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# International Outlook for Privately Protected Areas

Country Profile: PANAMA

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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

## PANAMA (República de Panamá)

### Outlook for Privately Protected Areas

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

#### I. Country Overview

##### *Land Area*

According to the Food and Agriculture Organization of the United Nations, Panama's land area is approximately 7,434,000 hectares (ha).<sup>3,4</sup> Panama's natural landscape features high levels of biodiversity, housing a greater number of vertebrate species than any other country in Central America or the Caribbean, in addition to 10 per cent of the world's avian species and a variety of other endemic organisms.<sup>5</sup>

##### *Land Ownership and Tenure*

In Panama, individuals have the right to hold legal title to land. Land titling is conducted with the facilitation of the National Authority of the Administration of Lands (ANATI), established through Law 59 in 2010.<sup>6</sup>

##### *Protected Areas in Panama*

Of Panama's land area, government-owned and regulated protected areas constitute about 2,676,240 ha (36 per cent).<sup>7</sup>

Panama's protected areas are legally registered within the Government's National System of Protected Areas (SINAP). Protected area categories include National Parks, Forest Reserves, Wetlands (including Ramsar sites), Protected Landscapes, Natural Monuments, Other Protected Areas, and Protected Areas of Municipalities.<sup>8</sup> In addition to these classifications, the Aquatic Resources Authority (ARAP) has other coastal areas that fall under their own protection categories.

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

Specific Objective 1 of Panama's National Biodiversity Strategy and Action Plan (NBSAP) is stated in the 2014 CBD report as: "Strengthen the capacities of management of the public, private, and municipal

<sup>3</sup> Food and Agriculture Organization of the United Nations, "Panama," FAO website, <http://www.fao.org/countryprofiles/index/en/?iso3=PAN>, accessed on May 27, 2017

<sup>4</sup> Total country area for Panama is about 7,542,000 hectares, including water areas.

<sup>5</sup> Convention on Biological Diversity, "Quinto Informe Nacional de Biodiversidad de Panamá ante el Convenio sobre Diversidad Biológica". November, 2014, p. 11

<sup>6</sup> PanamaTramita, "Autoridad Nacional de Administración de Tierras", PanamaTramita website, <https://www.panamatramita.gob.pa/institucion/autoridad-nacional-de-administracion-de-tierras>, accessed on May 28, 2017

<sup>7</sup> Convention on Biological Diversity, "Quinto Informe Nacional de Biodiversidad de Panamá ante el Convenio sobre Diversidad Biológica". November, 2014, p. 21

<sup>8</sup> Convention on Biological Diversity, "Quinto Informe Nacional de Biodiversidad de Panamá ante el Convenio sobre Diversidad Biológica". November, 2014, p. 21

sectors, of scientific competency and technical abilities in the area of biodiversity, as well as at the central, sectoral, and local level.<sup>9</sup> Additionally, the Panamanian Network of Private Nature Reserves (described below) is mentioned as an organization, among others, that is responsible for pursuing national goals.<sup>10</sup> Finally, some privately protected areas (PPAs) are specifically mentioned in reference to goals: for example, the privately-owned Alouatta Sanctuary is mentioned in addressing Goal 12<sup>11</sup> and the country's largest PPA, *Reserva Natural Privada Punta Patiño*, is mentioned as an NGO contribution to Aichi goals 4, 5, and 14.<sup>12</sup>

## II. Law and Policy for Private Land Conservation

### *Privately-owned Protected Areas*

Privately protected areas in Panama are legally designated through article 68 of Law 41, the *General Environmental Law*; however, there is no explicit legal definition. For this reason, the *Red de Reservas Naturales Privadas de Panamá* (Panamanian Network of Private Nature Reserves) has created their own definition and provides much of the technical support to PPAs in Panama.

The Network of Private Nature Reserves defines a PPA as “any property that includes, at least in part, natural areas and whose owner preserves or sustainably utilizes those areas and ensures their conservation. The natural areas include secondary forests, sustainably managed forests, forests planted exclusively with native species with the goal of increasing biodiversity and wasteland and wetlands (including mangroves, lakes, rivers, coasts and estuaries).”<sup>13</sup> Landowners are required to pay a yearly quota to be affiliated with the Network. To create a PPA, a landowner may register his/her property with the Network of Private Nature Reserves and is required to provide documentation of the land's title. Reserves are established for a period of 10 years and owners may opt to renew after that period ends. Reserves that are part of the Network of Private Nature Reserves are not formally registered within the national government system of protected areas (SINAP).

Landowners who wish to establish a Private Nature Reserve without formally registering with the Panamanian Network of Private Nature Reserves may do so. The steps are as follows: Get to know the land and its characteristics, plan the land use, define conservation goals, and create a management plan with a professional.<sup>14</sup> Inscription into the network to register a PPA requires the owner to sign a “Declaration of Intention to Conserve” committing to preserve no less than two hectares of land for a minimum of 10 years.<sup>15</sup> Additionally there are fees to register with the Network that correspond to the size of the reserve.

As of 2010, there were 40 Private Nature Reserves in Panama, occupying approximately 35,000 ha.<sup>16</sup>

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<sup>9</sup> Convention on Biological Diversity, “Quinto Informe Nacional de Biodiversidad de Panamá ante el Convenio sobre Diversidad Biológica”. November, 2014, p. 41

<sup>10</sup> Convention on Biological Diversity, “Quinto Informe Nacional de Biodiversidad de Panamá ante el Convenio sobre Diversidad Biológica”. November, 2014, p. 50

<sup>11</sup> Convention on Biological Diversity, “Quinto Informe Nacional de Biodiversidad de Panamá ante el Convenio sobre Diversidad Biológica”. November, 2014, p. 55

<sup>12</sup> Convention on Biological Diversity, “Quinto Informe Nacional de Biodiversidad de Panamá ante el Convenio sobre Diversidad Biológica”. November, 2014, pp. 89-90

<sup>13</sup> Chacon, Carlos, *Diez Pasos para Crear Reservas Privadas, Servidumbres Ecológicas y Fideicomisos de Conservación: Manual para el Propietario*, 2004, The Nature Conservancy, p. 12

<sup>14</sup> Chacon, Carlos, *Diez Pasos para Crear Reservas Privadas, Servidumbres Ecológicas y Fideicomisos de Conservación: Manual para el Propietario*, 2004, The Nature Conservancy, pp. 1-40

<sup>15</sup> Red de Reservas Privadas - Panama, “Proceso de afiliación a la red,” 2010, downloaded from Red de Reservas Privadas - Panama Website, <http://www.reservasprivadas.org/documentos.html>, accessed June 7, 2017

<sup>16</sup> Convention on Biological Diversity, *Cuarto Informe Nacional de Panamá ante el Convenio de la Diversidad Biológica*, 2010, p. 98, MiAmbiente website, [http://www.miambiente.gob.pa/images/stories/cuarto\\_informenacional/files/assets/basic-html/page1.html](http://www.miambiente.gob.pa/images/stories/cuarto_informenacional/files/assets/basic-html/page1.html) accessed on July 25, 2017

## *Ecological Zones*

*Ecological zones* are formed when two property owners assign a section of both their properties that are adjacent to one another as a protected zone. This can be assigned permanently or for a stated period of time.<sup>17</sup> This form of easement is a civil contract, prepared by a lawyer and signed by both parties that are in agreement on what management practices will be implemented on the land. In order to enter into this type of formal agreement, land titles for both properties must be presented.<sup>18</sup> Incorporated within the agreement, parties must form a detailed management plan after gathering baseline data in order to be able to monitor progress and outcomes of conservation.<sup>19</sup>

## *Conservation Trusts*

Conservation trusts involve the property owner and the entity that administers the reserve, such as an NGO. In this situation, the owner gives property rights to the land administrator, under certain conditions outlined in this agreement. This can also be done permanently or for a stated period of time.<sup>20</sup> Because these agreements are often permanent, land titles must be verified as well during the property rights transfer process.<sup>21</sup> While these conservation trusts occur within Panama, information is lacking on the both the amount and common levels of permanence of such agreements.

### **III. Funding for Private Land Conservation**

Article 68 of Law 41, the legal framework for the creation of privately protected areas, states that “the State will stimulate the creation of protected areas on private lands through a system of fiscal incentives and market mechanisms, such as redeemable credits for reforestation of native species, sustainable development rights, and payments for conservation services that are of national and global benefit.”<sup>22</sup> However, no information can be provided at this stage on the existence of such incentive programs.

For landowners that designate their land within the Panamanian Network of Private Nature Reserves, the Network, itself, provides several benefits.<sup>23</sup> These benefits include technical assistance, training in environmental themes that relate to the use of the land, income through the use of the land (ex: ecotourism), signage for property, and recognition as a private nature reserve. Affiliation serves as a way for the property owner to be represented by the Network when working with the national government to receive more benefits.

On June 8, 2017, Panama’s Ministry of the Environment (MiAmbiente) signed an agreement with the Panamanian Network of Private Nature Reserves to promote scientific investigation, ecotourism, and to update the government database within spatial data relating to the characteristics of private reserves. Additionally, the agreement entails providing support to private reserves in the form of training,

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<sup>17</sup> Chacon, Carlos, *Diez Pasos para Crear Reservas Privadas, Servidumbres Ecológicas y Fideicomisos de Conservación: Manual para el Propietario*, 2004, The Nature Conservancy, p. 12

<sup>18</sup> Chacon, Carlos, *Diez Pasos para Crear Reservas Privadas, Servidumbres Ecológicas y Fideicomisos de Conservación: Manual para el Propietario*, 2004, The Nature Conservancy, p. 15

<sup>19</sup> Chacon, Carlos, *Diez Pasos para Crear Reservas Privadas, Servidumbres Ecológicas y Fideicomisos de Conservación: Manual para el Propietario*, 2004, The Nature Conservancy, p. 15

<sup>20</sup> Chacon, Carlos, *Diez Pasos para Crear Reservas Privadas, Servidumbres Ecológicas y Fideicomisos de Conservación: Manual para el Propietario*, 2004, The Nature Conservancy, p. 12

<sup>21</sup> Chacon, Carlos, *Diez Pasos para Crear Reservas Privadas, Servidumbres Ecológicas y Fideicomisos de Conservación: Manual para el Propietario*, 2004, The Nature Conservancy, p. 12

<sup>22</sup> [Article 68 of Law 41](#), Ley General de Ambiente de La Republica de Panama.

<sup>23</sup> Red de Reservas Privadas – Panamá, “Los Beneficios de Pertener a la Red de Reservas Privadas” 2010, Red de Reservas Privadas - Panama Website, <http://www.reservasprivadas.org/>, accessed

resources, and other technical support.<sup>24</sup> This could potentially stimulate the creation of future PPAs by providing the necessary support and incentives to do so.

#### IV. Organizations for Private Land Conservation

##### *Government*

- Ministry of the Environment (*MiAmbiente*): While Panama's Ministry of the Environment does not register privately-owned protected areas into the national system, they provide key technical support to the Network of Private Nature Reserves in Panama. This support is especially noted through the recent signing of an agreement to further technical studies and training from the Ministry of the Environment to privately-owned reserves within the network.<sup>25</sup>

##### *Non-governmental organizations*

- *Red de Reservas Naturales Privadas* (Panamanian Network of Private Nature Reserves) is a nonprofit organization formed to protect biodiversity through encouraging and supporting property owners that choose to designate their land for conservation.<sup>26</sup> The network manages cooperation agreements with resource conservation authorities, as well.

#### V. Best Practices/Case Studies

##### *Punta Patiño Private Nature Reserve, Darién, Panama*

One of the most notable cases from the region is Reserva Natural Privada Punta Patiño in Darien. The reserve was formed by the organization ANCON in 1993 and comprises 30,000 ha of ecologically important primary and secondary forest and coastal wetlands.<sup>27</sup> Threats to biodiversity in this region mainly come from outsiders seeking to take advantage of possessory rights and claim land for cattle and logging. The Punta Patiño reserve seeks to address this threat through vigilance, conservation, sustainable land management, and community education.

For a reserve of this size, costs to maintain the reserve present a challenge for ANCON. One potential solution has been the creation of a small business that utilizes the sale of coconut oil produced locally by communities within the reserve in order to gain capital. Investments were made initially from local Panamanian entity, SENACYT, and the Multilateral Investment Fund from the Interamerican Development Bank; however, the hope is that eventually the reserve will be able to sustain itself.<sup>28</sup>

While a clear impact statement is not available, ANCON communicates the following objectives for this project: improve the livelihood of local indigenous communities residing near the reserve, develop community activities based off natural capital that is sustainable, have community participation in

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<sup>24</sup> Miambiente, "Miambiente y Asociación Panameña Red de Reservas Naturales Privadas Acuerdan Promover el Ecoturismo y la Investigación" 2017, Miambiente website, <http://www.miambiente.gob.pa/index.php/es/2013-02-20-08-59-23/noticias/1283-miambiente-y-asociacion-panamena-red-de-reservas-naturales-privadas-acuerdan-promover-el-ecoturismo-y-la-investigacion>, accessed June 11, 2017

<sup>25</sup> Miambiente, "Miambiente y Asociación Panameña Red de Reservas Naturales Privadas Acuerdan Promover el Ecoturismo y la Investigación" 2017, Miambiente website, <http://www.miambiente.gob.pa/index.php/es/2013-02-20-08-59-23/noticias/1283-miambiente-y-asociacion-panamena-red-de-reservas-naturales-privadas-acuerdan-promover-el-ecoturismo-y-la-investigacion>, accessed June 11, 2017

<sup>26</sup> Red de Reservas Privadas - Panamá, "Red de Reservas Naturales Privadas," 2010, Red de Reservas Privadas - Panama Website, <http://www.reservasprivadas.org/>, accessed June 6, 2017

<sup>27</sup> Shiela Hidalgo, "Reserva Natural Privada Punta Patiño," 2016, ANCON Website, <http://www.ancon.org/reserva-natural-privada-de-punta-patino/>, accessed June 1, 2017

<sup>28</sup> Shiela Hidalgo, "ARTESAN, aceite de coco virgen orgánico," 2016, ANCON Website, <http://www.ancon.org/artesan-aceite-de-coco-virgen-organico/>, accessed June 1, 2017

management plans, improve coconut production, and reduce the occurrences of environmentally damaging activities in the area.<sup>29</sup>

#### *The Mamoní Valley Preserve, Panamá Este, Panama*

The Mamoní Valley Preserve comprises 11,500 ha, in the mountainous region east of Panama City.<sup>30</sup> The Mamoní Valley Preserve is a formally recognized nonprofit organization comprised of its association members which own over half of the land within the reserve. Groups that directly manage the land within the reserve include: Earth Train (international NGO), The Mamoní 100, Forest Finance, Ocar and Yolanda Monteza (property owners of Finca Madroño), CREA (a Panamanian/US NGO), Kaminando (NGO). While the land is conserved through pledges, ownership, and conservation easements voluntarily, land ownership in the valley varies, with some properties under formal titles and others under possessory rights.<sup>31</sup> This shows the possibility of private lands management for the outcome of conservation even when titles are not held by landholders.

The Mamoní Valley was selected for conservation due to its unique and vulnerable location. Its area borders the Chagres National Park to the west, and the southernmost border of the Guna Yala indigenous Comarca, or semi-autonomous reserve. In addition to sourcing one of the Panama province's major watersheds, it also forms a crucial biological corridor.

The preserve was also formed to address the threat of land clearing by cattle farmers and other settlers, which peaked around the year 2000 with around 30 per cent deforestation.<sup>32</sup> The preserve works to reforest and restore degraded areas along with preserving the extent of forest that remains within the reserve.

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<sup>29</sup> Shiela Hidalgo, "ARTESAN, aceite de coco virgen orgánico," 2016, ANCON Website, <http://www.ancon.org/artesan-aceite-de-coco-virgen-organico/>, accessed June 1, 2017

<sup>30</sup> Mamoní Valley Preserve, "Mamoní Valley Preserve," 2015, Mamoní Valley Preserve Panama Website, <http://www.mamonivalleypreserve.org/the-mamoni-valley-preserve/>, accessed June 26, 2017

<sup>31</sup> Mamoní Valley Preserve, "Mamoní Valley Preserve," 2015, Mamoní Valley Preserve Panama Website, <http://www.mamonivalleypreserve.org/the-mamoni-valley-preserve/>, accessed June 26, 2017

<sup>32</sup> Mamoní Valley Preserve, "The Valley," 2015, Mamoní Valley Preserve Panama Website, <http://www.mamonivalleypreserve.org/the-mamoni-valley/>, accessed June 26, 2017