts of three different siblings from the community of Monteverde: Fernando, Ana Victoria, and Rodrigo Valverde.³⁶

In addition to the Sky Walk-Sky Trek, other community driven projects in the region include: the Monteverde Cloud Forest Private Reserve, the Community Reserve of Santa Elena, the Butterfly Garden, the Orchid Farm, and the Community Art Center. Through community collaboration, a variety of activities collectively address different conservation needs of the region while providing for the livelihood of the local community members. The reserve and its activities are also strategically situated between government reserves to the north and the Monteverde- Golf of Nicoya Biological Corridor to the south, serving as a buffer zone between those important conservation zones.³⁷

³¹ Red Costarricense de Reservas Naturales, "Estatutos," 2017, Red Costarricense de Reservas Naturales Website <http://www.reservasnaturales.org/content/estatutos>, accessed on July 22, 2017

³² Latin Clima: Red de Comunicacion en Cambio Climatico, "Costa Rica sera sede del XI Congreso Latinoamericano de Reservas Privadas," n.d., <http://latinclima.org/oportunidades-formacion/costa-rica-sera-sede-del-xi-congreso-latinoamericano-de-reservas-privadas> Accessed on July 21, 2017

³³ Monteverdeinfo, "Monteverde Costa Rica," 2011, <http://www.monteverdeinfo.com/index.html> Accessed on July 23, 2017

³⁴ Monteverdeinfo, "Monteverde Cloud Forest Reserve," 2011, <http://www.monteverdeinfo.com/monteverde.htm> Accessed on July 23, 2017

³⁵ Báez, "Sky Walk-Sky Trek: A Successful Community Project in the Mountains of Monteverde, Costa Rica" 2002, Mountain Research and Development, vol. 22 no. 2, pp. 128-131

³⁶ Ibid.

³⁷ Costa Rica Monte Verde Cloudforest, "Monteverde Cloud Forest Biological Reserve," n.d. Accessed online at <http://www.reservamonteverde.com/index.html> on July 23, 2017

La Selva Biological Station

La Selva is located at the junction of two tributaries that flow to the Caribbean on the northern side of Costa Rica. Comprised of 1,600 ha³⁸, La Selva is currently utilized as a research station, providing modern laboratory facilities, as well as protecting habitat for local wildlife. La Selva also serves as a buffer zone to the adjacent Braulio Carrillo National Park, a 46,000 ha protected forest.³⁹

La Selva originally began as a private reserve in 1954 when Dr. Leslie Holdridge decided to utilize her farm for crop experimentation and resource management.⁴⁰ In the late 1960s, it was acquired by the Organization for Tropical Studies, becoming a research station and private biological reserve. Roughly 73 per cent of its area contains primary forest, one of the reasons why researchers from around the world have chosen the site for the study of tropical ecosystems.⁴¹

³⁸ Organization for Tropical Studies. About La Selva. La Selva Biological Station. Accessed online at http://www.ots.ac.cr/index.php?option=com_content&task=view&id=163&Itemid=348 on December 2018.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.