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# International Outlook for Privately Protected Areas

Country Profile: PARAGUAY

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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

# PARAGUAY (República de Paraguay)

## Outlook for Privately Protected Areas

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

1. Dr. A. Alberto Yanosky F., Executive Director, Guyra Paraguay; BioCentro, Parque Ecológico Asunción Verde

### I. Country Overview

#### *Land Area*

Paraguay has a total land area of 40,680,000 hectares (ha). The Food and Agriculture Organization of the United Nations estimates that, as of 2014, 21,885,000 ha (53.8 per cent) is agricultural land.<sup>3</sup> Another 15,648,000 ha (38.4 per cent) of land is forested.

In recent years, there have been growing efforts to protect some of Paraguay's most threatened regions. Of the biodiverse Atlantic Forest spanning Brazil, Argentina, and Paraguay, just 10 per cent of the original forest remains in Paraguay<sup>4</sup>, prompting interest in conservation and restoration of this vulnerable area.<sup>5</sup>

#### *Land Ownership and Tenure*

Two categories of tenure are recognized by the Paraguayan government: state land and private land. State property includes state land that is in the public domain, and state land in the private domain. Private land includes land owned by indigenous communities, land owned by smallholder farmers, cooperative lands owned by Mennonite colonies, and land owned by individuals.<sup>6</sup>

Currently, roughly 95 per cent of Paraguay's land is privately owned.<sup>7</sup>

#### *Protected Areas in Paraguay*

Of Paraguay's total land area, 6,185,652 ha or 15.21 per cent of its national territory is protected through the *Sistema Nacional de Áreas Protegidas del Paraguay* (SINASIP; National System of Protected Areas).<sup>8</sup> (Note: The World Database on Protected Areas shows 5,747,300 ha of land – 14.3 per cent of the Country

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

<sup>4</sup> Personal communication, Alberto Yanosky, 2018.

<sup>5</sup> The World Bank. 20017. "Protecting the Atlantic Forest: Creating a Biodiversity Corridor in Eastern Paraguay," Accessed December 2017. <http://www.worldbank.org/en/results/2017/10/30/protecting-the-atlantic-forest-creating-a-biodiversity-corridor-in-eastern-paraguay>.

<sup>6</sup> Santagada, E. 2016. "Land tenure issues facing Paraguay ahead of REDD+ Implementation." World Wildlife Fund Factsheet. [https://globallandusechange.org/wp-content/uploads/2017/10/Factsheet\\_Land-tenure-issues-facing-Paraguay-ahead-of-REDD-Implementation\\_2013\\_Ezequiel-Santagada\\_IDEA.pdf](https://globallandusechange.org/wp-content/uploads/2017/10/Factsheet_Land-tenure-issues-facing-Paraguay-ahead-of-REDD-Implementation_2013_Ezequiel-Santagada_IDEA.pdf).

<sup>7</sup> Red Paraguaya de Conservación en Tierras Privadas. 2018. "Conservación Privada." Accessed September 2018. [http://www.conservacionprivadapy.org/conservacion\\_privada.html](http://www.conservacionprivadapy.org/conservacion_privada.html).

<sup>8</sup> Secretaría del Ambiente. 2016. Estrategia Nacional y Plan de Acción para la Conservación de la Biodiversidad del Paraguay 2015-2020. <https://www.cbd.int/doc/world/py/py-nbsap-v2-es.pdf>.

– protected.<sup>9</sup> Differences between statistics may be due to differences in methodologies or out of date reporting).

SINASIP was created through *Ley N° 352/94 de Áreas Protegidas* (Article 15; Law No. 352/94 of Protected Areas), which recognizes both public and private conservation initiatives.<sup>10</sup> The current structure of SINASIP has three subsystems:

1. The *Subsistema de Áreas Protegidas bajo dominio público* (Subsystem of Protected Areas under the public domain) is administered by the Secretaria del Ambiente (SEAM) and includes national parks, scientific reserves, national monuments, and ecological reserves.<sup>11</sup> They also include protected wildlife areas under special management that are state owned but may be administered by other governmental or non-governmental entities.
2. The *Subsistema de Áreas Protegidas bajo dominio privado* (Subsystem of Protected Areas under the private domain) is meant to complement the state protected areas, as Paraguay has a large percentage of land under public ownership.<sup>12</sup> (More on this below)
3. The *Subsistema Especial de Áreas Silvestres Protegidas* (Special Subsystem of Protected Wild Areas) is administered by Itaipú Binacional and under management of the Binational (Paraguay and Brazil) Entity.<sup>13</sup>

More information on the declaration of and categories of protected areas can be found in Paraguay's Protected Areas Plan (2009; Sistema Nacional de Áreas Silvestres: Plan Estratégico 2010-2015).<sup>14</sup>

According to data provided by the Directorate of Protected Areas of the SEAM for the 2016 National Biodiversity Strategy and Action Plan, the Subsystem Under Public Domain includes 42 areas covering 2,353,619 ha (6 per cent of the territory); the Subsystem Under Private Domain includes 38 areas covering 331,801 ha (1 per cent); and the Special Subsystem of the Antarctic Entities covers 58,774 ha (0.2 per cent).<sup>15</sup> In addition, there are Biosphere Reserves and RAMSAR Sites.

## II. Law and Policy for Private Land Conservation

### *Private Protected Areas*

Paraguay has had private protected areas since 1991, when the Mbaracayú Forest Nature Reserve was established through law. As discussed in the previous section, private nature reserves have been included

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<sup>9</sup> UNEP-WCMC. 2018. "Protected Area Profile for Paraguay from the World Database of Protected Areas." Accessed September 2018. <https://www.protectedplanet.net/country/PRY>.

<sup>10</sup> El Congreso de la Nación Paraguaya. 1994. *Ley N° 352/94 de Áreas Protegidas*. <https://www.legal-atlas.net/sites/default/files/law/3233-SPA.pdf>.

<sup>11</sup> Secretaria del Ambiente. 2009. Sistema Nacional de Áreas Silvestres: Plan Estratégico 2010-2015. Asunción, Paraguay: Secretaría del Ambiente. P. 58. [http://archivo.seam.gov.py/sites/default/files/documento\\_de\\_proceso\\_sinasip.pdf](http://archivo.seam.gov.py/sites/default/files/documento_de_proceso_sinasip.pdf).

<sup>12</sup> Ibid..

<sup>13</sup> Ibid..

<sup>14</sup> Ibid..

<sup>15</sup> Secretaria del Ambiente, 2016.

formally in the country's National System of Protected Areas (SINISAP) since it was formed in 1994, through Law 352/94 (see Articles 26-30).<sup>16</sup>

The *Red Paraguaya de Conservación en Tierras Privadas* (The Paraguayan Network of Conservation in Private Lands) exists to promote and strengthen private conservation in Paraguay.<sup>17</sup> Members of the network include owners of private conservation areas (Private Reserve, Environmental Servitude or other private conservation figure), NGOs that own or manage private conservation areas, and private landowners who do not have formal conservation area but adhere to the principles of the network. This entity keeps a database of existing and potential private land conservation projects.

The latest information from Red Paraguay (early 2018) shows 17 conservation areas under private domain, with varying lengths of protection, and two environmental easements, as well as 16 private protected areas in progress.<sup>18</sup> As of August 2018, approximately 187,000 ha across 36 properties were under private conservation, with 12 additional properties in progress.<sup>19</sup>

### *Natural Reserves*

Article 26 of SEAM Resolution No. 200/01 defines the management category of Natural Reserves as "those natural areas that settle on privately owned properties have samples of ecosystems considered important for the conservation of the biodiversity and that at the same time they are appropriate for carrying out production activities in a sustainable manner."<sup>20</sup> They are recognized by Law 352/94.

These reserves are voluntarily designated by landowners, who may be individuals, an organization, foundation, private company, or indigenous group, as long as they have legal title to the land. The creation of each private nature reserve is enabled through a specific law or decree. In order to alleviate landowner concerns, designations are for a period of 5-20 years, although the landowner must express willingness to remain within the system. Landowners who wish to protect their land in perpetuity are also able to do so. Following establishment of the reserves, protected status is inscribed in public registry, ensuring the continuation of the protected status even in the event of sale of the property.<sup>21</sup>

Non-governmental organizations (NGOs) have been responsible for some of the most significant purchases and acquisitions of areas designated for conservation purposes in Paraguay. The Nature Conservancy (TNC) was the first NGO to create a private nature reserve in Paraguay through the purchase of lands for the establishment of the Mbaracayú Nature Reserve, 64,405 ha of forest in eastern

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<sup>16</sup> El Congreso de la Nación Paraguaya. 1994. *Ley N° 352/94 de Áreas Protegidas*. Articles 26-30.

<sup>17</sup> Red Paraguaya de Conservación en Tierras Privadas. 2018. "Quiénes Somos." Accessed September 2018. [http://www.conservacionprivadapy.org/quienes\\_somos.html](http://www.conservacionprivadapy.org/quienes_somos.html).

<sup>18</sup> Red Paraguaya de Conservación en Tierras Privadas. 2018. "Áreas Silvestres Protegidas Bajo Dominio Privado." Accessed September 2018. [http://www.conservacionprivadapy.org/asap\\_priv.html](http://www.conservacionprivadapy.org/asap_priv.html)

Red Paraguaya de Conservación en Tierras Privadas. 2018. "Áreas Silvestres Protegidas En Proceso." Accessed September 2018. [http://www.conservacionprivadapy.org/asap\\_proceso.html](http://www.conservacionprivadapy.org/asap_proceso.html).

<sup>19</sup> Alberto Yanosky, personal communication, August 12, 2018.

<sup>20</sup> Red Paraguaya de Conservación en Tierras Privadas. 2018. "Figuras de Conservación reconocidas a nivel nacional." Accessed September 2018. <http://www.conservacionprivadapy.org/figuras.html>. Author's translation.

<sup>21</sup> Ibid.

Paraguay.<sup>22</sup> TNC created two NGOs: the Fundación Mbaracayú, which owns the land, and the Fundación Moisés Bertoni (FMB), which is responsible for the reserve's management.<sup>23</sup>

Other NGOs have also made significant purchases of lands to form reserves. The Paraguayan nonprofit organization Guyra Paraguay purchased more than 7,000 ha of lands formerly under private individual ownership within the already declared Reserved Area for National Park (also understood as San Rafael Managed Resources Reserve).<sup>24</sup> Guyra Paraguay donated 500 ha to the Government for the establishment of the first public area towards the creation of the National Park.<sup>25</sup>

#### *Environmental Easements*

Environmental easements (*servidumbres ambientales*) in Paraguay are civil agreements that can be formed between neighboring properties, establishing a voluntary contract of approved activities that may take place on lands for an established period of time. Contracts have a minimum period of five years and must be registered in the Property Registry, which obligates future owners of the land.<sup>26</sup>

Easements were adapted to protect private land were initiated in 2000 by a coalition of 4 Paraguayan conservation organizations called the Natural Lands Trust (now NATURAL) in the San Rafael Managed Resources Reserve, where about 10 easements have been created.<sup>27</sup> According to Red Paraguay, there are two environmental easements currently in place.<sup>28</sup>

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

Paraguay's NBSAP (2016), submitted to the Convention on Biological Diversity, includes private protected areas in the strategy to meet the Country's goal of protecting 17 per cent of the terrestrial territory. In addition to establishing privately protected areas, the strategy also calls for those private areas that have already been declared to renew their term of conservation. To help make this happen, there is a proposed action that calls for the identification and implementation of incentives that promote establishment and maintenance of public and private protected areas.<sup>29</sup>

### **III. Financial Incentives for Private Land Conservation**

#### *Tax Incentives*

According to Law 352/94, areas designated as private nature reserves under the law are exempt from rural land taxes: "The Reserve Areas declared to date and the Protected Wild Areas under private ownership declared in accordance with the stipulations of Article 26, shall be exempt from the payment of the real estate tax and any substitute or additional tax that will be created on the property of the rural property. The foregoing will be conditioned by the respective regulations" (Law 352/94 of Wild Protected

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<sup>22</sup> Swift, Byron and Susan Bass. 2003. "Paraguay." In *Legal Tools and Incentives for Private Lands Conservation in Latin America: Building Models for Success*, 161-166. Washington, D.C.: Environmental Law Institute. P. 163. [https://issuu.com/conservamospornaturaleza/docs/private\\_lands](https://issuu.com/conservamospornaturaleza/docs/private_lands).

<sup>23</sup> Alberto Yanosky, personal communication, August 12, 2018.

<sup>24</sup> Swift and Bass, 2003. p. 163

<sup>25</sup> Alberto Yanosky, personal communication, August 12, 2018

<sup>26</sup> Red Paraguaya de Conservación en Tierras Privadas. 2018. "Figuras de conservación reconocidas al nivel nacional."

<sup>27</sup> Swift and Bass, 2003. P. 164.

<sup>28</sup> Red Paraguaya de Conservación en Tierras Privadas. 2018. "Áreas Silvestres Protegidas Bajo Dominio Privado."

<sup>29</sup> Secretaria del Ambiente. 2016. P. 95.

Areas, Article 56).<sup>30</sup> The Agrarian Statute, through Law 1863/01, also recognizes wild areas protected under private domain (Article 5).

However, land taxes in Paraguay are low and infrequently enforced or paid; therefore, this incentive does not tend to be a strong motivator for conservation.<sup>31</sup>

#### *Payments for Ecosystem Services*

Paraguay has developed legislation that further attempts to promote private lands conservation through the establishment of payments for ecosystem services. SEAM implemented a system of fixed prices for environmental certificates, which vary in price based on the region of their origin, ranging from USD 154 to USD 885 per hectare.<sup>32</sup> This has encouraged landowners to participate in private land conservation as exemplified through the case of the San Rafael region in the case study at the end of this profile.

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

### *Governmental Organizations*

- *Secretaría del Ambiente* (SEAM) works under the guidance of the National Development Plan of Paraguay<sup>33</sup> and serves as the government entity overseeing and administering natural resource management projects, including SINASIP, managed through the office of National Parks and Wildlife.<sup>34</sup>
- The *Sistema Nacional de Áreas Protegidas del Paraguay* (SINASIP; National Protected Areas System) is the agency responsible for the management of public protected areas and Managed Resource Reserves, within which privately protected areas fall.<sup>35</sup>

### *Non-governmental Organizations*

- The *Fundación Moisés Bertoni* is a non-profit association that advances sustainable development, as well as manages and creates private reserves.<sup>36</sup>
- The *Red Paraguaya de Conservación en Tierras Privadas* (Paraguayan Private Land Conservation Network) is comprised of private land owners engaging in conservation either through the designation of private nature reserves or through the involvement in activities to further conservation goals.<sup>37</sup> Through connecting landowners with each other along with outside institutions, the network serves as a resource for those engaged in private lands conservation.
- *Guyra Paraguay* is a biodiversity research and conservation institute. Guyra has identified the key conservation areas for Paraguay (Important Bird Areas / Key Biodiversity Areas) with a total of 57 in the Country, many of them privately-owned. Guyra also purchased lands for conservation and currently owns five conservation sites, made up of more than 20 properties, three of them in

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<sup>30</sup> El Congreso de la Nación Paraguaya. 1994. *Ley N° 352/94 de Áreas Protegidas* Red Paraguaya de Conservación en Tierras Privadas. 2018. "Incentivos." Accessed September 2018. <http://www.conservacionprivadapy.org/incentivos.html>. Author's translation.

<sup>31</sup> Red Paraguaya de Conservación en Tierras Privadas. 2018. "Incentivos."

<sup>32</sup> Ponte, E. D., C. Kuenzer, A. Parker, O. Rodas, N. Oppelt, and M. Fleckenstein. 2017. "Forest cover loss in Paraguay and perception of ecosystem services: A case study of the Upper Parana Forest." *Ecosystem Services*, 24: 200-212. doi:10.1016/j.ecoser.2017.03.009

<sup>33</sup> Secretaría del Ambiente. 2014. "La SEAM." Accessed January 2018. <http://www.seam.gov.py/la-seam>.

<sup>34</sup> Fundación Moisés Bertoni. 2000. "Programa de Apoyo a Iniciativas Privadas de Conservación - Una Revisión de 10 años de Experiencia." Accessed January 2018. [http://www.parquesparachile.cl/leg\\_para.pdf](http://www.parquesparachile.cl/leg_para.pdf).

<sup>35</sup> See their website: [www.seam.gov.py/areas-tematicas/biodiversidad/areas-silvestres-protegidas/sinasip/](http://www.seam.gov.py/areas-tematicas/biodiversidad/areas-silvestres-protegidas/sinasip/)

<sup>36</sup> See their website: <https://www.mbertoni.org.py/>.

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

socio-environmental condominium with indigenous people and one of them secured in perpetuity through a REDD+ project in the voluntary market. Guyra has also created the first private transboundary conservation site with its partner in Bolivia, PROMETA.<sup>38</sup>

## V. Case Studies

### *Ypetí Nature Reserve*

The Atlantic Forest of Alto Paraná is a key location of concern for the Paraguayan government and conservation organizations due to its vulnerability and threatened resources.<sup>39</sup> The Ypetí Nature Reserve was established as a model reserve to address such threats in the region.

The reserve covers 13,592 ha and combines a variety of management activities, such as scientific investigation and tourism.<sup>40</sup> During its initial creation, property owners of the Golondrina Estate collaborated with the Moisés Bertoni Foundation and government officials to conduct ecosystem studies to assess the characteristics of the property and its potential as a private reserve.<sup>41</sup> After roughly 10 years of investigations, preparations, and elaborations of management plans, the reserve was formally declared through national legislation in 2003, thus establishing its legal protection. Despite the length of time it took to formalize the protected area status of the Ypetí Nature Reserve, it stands as an example of successful and purposeful collaboration between landowners, national government, and non-governmental supporting organizations.

### *Payments for Ecosystem Services in La Amistad, San Rafael*

Marked by its importance in protecting endemic bird species within the region, efforts have been made to involve local communities in the San Rafael region of the Atlantic Forest.

Developed and implemented by Guyra Paraguay, with the support of World Land Trust and financial contribution from a private company, this project seeks to incentivize farmers from the community of La Amistad, located within San Rafael, to voluntarily conserve sections of forest on their lands.<sup>42</sup> In exchange for land conserved, landowners receive ecosystem services certificates that grant them 75 per cent of the value of the land, while reserving 25 per cent of the value to support them in securing legal title to their lands.<sup>43</sup>

Through providing support to local community members living within vulnerable areas, such as La Amistad, voluntary participation can be encouraged to promote lasting public interest and involvement in national conservation priorities.

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<sup>38</sup> Alberto Yanosky, personal communication, August 12, 2018.

See their website: <http://guyra.org.py/>.

<sup>39</sup> The World Bank. 2017. "Protecting the Atlantic Forest: Creating a Biodiversity Corridor in Eastern Paraguay." Accessed December 2017. <http://www.worldbank.org/en/results/2017/10/30/protecting-the-atlantic-forest-creating-a-biodiversity-corridor-in-eastern-paraguay>.

<sup>40</sup> Macedo, Ana Maria and Janet Villalba. 2011. Plan De Manejo Reserva Natural Ypetí, Periodo 2011-2016. <http://www.payco.com.py/Plan%20de%20manejo%20Reserva%20Ypeti%202011-2016.pdf>.

<sup>41</sup> Ibid.

<sup>42</sup> World Land Trust. 2015. "Paraguay Forest Conservation Project." Accessed January 2018. <http://www.worldlandtrust.org/eco-services/redd-plus/paraguay-forest-project>.

<sup>43</sup> Ibid.