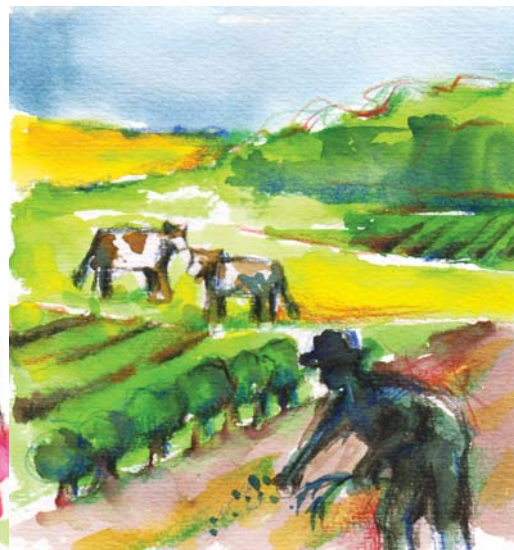


TEN STEPS TO CREATE PRIVATE RESERVES,
CONSERVATION EASEMENTS AND
CONSERVATION TRUSTS

MANUAL FOR LANDOWNERS

CARLOS M. CHACÓN



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P ROLOGUE

Panama is a country with one of the highest levels of plant and animal diversity in the world. Over the years, the government, through the work of the National Environment Authority (ANAM) and civil society, has succeeded in setting aside 32.5 % of the country in the National System of Protected Areas (SINAP or “Sistema Nacional de Áreas Protegidas” in Spanish), which includes 50 protected areas in different management categories. Some of these areas are in private hands and for this reason, it is important to work with their owners to ensure sustainable use and conservation activities. Similarly, there are key natural sites outside of SINAP that are in private ownership. For these reasons, working with landowners is very important for the future of biodiversity and for the sustainable development of the country.

At the same time, business people and landowners are demonstrating increasing interest in implementing conservation activities. In some cases, this interest is linked to the parallel implementation of agricultural, industrial, tourism or ranching activities, while in other cases, it is merely a question of people interested in conservation. Some of these landowners have been creating so-called “private reserves” which are, basically, pieces of land in which the landowner has decided to conserve some or all of the existing natural areas for a specific period of time. The contribution of these “reserves” to national conservation goals varies depending on their location, biophysical characteristics, size and the activities being undertaken on the pieces of land. However, all contribute to maintaining and increasing the environmental services generated by the conservation of natural sites, such as protection of water sources and wildlife species, prevention of erosion, maintenance of plants for medicinal or commercial uses, carbon fixation and others.

For these reasons, conservation groups like The Nature Conservancy, the Network of Private Nature Reserves and others are interesting in supporting and further promoting the development of conservation programs on private lands. One way of doing this is through the publication of this Manual for Landowners, which provides a simple explanation of the ten recommended steps for creating Private Reserves, Conservation Easements and Conservation Trusts in Panama.

There remains much to be done in this field, and this Manual is but one small contribution to this process. We hope that it will be used by private landowners and will become a useful input for the future development of regulations and incentives for private conservation in the country and thus further support sustainable development in Panama and an improved standard of living for all.

EXECUTIVE SUMMARY

The process of protecting private lands is very simple. A recipe or “steps” are not needed for doing so. What is indispensable is the wish to conserve all or part of your land and going through with it. However, since this is an effort aimed at producing national environmental benefits, it is recommended that certain technical elements be taken into account when conserving private lands. This manual specifically attempts to provide guidance to landowners who are interested in protecting their land.

The first four steps described in this manual analyze technical elements of your land. Step 1 is designed to help you better understand the physical and biological characteristics of your land. Similarly, Step 2, attempts to help you understand what your land is most suited for, keeping in mind that there are usually various different areas present. Some areas are good for growing crops, others for cattle ranching and others are good for conservation. Step 3 suggests that you analyze this technical information and decide what you would like to “see” on your piece of land in the future, in other words, define your use and conservation plan. Finally, this technical process concludes with Step 4, with the development of a management plan for your land.

The next steps describe more formal processes, such as deciding the time period for which you would like to create a reserve (Step 5), verifying the land ownership situation and analyzing whether you would like to continue to be the landowner or not (Step 6). Once these steps are completed, you will need to analyze the three proposed options for the formalization of your reserve (Step 7).

- Private nature reserve
- Conservation easement
- Conservation trust

Each of these options can be established following a few steps and requirements described in this manual (Step 8). Step 9 examines the need to consider the way in which the existence of the reserve and the achievement of the established conservation objectives will be verified periodically.

The manual concludes with the most important step: enjoying your private reserve and all the benefits it will bring to you and the country.

In order to collaborate with the process of protecting private lands in Panama, the contact details of the Network of Private Nature Reserves in Panama are provided at the end of the manual. This network, together with other groups and in coordination with ANAM authorities, would be pleased to help you protect your land and thus maximize the benefits generated.

I NTRODUCTION

Your piece of land is very special. Perhaps you were raised on it and many of the most pleasant moments of your life are associated with these trees, pastures, crops, rivers, mountains or hills where you played and felt happy when you were younger. For other landowners, their land has provided their livelihood, their source of food and water, that which has enabled them to carry out productive economic activities to obtain additional income and achieve personal goals. For other people, their land is a dream... a plan. It is something that is part of their future. It is the opportunity to realize a vision that will bring you and your family satisfaction.

Now... for all landowners, there is one very important question: **what would you like to do with your land?** Do you plan to use it for agricultural, cattle ranching or tourism activities or for a residential development? And another question... **have you thought of conserving all or part of your land for the purpose of continuing to enjoy the natural riches you currently take so much pleasure in, in the future?** If you have, this manual will explain some of the options you have and steps to follow to do so.

Why conserve?

At the global level, Panama is a privileged country. The country, with a size of little over 75,000 kilometers squared, has one of the greatest varieties of plant species in the world. Similarly, as a result of the richness of animals, it is one of the sites of greatest biodiversity on the planet. Its forests, rivers, oceans and beaches not only give life to this rich flora and fauna, but also provide multiple services to all residents of the country and, even internationally. To mention only one example, the most well known contribution of the Panamanian forests and natural landscapes is the water that is so necessary for human consumption, production and the functioning of the Panama Canal system.

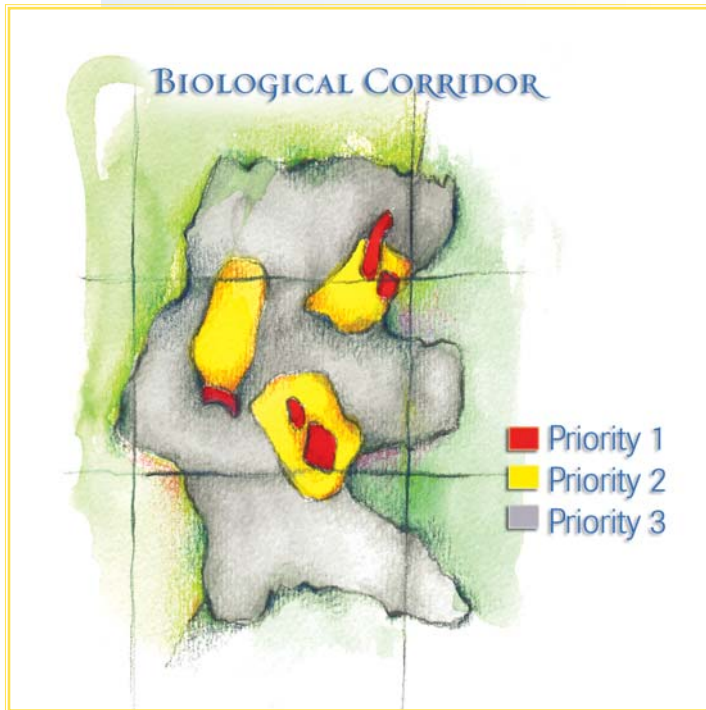
From the national point of view, Panama's natural riches exist thanks to the efforts of people across the country who, over the years, have made the decision to conserve natural sites. In the official protected areas, the work was primarily undertaken with the vital participation of ANAM, environmental groups and communities. In other occasions, private landowners and business people have taken leadership in protecting the natural riches. Now, if we look to the future, the goal of protecting the country's key natural sites will only be achieved through a combination of public and private efforts.

Moreover, in the local context, the conservation of natural resources is very important, because every piece of land forms part of the natural system which produces a variety of services we all depend on each day. The water we drink, the air we breathe, some of the foods we eat, the medicines that cure us or the cosmetics we use, the climate we enjoy, the space we seek in order to rest and others, are all examples of the services nature provides. We conserve so we can continue to enjoy what nature provides us every day and better our quality of life. Furthermore, we conserve to maintain the sentimental and spiritual value that we give to these special sites.

Prioritizing: Is it important to protect all private lands?

Every piece of land is different. Its size, location, current use and past activities are different. Every piece of land forms part of a system in which it plays a role. **The importance of protecting a piece of land depends on many variables, but first it is important to be clear about the purpose or objective of conservation: What do we want to conserve? What is our goal?** Is it to conserve certain species of birds, a particular mammal or an endangered plant? Or rather the desire to conserve water for human consumption? Or do we wish to control erosion in a specific area

in order to avoid landslides or other natural disasters? Is the goal a set of representative plants and animals? In summary, whether or not a piece of land is important to conserve will depend on the goal, since some pieces of land may be very important for a certain goal, while they may have not be as important for other goals. Similarly, the goal will determine the actions that will contribute to protecting the land and promoting its sustainable use.

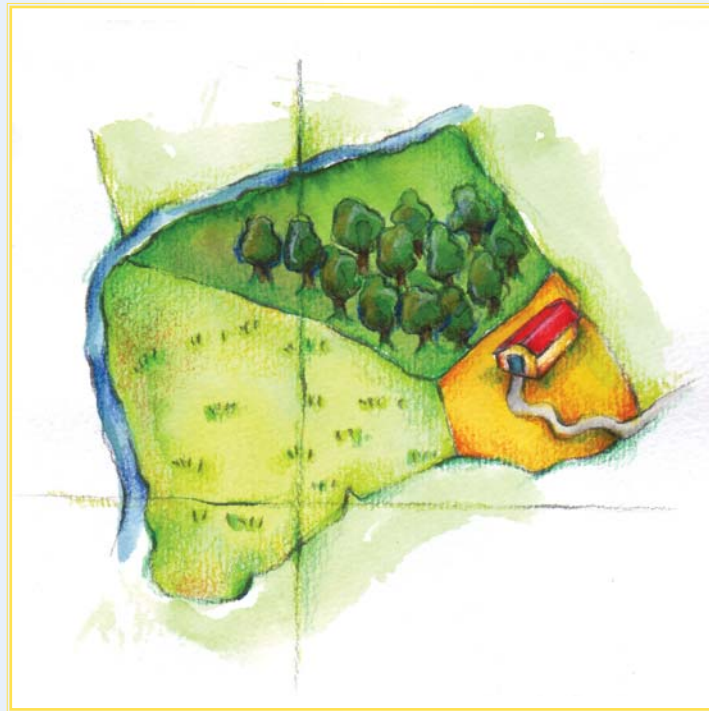


Within this framework, it is therefore important to understand that governments, environmental groups and communities must establish priorities. It will not be possible for them to work on all sites at the same time, since resources are always limited. As a result, joint decisions are made to select and begin work in the sites that are considered most relevant for the agreed upon objective and then work on the remaining pieces of land. Of course, opportunity criteria must also be appraised, such as the level of interest and the ease or difficulty of carrying out conservation activities in some sites.

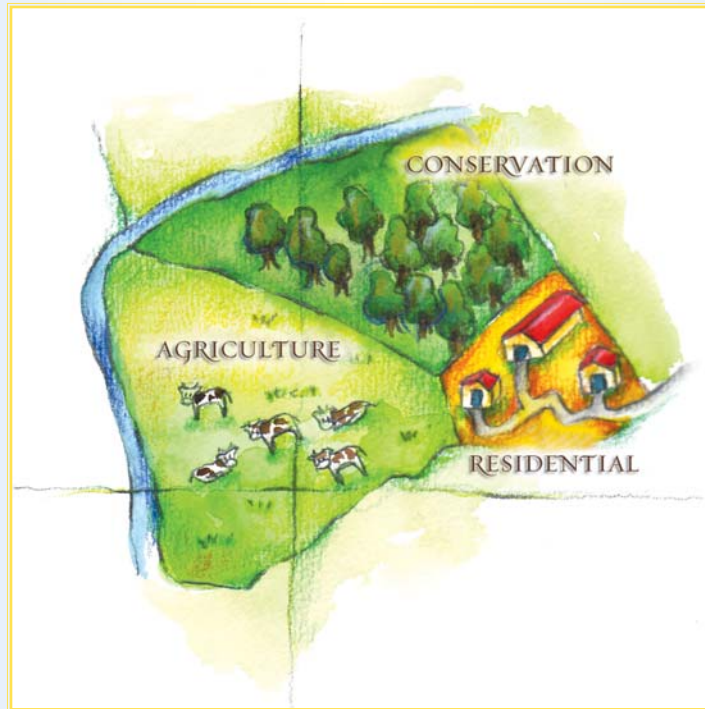
Based on consideration of these points, the next sections will explain the steps to take to protect a private piece of land. The point is not to provide a specific list of steps to follow one by one. It is about a providing a group of recommendations to protect private pieces of land in such a way as to increase their contribution to national conservation goals and to achieve sustainable use. Remember that every piece of land and every landowner is different; therefore, every step must be evaluated, based on the specific characteristics of your own piece of land, your conservation objective and what you wish to do.

STEP 1: FAMILIARIZE YOURSELF WITH YOUR PLOT OF LAND: BASELINE ANALYSIS

Before you are ready to make a decision about your property, you must first be very familiar with it. Do you know your piece of land well? Do you know how much land you really have or what are the current types of uses? Do you know what types of forests and hydrological riches you have on your piece of land? Which areas are currently being used or conserved and what is their size? Usually, landowners manage this information in their heads in a very informal fashion. However, to make well-founded decisions about the future use and conservation of your piece of land, **the first step is to obtain the technical information which clarifies what can be found on your piece of land.** This is similar to taking a photograph of your piece of land so as to know what can be found on it. This basic information is known as the baseline, since it forms the basis upon which you may construct your vision about the future use of your piece of land. Normally, baseline information is presented in a technical report, maps and photographs that detail the current use of the land, and include a description of the existing infrastructure.



STEP 2: PLAN THE USE OF YOUR LAND

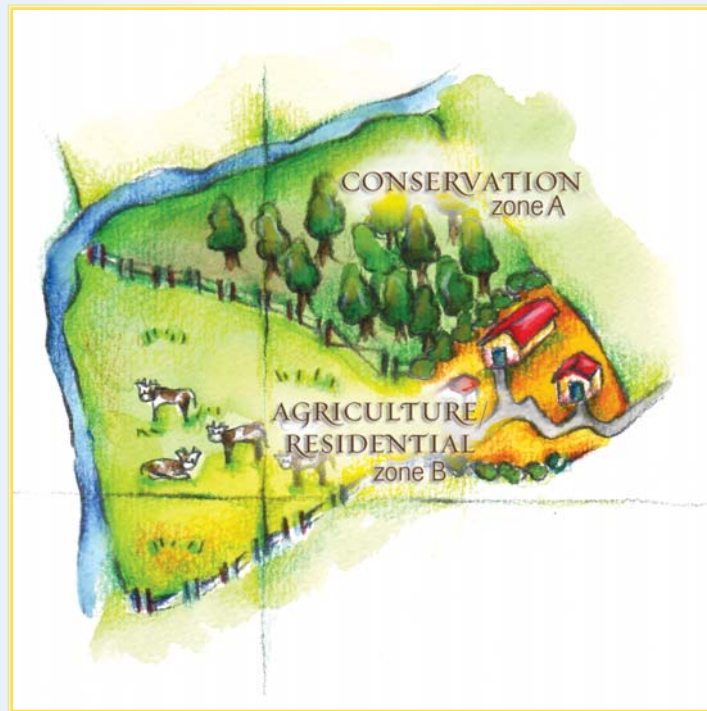


Now that you have completed Step 1, you know what your plot of land contains. At this time, you may be interested in knowing what uses and conservation activities can be carried out on this piece of land in a sustainable manner. In many cases, landowners are interested in a mixture of uses and conservation, but they may not be sure what is most recommended and where each activity should be undertaken. Should a house be built beside this river? Is the hillside region the most appropriate for the ecotourism project you are so interested in? Where should crops be planted and where should the land be conserved? In sum, with the support of trained technical staff, you can obtain a clear panorama that will help you to make decisions about the future use of your land. Usually, this information can be viewed clearly in land use planning maps of your property.

STEP 3: DEFINE YOUR VISION FOR FUTURE USE AND CONSERVATION

This is the final step in the technical process. You already know what you have on your land (Step 1) and the activities that can be carried out sustainably (Step 2). So... what do you really want to do with your property? Which areas do you want to use and in what manner? Which areas do you want to conserve? This can be shown on a map of your land which establishes the zones that you have defined; you may even demarcate these zones in the field with fences, trees, land marks or other natural or constructed boundaries.

Obviously, the objective of defining these zones is so that you and those who use or visit the piece of land will be familiar with, and respect, the different zones. For this reason, it is recommended that you explain the zones to everyone, to ensure a clear understanding of the activities that can be carried out in each zone and the limits that you have established.



STEP 4:

CREATE A MANAGEMENT PLAN FOR YOUR LAND

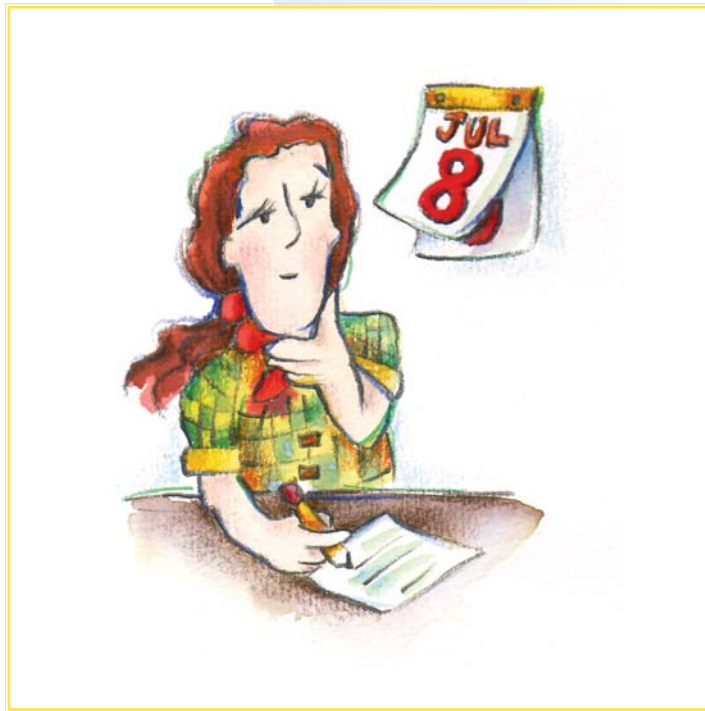
Once the previous steps are completed, the development of a **management plan** for your Reserve is recommended. There are different formats for this type of plan, but its basic structure is as follows:

- Define the conservation objectives.
- Describe the current use of the land (Step 1).
- Explain the results of the land use planning process (Step 2).
- Provide the agreed upon zoning or future use plan (Step 3).
- Describe the threats and the ways to reduce these.
- Indicate the permitted and prohibited activities in each zone.
- Describe the Control and Protection activities and those responsible for implementing them.
- Explain the procedure to periodically revise and evaluate fulfillment of the plan and the conservation objectives.

The management plan should be prepared by a trained professional who can help guide you in the fulfillment of the conservation objectives and the realization of your vision for the land. These plans can be developed for different time periods and should be revised periodically to update them.

STEP 5: DECIDE ON THE TIME PERIOD

The time has come for you to decide on the term or time period for which you would like to maintain your reserve. For example, how long would you like the conservation area you are defining to be maintained? Indefinitely or for a few years? Depending on your answer to this question, there are different legal forms to establish **voluntary conservation commitments**. Some of these allow you to define once and for all the conservation zones and future use of your land. Other agreements are more temporary and allow you to define a specific time period or even leave it open without an established time period. However, the important point of this step is for you to consider and decide upon a time period. Based on this decision, the agreement that is most consistent with your interests can be selected.



STEP 6:

WHAT IS THE CURRENT SITUATION WITH RESPECT TO THE TENANCY OF YOUR LAND?

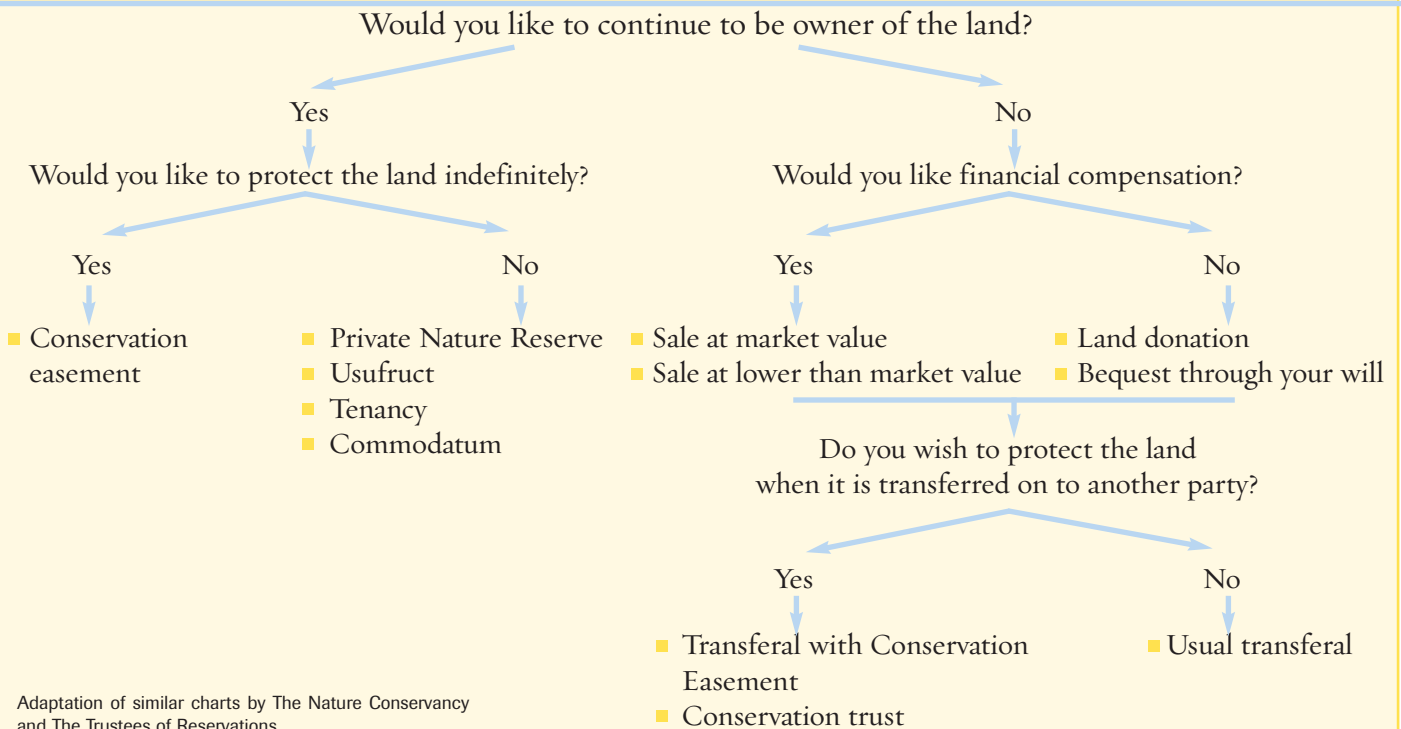
Before continuing, it is very important that you are very clear on your current and future relationship with the piece of land you are interested in protecting today. Are you:

- The landowner
- Co-owner (that is, you are one of various owners)
- Tenant or usufructuary
- Squatter (with squatter's rights)

Depending on the situation, there are different options for formalizing your conservation commitment. This manual presumes that you are the owner of the land.

Looking to the future, the following figure shows the different paths available to formalize your conservation commitment, depending on whether you would like to continue to be owner of the land. Please review each question and select the path you are most interested in.

DEFINING A PATH FOR THE PROTECTION OF YOUR LAND



Adaptation of similar charts by The Nature Conservancy and The Trustees of Reservations.

STEP 7:

ANALYZE THE OPTIONS FOR FORMALIZING YOUR CONSERVATION COMMITMENT

As can be seen in the previous figure, there are several legal forms of protecting private land in Panama in a voluntary manner. These include:

- Private nature reserves
- Conservation easements
- Conservation trusts
- Conservation usufructs or leases
- Conservation commodata

These are all **voluntary** agreements in which the landowner has decided to conserve all or part of his/her land based on certain commitments for a specific period of time.

In this sense, it is important to remember that as landowner, you have many rights that you may or may not exercise during this time, obviously while respecting existing laws. These rights can be envisioned as the branches of a tree. You are the owner of the tree and each branch represents one of your rights, such as the right to:

- Plants crops
- Carry out cattle ranching
- Cut trees and plants
- Hunt
- Fish
- Build paths, houses or buildings
- Carry out mining activities

Taking this into consideration, you also have the right NOT to exercise these rights. For example, you may decide not to cut the forest, not to plant crops or not to hunt. You can make this decision for a specific period of time or, if you wish, for always.



Some of the most common commitments to which landowners agree for the **conservation zones** on their properties are:

- Not cutting the existing trees or the forest
- Not hunting or fishing
- Not building paths, houses or other types of infrastructure or only building a certain number of them in specific zones of the land
- Not depositing waste or garbage on the land
- Not using agrochemicals
- Not having exotic or non-native plants in the area

Every one of these commitments is agreed upon **VOLUNTARILY** by the landowner, taking into account the baseline information previously mentioned and the future use and conservation zones that the landowner wishes to establish.

Since legal commitments are involved, it is very important to stress that the landowner should, at all times, consult a trusted lawyer to fully understand the possible legal implications of the agreement he/she decides to make.

STEP 8:

PROCEED TO CREATE A NATURE RESERVE, A CONSERVATION EASEMENT OR A CONSERVATION TRUST

Of the different private conservation options in Panama, this Manual will focus on 3:

- Private Reserves,
- Conservation Easements, and;
- Conservation Trusts.

There are differences between these three options that are important to understand. The following table explains the most basic differences. However, it is recommended that you consult people you trust and your lawyer about these options and the differences between them, so that you can make the most appropriate decision about which is best for you.

OPTIONS	ACTORS	OWNERSHIP OF PROPERTY	TIME PERIOD
Private Reserve	Landowner and Network of Reserves	Property does not change owners	Minimum of 10 years
Conservation easement	2 owners. Also could be one landowner and one environmental organization or the Government	Property does not change owners	Can be set up for a specific time period or for always
Conservation trust	1 landowner and one land administrator (could be neighbor, bank, NGO or government)	The property will belong to the administrator under the rules of the trust	Can be set up for a specific time period or for always

Of these options, the Private Reserve is recommended for those landowners who would like to retain ownership of their land and are interested in formalizing their commitment to conservation but have **not** yet defined a specific time period or the time period is short.

On the other hand, the conservation easement is recommended for those cases when the landowner wishes to remain owner but is concerned about the future and therefore wants to establish a conservation agreement that will remain effective over time. This is an agreement that is also excellent for those cases where the landowner is thinking of selling, donating or in general transferring the property to other owners and would like the property to continue to be conserved by the new owner.

Finally, the trust is excellent for those cases when the landowner does not wish to continue to bear the responsibility of managing and caring for the land, but prefers to hand over the administration of the land to another person or organization so they will conserve it. In this case, the property changes owners with the ownership passing to the fiduciary, which could be an environmental organization, for the time period for which the trust has been established.

The next section will describe the steps to establish each of these private conservation options.

STEPS TO CREATE A PRIVATE NATURE RESERVE

ARTICLE 68 OF THE GENERAL LAW OF THE ENVIRONMENT OF THE REPUBLIC OF PANAMA (LAW 41)

“The State will stimulate the creation of protected areas on private lands, through a system of fiscal incentives and market mechanisms, such as credits that can be exchanged for reforestation with native species, sustainable development rights and payments for environmental services that provide national and global benefits.”

a simple process in place to register your private reserve in the Network. The next section explains the steps to follow to do so and thus obtain the recognition of the Network.

WHAT IS A PRIVATE NATURE RESERVE?

According to the Network of Private Nature Reserves, this is any property that includes, at least in part, natural areas, and whose owner preserves or sustainably uses these areas and ensures their conservation. The natural areas include secondary forests, natural forests being managed sustainably, and forests planted exclusively with native species in order to increase biodiversity, paramos and wetlands (including mangroves, lagoons, rivers, coasts and estuaries).

In Panama, although General Law 41 of the Environment indicates that the State will stimulate the creation of protected areas on private lands, ANAM has not yet put in place the necessary regulations to establish the requirements and steps to follow so that private reserves can be recognized as such by the State. However, the Network of Private Nature Reserves has

The process of affiliation with the Network:

1. Fill out a Technical Form about the Reserve which is found in the annexes of this manual. This includes basic information about the reserve, such as its natural characteristics, location, size etc.
2. Sign the Declaration of Intent to Conserve in which you commit to conserving no less than two hectares for a minimum of 10 years.
3. Pay the registration and annual fees, based on the number of hectares being registered:

Área	Registration fee B/.	Annual Fee B/.
2 Ha - 100 Ha	100.00	75.00
101 Ha - 500 Ha	200.00	75.00
Over 500 Ha	300.00	75.00

4. Schedule the first visit to the site you wish to register.
5. Present a photocopy of the documents of ownership or land tenancy and a map of the piece of land.

After completing this process, your reserve will be officially recognized by the Network. In this way, you will be part of a group that shares your interests and will obtain the benefits of affiliation.

STEPS TO CREATE A CONSERVATION EASEMENT

WHAT IS AN EASEMENT?

Article 513 and those that follow in the Civil Code regulate easements and provide the legal framework for conservation easements as a type of voluntary easement. Easements are defined as a “an encumbrance imposed on a property to benefit another belonging to a different owner. The property in whose benefit the easement has been created is called the dominant estate, the one that suffers, the servient estate.”

A conservation easement is a contract in which a landowner agrees with another owner, in a voluntary fashion, to refrain from carrying out certain specific activities for the purpose of conserving nature for the benefit of his/her property and the benefit of the other property. It is a contract that is registered on the property title in the Public Registry and it can be established for always or for a specific period of time.

Conservation easements can be created simply whenever two landowners agree to certain restrictions on use for at least one of the properties in order to benefit the other property. A lawyer prepares the contract and the parties sign it. After bringing it to a notary to issue a public deed, the owner presents it to the Public Registry for its registration on the property title of both properties and thus establishes a conservation easement.

In order to increase the conservation value of the conservation easements, it is recommended that the following steps be followed:



1. Identify the owners of the pieces of land

As indicated in the definition of a conservation easement, according to the Civil Code, this type of contract requires the involvement of at least two properties and their respective owners (who must be different). The legal basis of this requirement is that one piece of land will have limited use (for example, the piece of land in which forest will not be cut down so that quetzals can continue to inhabit it and fly from it to other neighboring properties) which enables another piece of land to benefit (the piece of land that the quetzals visit). Therefore, the first step is to identify the two properties whose owners are interested in creating a conservation easement. Sometimes these contracts are made between two neighbors, and on other occasions, they are made between one landowner and the land of an environmental NGO or the government. It is almost always recommended that one of the owners be a qualified conservation organization.

2. Define the purpose of the CE

What is the objective of the conservation easement? This is the most important element of the future agreement. A good conservation easement has a clear purpose and the permitted and prohibited activities on the land must be related to this purpose. For example, as mentioned previously, an objective could be conserving the quetzal by maintaining the forest in which it feeds, lives and reproduces or it could be something more general such as conserving the natural forest of the Volcán Barú zone in Chiriquí. The important point is that the owners define the purpose of the contract clearly from the beginning.

3. Carry out a technical analysis of the baseline, land use planning and decide about the future use of the two properties or of one of them.

This was already explained in the previously mentioned Steps 1, 2, 3 and 4. It is very important to carry out these steps in order to have a high quality conservation easement that better contributes to the conservation of the natural resources of Panama. This information is key to the design of a good agreement and to subsequently control and monitor compliance with the objectives of the contract. For these reasons, these four steps must be followed.

4. Legal analysis of land title

The legal component begins with a revision of the property titles of the pieces of land that will be part of the conservation easement contract. It is important to verify that the parties are in effect the owners of the pieces of land, either through a personal title or as a representative of a company, association etc. In addition, you need to verify that the properties do not have any legal impediment to establish a conservation easement contract, such as annotated documents that have not been registered or other encumbrances that may limit the sought-after conservation objectives. A qualified lawyer should review the property titles and provide an opinion about the legal viability of the contract based on the analysis carried out.

5. Formulate the contract

Based on what has been agreed upon during Step 3, the landowners and their lawyers should formulate a conservation easement contract.

SECTIONS OF A TYPICAL CONSERVATION EASEMENT CONTRACT

1. Parties (owners)	11. Procedure in case of non-compliance
2. Description of the pieces of land	12. Mediation
3. Background to the contract	13. Arbitration
4. Purpose	14. Penalties
5. Baseline information	15. Responsibility
6. Prohibited uses	16. Authorization to undertake activities
7. Permitted uses or reserved rights	17. Precautionary principle
8. Owner's obligations	18. Duration of agreement
9. Public access- will it be permitted or not?	19. Cost
10. Monitoring and evaluation	20. Signatures

It should be stressed that the section of the agreement that describes the permitted and prohibited activities in detail is very important. It must be very clear which activities are permitted and which are not. There should be no room for doubt for any person reading it.

6. Monitoring

The monitoring and evaluation section should explain the procedure to be followed to verify compliance with the conservation easement contract. Usually, periodic field visits are undertaken and these should be clearly indicated in the contract.

7. Signature

Once the text of the contract is revised in detail, both parties should sign it.

8. Preparation of the public deed and registration in the registry

The parties or their lawyer should go to a trusted Notary Public so that a public deed can be issued. Once they have this in their hands, they should proceed to the Public Registry of Panama for its registration. Please see the table in the annexes which briefly explains the registry procedure of a document once it is presented in the Public Registry.

The registration is very important so that any person who would like to obtain information about the land can see that it is protected through a conservation easement contract. This can be obtained simply by asking for the property title information in the registry.

STEPS TO CREATE A CONSERVATION TRUST

A conservation trust is another type of legal agreement for the conservation of the natural resources of your piece of land. Through this type of agreement, a landowner *transfers* his/her land to another person for them to administer or use the land, for the purpose of conserving its natural attributes, in favor of a beneficiary (who could be the same owner).

WHAT IS A TRUST IN PANAMANIAN LEGISLATION?

Law No 1 of January 5, 1984 regulates the creation of trusts in Panama. Article 1 establishes that *“A trust is a legal act by virtue of which a person named the trustor transfers his/her goods to a person named the trustee or fiduciary so that he/she may administer or use it in favor of a principal or a beneficiary, who may be the same person as the trustor.”*

As with conservation easement contracts, contracts to create trusts can be created simply with the participation of the landowner and his/her lawyer, who will draft each of the clauses (following, generally, what is established in Article 9 of Law No 1 of January 5, 1984 that regulates trusts); the contract is then signed before a public notary to emit the public deed, and finally the contract to create the trust is registered in the Registry.

However, as in the case of conservation easement contracts, **it is recommended that when protecting property through conservation trusts, the following steps be followed, in order to increase the conservation potential of the agreement.** Each step described in the next section is similar to those described for conservation easements. We recommend that you refer to them for more detail.

Recommended procedure to create conservation trusts

1. Identify the owner of the land
2. Define the purpose of the trust
3. Undertake a technical analysis of the baseline, plan and decide on the future use of the land (as explained in Steps 1, 2, 3 and 4 of this manual)
4. Verify the legal situation of the property title
5. Draft the trust agreement
6. Define the monitoring procedure
7. Sign
8. Prepare the public deed and the registration in the registry

Typical Sections of a Trust Agreement

Designation of a trustor, fiduciary and beneficiary
Designation of alternate fiduciaries or beneficiaries
Description of the property
Express declaration to constitute a trust
Powers and obligations of the fiduciary (administrator)
Establishment of the term (if there is one)
Prohibitions and limitations for the fiduciary
Rules regarding the accumulation, distribution or disposal of trust income, products and goods
Conflict resolution procedure (arbitration, mediation, etc.)
Definition of what occurs with the goods if the trust expires
Establishment of place and date on which the trust was set up
Designation of resident agent in Panama
Establishment of address of trust in Panama
Express declaration that the trust is being established in accordance with Panamanian legislation

It is important to point out that trusts for properties (as in this case for pieces of land) only affect third parties from the date of registration of the deed in the Public Registry (article 13 of Law No 1 of January 5 of 1984). Similarly, it is important to clarify that the administration of the piece of land transfers to the fiduciary and that the latter will be vested with all the duties and rights inherent to the position, but will be subject to the purposes of the trust and the conditions imposed by the law and the deed of the trust (article 25).

Furthermore, it is important to remember that being a fiduciary in Panama requires a license provided by the National Banking Commission (“Comisión Bancaria Nacional”); care should be taken that this requirement is fulfilled when selecting the natural or legal person you wish to administer your land for the purpose of conservation in the form of the trust.

STEP 9: MONITORING AND CONTROL

Conservation agreements should not be agreements on paper that are signed and then forgotten. It is very important to understand that these agreements do not end with their signature and inscription or registration. To the contrary, this **is only the beginning of your reserve**. It is from this moment on that the work of living each day within what you have planned begins, thus enjoying the benefits of using and conserving the land in an appropriate manner.

As part of the active life of your reserve, the need to periodically verify the activities being carried out on your land must be kept in mind. You should do this and it is recommended that a trusted environmental NGO help you in this task. For this purpose, visits to your reserve should be jointly planned and it should be verified that everything is being carried out in accordance with what has been established in the agreement that created the private reserve, conservation easement or conservation trust.

In the event that some type of problem is found, or that a modification needs to be made to the management of the land, the original document that created the agreement should be consulted and the steps established therein should be followed. This monitoring and evaluation activity is key to the survival of your reserve over time. Don't forget it.

STEP 10: ENJOY YOUR RESERVE

The most important part of this process is enjoying the benefits of being the owner of a private reserve. The fruits, flowers, landscapes, sounds, birds, animals, plants, crops, trees that you enjoy today will continue to bring joy for a long time to you and future owners of the reserve, once you are no longer the owner.

The National Environment Authority, The Nature Conservancy and the Private Nature Reserves Network work with other local, national and international organizations, in order to increase the benefits of private conservation. For this purpose, work is being undertaken on the design and implementation of a system of specific incentives for landowners, which will be widely discussed and which will bring even greater benefits to those interested in protecting all or part of their land.

For the moment, some of the benefits you will receive are:

- Technical assistance and training to protect your land and carry out the steps described in this manual
- Sustainable use of your land while maximizing the environmental and productive benefits
- Public recognition of your environmental commitment
- Periodic visits to your land to support its conservation

In the future it is possible that private landowners will receive payments for environmental services and other types of benefits. We invite you, therefore, to contact us so we can work together to use and conserve the natural resources on your land. Together we can obtain many benefits for the well-being of all.



DECLARATION OF INTENT TO REGISTER

A PRIVATE NATURE RESERVE

Declaration of Intent to Conserve Biodiversity, Proposing Property _____ as a Private Nature Reserve

CONSIDERING

That Law 41, the General Law of the Environment of the Republic of Panama of June 9, 1998 states in Article 68, that the state will stimulate the creation of protected areas on private lands, through a system of fiscal incentives and market mechanisms, such as credits in exchange for reforestation with native species, sustainable development rights and payments for environmental services that provide national and global benefits.

That in the framework of the applicable environmental norms and laws of the Republic of Panama, support from the State, represented by the National Environment Authority, is expected, in terms of the incentives described in the previous paragraph, as well as any other type of support to achieve the effective conservation of this Reserve.

That on the basis of the previously described information and for the purpose of this Declaration of Intent, a **Private Nature Reserve** is defined as any property that includes, at least in part, natural areas, and whose owner preserves or sustainably uses these areas and ensures their conservation. Natural areas include secondary forests, sustainably managed primary forests, forests planted exclusively with local species to increase biodiversity, paramos and wetlands (including mangroves, lagoons, rivers, coasts and estuaries).

Based on the previous information, and vested with the legal and necessary powers, we put forth the following:

Declaration of Intent

FIRST: I _____, having reached the age of majority, (marital status), (profession), neighbor of _____, of Panamanian nationality, with identity card number _____, declare that I am the legitimate owner of the PROPERTY _____, located in _____, which has an area of _____ hectares, and which is registered in the following manner: _____.

SECOND: It is my desire to protect and conserve the entire property, placing special emphasis on the conservation of existing natural forests, for which reason I DECLARE and REAFFIRM my desire and decision to designate this property as a PRIVATE NATURE RESERVE, committing myself to respect the environmental legislation currently in force in my country, and the specific norms that the National Environment Authority (ANAM) establishes for these cases in particular for a period of _____ years.

THIRD: That the conservation, research, ecotourism or other activities to be carried out on the property will respect the current and applicable environmental norms.

FOURTH: This declaration is made in conformity with current National Natural Resource Policies of the Republic of Panama, which safeguard the conservation of the natural and cultural resources of the National System of Protected Areas (SINAP). These policies promote and provide incentives for the participation of the private sector, both in biological corridors and their buffer zones, as well as in natural areas that may contribute to biodiversity conservation and to generating the conditions to promote scientific research and ecotourism, among others, as activities that are friendly to the environment and to natural resources.

FIFTH: I hereby declare that the Reserve will now become part of the Panamanian Association, “Network of Private Nature Reserves”, with the aim of achieving collective benefits for the natural resources in private reserves and for their owners.

SIXTH: I reaffirm that the present Declaration aims to contribute to the consolidation and strengthening of the National System of Protected Areas (SINAP) of the Republic of Panama, by establishing an initial experience regarding the formal participation of a private property with a conservationist intent, confirming that sustainable development is also the responsibility of, and has the support of, the private sector.

I also hope that the present Declaration contributes to strengthening the manifestations of conservation exhibited by different sectors of communities neighboring the Private Reserve, thus contributing to the protection of the environment and natural resources of the borough (‘corregimiento’) in which our property is located and to the improvement of the quality of life of its inhabitants.

SEVENTH: In order to formalize the present Declaration of Intent, it will be officially notarized before a duly authorized Notary Public.

EIGHTH: Certifying that which has been herein declared, the following act and sign as Witnesses to the present Declaration of Intent: **Name**, over the age of majority, married, **profession**, neighbor of _____ of Panamanian nationality, with identity card number _____, in his/her position as General Administrator of the National Environment Authority; **Director**, over the age of majority, married, __profession__, neighbor of _____, of Panamanian nationality, identity card # _____, in his/her position as National Director of Natural Heritage, **Name** _____, over the age of majority, married, profession, neighbor of _____, of Panamanian nationality, identity card # _____, in his/her position as Director of The Nature Conservancy Panama; **Name**, over the age of majority, married, profession, neighbor of _____, of Panamanian nationality, ID card # _____, in his/her position as Director of Technical Cooperation of the Mesoamerican Biological Corridor; **Name**, over the age of majority, married, **profession**, neighbor of _____, of Panamanian nationality, ID card # _____, in his/her position as current President of the Panamanian Association, “Network of Private Nature Reserves”.

In good faith, we ratify and commit to complying with the present Declaration of Intent, signed in Panama City, Republic of Panama, the _____ (day) of _____ (month) of the year 2004.

NAME
Landowner/ Legal representative
Private Nature Reserve “_____”

NAME
Director of Technical Cooperation
Mesoamerican Biological Corridor (CBM)

NAME
National Director of Natural Heritage,
National Environment Authority (ANAM)

NAME
President
Panamanian Association “Network
of Private Nature Reserves”

NAME
Director
The Nature Conservancy Panama

TECHNICAL FORM OF THE NETWORK OF PRIVATE NATURE RESERVES

NETWORK OF PRIVATE NATURE RESERVES- PANAMA TECHNICAL FORM

GENERAL INFORMATION ABOUT THE PRIVATE NATURE RESERVE

NAME OF THE PROPERTY, PRIVATE RESERVE OR CONSERVATION EASEMENT	REGISTERED IN THE NETWORK OF RESERVES YES <input type="checkbox"/> NO <input type="checkbox"/>
ESTIMATED AREA (hectares)	POTENTIAL INTEREST YES <input type="checkbox"/> NO <input type="checkbox"/>
LEGAL STATUS OF PROPERTY Title No.	NETWORK REGISTRY NUMBER
Squatter's rights	
WEB PAGE OF RESERVE	

OBJECTIVES FOR THE CREATION OF THE RESERVE

VSentimental value <input type="checkbox"/>	Conservation <input type="checkbox"/>
Ecotourism <input type="checkbox"/>	Inheritance <input type="checkbox"/>
Payment for environmental services <input type="checkbox"/>	Others: <input type="checkbox"/>

HOW IS YOUR RESERVE FINANCED?

GENERAL INFORMATION ABOUT THE OWNER

NAME	ADDRESS
PROFESSION	HOME TELEPHONE
PLACE OF WORK	CELL PHONE
OFFICE TELEPHONE # 1	E-MAIL
OFFICE TELEPHONE # 2	POSTAL BOX
FAX	OTHER CONTACT PERSON/ REPRESENTATIVE

GEOGRAPHICAL SPHERE

PROVINCE	BOROUGH ('CORREGIMIENTO')
DISTRICT	TOWN
LOCATION OF PROPERTY	

ECOLOGICAL SPHERE

VEGETATIVE COVERAGE (Type of forest)	STATE OF CONSERVATION (%)
MAIN GROUPS OF FAUNA	MAIN GROUPS OF FLORA
Mammals <input type="checkbox"/>	Timber trees <input type="checkbox"/>
Birds <input type="checkbox"/>	Ornamentals <input type="checkbox"/>
Reptiles <input type="checkbox"/>	Medicinal <input type="checkbox"/>
Amphibians <input type="checkbox"/>	Edible <input type="checkbox"/>
Insects <input type="checkbox"/>	Raw material <input type="checkbox"/>

CURRENT USES OF THE FOREST (Flora and Fauna)

IS IT PART OF A BIOLOGICAL CORRIDOR PROJECT YES NO

PROXIMITY TO PROTECTED AREA YES NO

Name: _____
Is it within the PA:
Within buffer zone:

SOCIO-ECONOMIC SPHERE

NEAREST TOWNS ESTIMATED POPULATION

ETHNIC GROUPS		MAIN PRODUCTIVE ACTIVITIES	
Ngöbe-Bugle	<input type="checkbox"/>	Subsistence agriculture	<input type="checkbox"/>
Emberá	<input type="checkbox"/>	Mechanized agriculture	<input type="checkbox"/>
Kuna	<input type="checkbox"/>	Slash and burn agriculture	<input type="checkbox"/>
Teribe	<input type="checkbox"/>	Subsistence cattle ranching	<input type="checkbox"/>
Bribri	<input type="checkbox"/>	Commercial cattle ranching	<input type="checkbox"/>
Settlers/peasants	<input type="checkbox"/>	Forestry	<input type="checkbox"/>

THREATS SPHERE

Land occupation	<input type="checkbox"/>	Fire	<input type="checkbox"/>
Deforestation	<input type="checkbox"/>	Hunting	<input type="checkbox"/>
Agricultural front	<input type="checkbox"/>	Illegal extraction	<input type="checkbox"/>
Infrastructure	<input type="checkbox"/>	Mining	<input type="checkbox"/>
Concessions	<input type="checkbox"/>		

OPPORTUNITIES SPHERE

POTENTIAL ENVIRONMENTAL SERVICES

Scenic beauty	<input type="checkbox"/>	Sale of carbon	<input type="checkbox"/>
Watershed protection	<input type="checkbox"/>	Bioprospection	<input type="checkbox"/>
Hydroelectricity	<input type="checkbox"/>	Wind energy	<input type="checkbox"/>
Support for biodiversity	<input type="checkbox"/>	Solar energy	<input type="checkbox"/>

ATTRACTIONS- Mark with

Historical sites	<input type="checkbox"/>	Ferns	<input type="checkbox"/>
Ethnic groups	<input type="checkbox"/>	Moss	<input type="checkbox"/>
Sacred place	<input type="checkbox"/>	Thermal waters	<input type="checkbox"/>
Lake	<input type="checkbox"/>	Scenic routes	<input type="checkbox"/>
Beaches	<input type="checkbox"/>	Mangroves	<input type="checkbox"/>
Rivers	<input type="checkbox"/>	Coral reefs	<input type="checkbox"/>
Waterfall	<input type="checkbox"/>	Springs	<input type="checkbox"/>
Mammals	<input type="checkbox"/>	Wetlands	<input type="checkbox"/>
Reptiles	<input type="checkbox"/>	Breeding farms	<input type="checkbox"/>
Birds	<input type="checkbox"/>	Lagoons	<input type="checkbox"/>
Grottos/caves	<input type="checkbox"/>	Rock formations	<input type="checkbox"/>
Stream	<input type="checkbox"/>	Marshes	<input type="checkbox"/>
Orchids	<input type="checkbox"/>	Swamp	<input type="checkbox"/>
Others	<input type="checkbox"/>		

SERVICES AND FACILITIES WITHIN THE RESERVE

Facilities	Description	Current 2004	Possible 2005
Lunch area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Look out points	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Camping areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Showers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water	Potable <input type="checkbox"/> Well <input type="checkbox"/> River <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Latrines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Visitor centre	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trails- difficulty	Easy <input type="checkbox"/> Medium <input type="checkbox"/> Hard <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accommodation	Ranch <input type="checkbox"/> Cabin <input type="checkbox"/> House <input type="checkbox"/> Hotel <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Food services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electricity	Solar panels <input type="checkbox"/> Other: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internal transport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	Public <input type="checkbox"/> Private <input type="checkbox"/> Cell <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access roads	Only in summer <input type="checkbox"/> All year <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Others:		<input type="checkbox"/>	<input type="checkbox"/>

ACTIVITIES WITHIN THE RESERVE

Activities- Mark with <input checked="" type="checkbox"/>			
Research	<input type="checkbox"/>	Swimming	<input type="checkbox"/>
Nature interpretation	<input type="checkbox"/>	Fishing	<input type="checkbox"/>
Fauna observation	<input type="checkbox"/>	Diving	<input type="checkbox"/>
Walks	<input type="checkbox"/>	Canoeing	<input type="checkbox"/>
Day trips	<input type="checkbox"/>	Kayak	<input type="checkbox"/>
Climbing	<input type="checkbox"/>	Rafting	<input type="checkbox"/>
Mountain biking	<input type="checkbox"/>	Paddle boating	<input type="checkbox"/>
Others:			

LEGAL SPHERE

Explain why you would apply this private conservation legal mechanism

PRIVATE RESERVE	
YES, because	NO, because
CONSERVATION EASEMENT	
YES, because	NO, because
CONSERVATION TRUST	
YES, because	NO, because

Prepared by: _____
Date: _____

EXAMPLE OF CONSERVATION

EASEMENT CONTRACT

NUMBER _____: Before me, _____, _____ and _____ appear AND DECLARE: that the first party is owner of the property in the Province of _____ registered in the Public Registry under the number _____, Boundaries: NORTH: _____ SOUTH: _____ EAST: _____ WEST: _____, which measures _____ according to the map. The parties also declare that the second party is owner of the property, number _____ which can be described as: a plot of land with forest, situated in the Province of _____, which measures _____, limits: north: _____ south: _____ east: _____ west: _____, all of which conforms with the map number _____. The first party states that, based on articles 513, 518 and the following articles of the Civil Code, he/she places on his/her property, henceforth called the SERVIENT ESTATE, and in benefit of the property of the second party identified above, henceforth named the DOMINANT ESTATE, a **CONSERVATION EASEMENT**. The conservation easement covers the entire servient estate, is rectangular in shape and for registration purposes has a north-south orientation, with an average width of _____ meters and an average length of _____ meters. This easement will be governed by the following clauses and civil legislation: _____. **A) BACKGROUND:** i) The servient estate and the dominant estate are located in a zone of great ecological importance for the country known as Biological Corridor _____. The lands contained in this zone covered with primary, secondary and intervened forest in a state of regeneration serve as habitat for a diversity of flora and fauna that inhabit it and that migrate between the protected areas _____. ii) Various scientific documents produced by _____, have highlighted the desirability and necessity of protecting the land located in said area of the country both to conserve the existing biodiversity on these lands as well as to promote the development and conservation of the area of _____. iii) The parties commit to the conservation of the natural values of both estates in perpetuity; iv) Both estates have been identified as properties that should be conserved in their natural state in perpetuity. **B. AIM:** The purpose of this conservation easement contract is: i) To ensure that the natural ecosystems present in the area of _____ of the servient estate are preserved in perpetuity in their natural state to protect the diversity of the wildlife that inhabits and utilizes both estates; ii) To maintain the natural connectivity that exists between both properties and their environment for the benefit of the properties and of present and future generations; iii) To prevent, avoid and abstain from the realization of any act that has the intention of having, or has, the effect of reducing the ecological, scenic or aesthetic value and the connectivity of the servient estate previously identified; iv) To maintain and improve the quality of life of the local communities and promote their development in harmony with nature; v) To help to preserve, promote, strengthen and consolidate an ecologically balanced environment; **C) BASELINE INFORMATION:** The current characteristics of this estate have been documented in a dossier drafted by the representatives of the dominant estate, dated _____, which forms an integral part of this contract. This dossier consists of reports, maps, technical records, photographs and other documents that both parties agree expressly provide an exact description of the current conditions and characteristics of the servient estate at the moment of signing of the contract. Said dossier has been prepared to serve as an objective, non-exclusive base of information which will serve as the basis to verify compliance with the terms of this contract during monitoring visits. As proof of the parties' acceptance of this information, during this ceremony, both have signed three identical copies of these files, as well as a sworn statement. One of the copies has been submitted to the first witness, the second to the second witness, and the third copy has been stored in an envelope which has been signed and sealed by both parties and the undersigned public notary. This third envelope will preserve a copy of the dossier in its current form and will be stored by

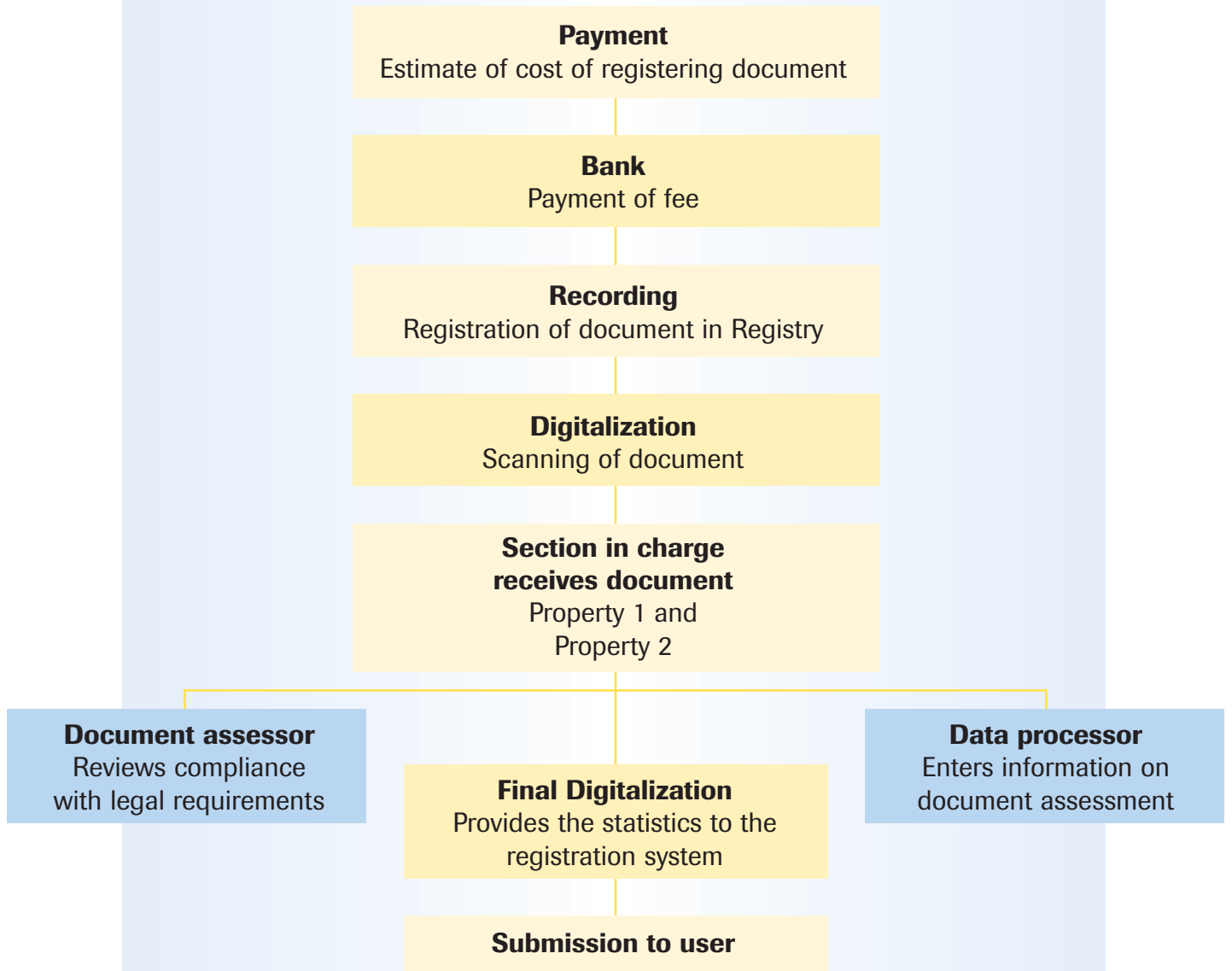
representatives of the dominant estate in a security box. **D) ZONING:** The parties have developed a map of the servient estate entitled Zoning Plan Map, which forms part of the dossier of baseline information previously described. The Objective of this map is to identify the areas of the servient estate in which activities described in point E) of this contract are permitted and those in which they are prohibited. This map shows two areas, described as Zone A: _____ and Zone B: _____. The limits of these zones have been delineated by cement markers duly located using the global positioning system and numbered on site by representatives of both parties. **E) FUTURE USE:** By virtue of the conservation easement hereby created, it is forbidden to undertake activities which expressly or implicitly reduce, attempt to diminish or negatively affect the express purpose of the easement on the servient estate. For this purpose, without affecting the generality of the previously expressed information, in **Zone A**, the following activities are expressly forbidden: i) Agricultural, livestock or industrial uses: Any type of agricultural, livestock or industrial activity is prohibited; ii) Structures: The construction of any type of infrastructure, work, building or construction, temporary or permanent, is prohibited, with the exception of that which is indicated in clause F) of this contract; iii) Topography: The excavation, digging, dredging, filling, drainage and removal of soil, sand, stones, rocks, minerals or any other type of material is prohibited, as is any other type of material change in the topography of this zone, with the exception of that which is indicated in Clause F) of this contract; iv) Minerals: Underground or surface mineral exploration and exploitation are prohibited, and no mineral, gas or oil may be extracted, with the exception of that which is permitted by the national legislation on mineral resources in force and in every case the owner of the dominant estate must be informed previously. v) Garbage: The placing, storage, accumulation, gathering, be it temporarily or permanently, of garbage, waste materials or products or any other type of similar material above or below this section of the property is prohibited; vi) Forestry resources and vegetation: The harvesting, removal, destruction, cutting, pruning, felling and clipping of any type of vegetation is prohibited including trees, with the exception of: those trees necessary to control and eliminate exotic species, as indicated in section F) of this contract; vii) Paths and trails: The construction of any type of path or trail, is prohibited, with the exception of that which is indicated in Clause F) of this contract; viii) Exotic species: The introduction or planting of any type of species non-native to this zone of the country or exotic is prohibited. Similarly, the dissemination of seeds of any form of this type of species, is prohibited, and thus owners of the servient estate should prohibit exotic fruits from being transported or ingested on the property by all inhabitants and visitors; ix) Water resources: The interruption, alteration, reduction, contamination or extraction of superficial and subterranean water is prohibited and any activities that may harm or reduce the quality and purity of the water, or which may alter the levels and flow of water, may not be carried out, with the exception of that which is permitted by the legislation in force. In all cases, previous approval from the owner of the dominant estate must be obtained; x) Vehicles and other modes of transport: Parking, driving or operation of any type of vehicle or mode of transport, either temporarily or permanently, is prohibited, including the following: automobiles, quadricycles, tricycles, motorcycles and bicycles; xi) Agrochemicals: The application of agrochemicals, including pesticides, rodenticides, herbicides and fungicides is prohibited; xii) Hunting: The hunting, hounding, chasing, locking up of, molesting, collecting, damaging, injuring, or killing of any type of fauna is prohibited, with the exception of those species that have, or may have, a negative impact in relation to the purpose of this contract, for which prior approval from the owner of the dominant estate must be obtained; xii) Soil: The conduct of activities which cause or may cause the degradation, erosion or contamination of the soil are prohibited. In **Zone B**, all activities that are permitted by the legislation in force in this zone are permitted, following and complying with established legal procedures. **F) RIGHTS RESERVED FOR THE**

OWNER OF THE SERVIENT ESTATE: The owner of the servient estate conserves all his/ her ownership rights, with the exception of those limited by this conservation easement. Based on the previous information and that which is indicated in clause E), the following are the rights that are expressly reserved for the owner of the servient estate: In **Zone A:** i) Eco-tourism use: The realization of guided or self-guided visits along the currently existing trails by representatives of the servient estate, tourists and visitors, that form part of the eco-tourism activities undertaken on this estate, are permitted. ii) Topography, lanes and trails: The maintenance of lanes is permitted, the maximum width of which may be up to two meters, as is the maintenance of trails, which may have a maximum width of up to three meters. For these purposes, it is understood that as part of their maintenance, any works which are reasonably necessary for the drainage of water from the lanes and trails are permitted. Moreover, it is understood that all of the aforementioned should maintain the current characteristics and condition of the land. **G) OBLIGATIONS OF THE OWNER OF THE SERVIENT ESTATE:** the owner of the servient estate preserves all his/her responsibilities as owner of this real estate, including those related to the ownership, management, operation, maintenance and protection of the servient estate. **H) ACCESS TO THE PUBLIC:** No clause in this contract should be interpreted in such a way as to permit the entry of the public or of any person on the land without the consent of the owner of the servient estate. This permission can only be granted if and when it does not negatively affect the purpose of the conservation easement hereby constituted. **I) FOLLOW-UP AND MONITORING:** The owner of the dominant estate, in order to verify and provide follow-up regarding compliance with this contract, through his/her employees or consultants specifically hired for these tasks, has the right to enter the servient estate at least six times a year, upon written notification to the owner. During said visits, the owner of the dominant estate and his/her representatives may tour the entire servient estate, to verify true compliance with the terms of this contract and to collect all information or samples that may be necessary for this purpose. Furthermore, the owner of the dominant estate and his/her representatives may use all means desired for these tasks, without negatively affecting the purpose of this contract. **J) NON-COMPLIANCE:** In the event that the owner of the dominant estate deems that the owner of the servient estate is in partial or total non-compliance with the terms of this contract, or that there is a threat from a third party, he/she may communicate this in writing to the owner of the servient estate, stating the facts, the proof and corresponding technical and legal bases, and calling for the necessary actions or rectifying measures. Once this written document has been received by the owner of the servient estate, the latter should immediately refrain from the realization of the act or acts which motivated the dominant estate's claim and in addition will have a period of 10 calendar days in which to respond with solid arguments. In the event that the disagreement continues, the resolution of the conflict may be presented to a third party, named _____, through his/her legal representative. Notwithstanding this option, at any moment, the owner of the dominant estate may resort to the administrative or judicial system in order to stop those acts which are considered inconsistent with the present contract, in order to comply with the conservation easement and to exact reparation for the damages incurred. If this reparation is not possible, the compensation for damages and injuries caused will be reinvested by the owner of the dominant estate in activities tending to achieve the purpose of the conservation easement. In the event that the owner of the servient estate is proven to have violated the terms of this contract, the latter will have to pay all legal and personal costs associated with this infraction to the owner of the dominant estate, as well as the cost of reparation of the damages that were incurred to the property and its restoration to its original condition before the infraction. This reparation of damages should include those caused by the loss and/or negative impact on the scenic, aesthetic or environmental values of the servient estate. **K) MEDIATION:** If a dispute emerges between the parties concerning the

consistency of any current or proposed activity with the purpose and terms of this contract, and if the owners of the servient estate agree not to continue with said use or activity until the dispute is resolved, either of the two parties may refer the dispute to mediation, notifying the other in writing. **L) ARBITRATION.** If a dispute emerges between the parties concerning the consistency of any current or proposed activity with the purpose and terms of this contract, and if the owners of the servient estate agree not to continue with said use or activity until the dispute is resolved, either of the two parties may refer the dispute to arbitration, notifying the other in writing, if and when the process of mediation has already been attempted. **LL) DAMAGES:** With the exception of that which is indicated in the section on mediation, the owner of the dominant estate is entitled to compensation for damages and injuries related to the violation of the terms of this conservation easement contract or any violation of the conservation values that this contract protects, including, without being limited to, damages due to negative impact on, or loss of environmental, scenic and aesthetic values. Without limiting the responsibility of the owner of the servient estate, this compensation will be used to cover the costs of taking the necessary corrective and restorative measures on the servient estate. **M) RESPONSIBILITY:** Any cost incurred by the owner of the dominant estate to make the owners of the servient estate comply with this contract, including unlimited judicial and lawyer costs, as well as the costs of the restoration of the property to its natural state due to a violation of the terms of this contract will be covered by the owners of the servient estate. If the owners of the servient estate prevail in any legal action related to demanding compliance with the terms of this conservation easement contract, including unlimited judicial and lawyer costs, these will be covered by the owners of the dominant estate. **N) AUTHORIZATION TO UNDERTAKE ACTIVITIES:** In the event that the owner of the servient estate needs to undertake an activity that may be contrary to that which has been established in this contract, he/she must request prior approval of this action in writing from the owner of the dominant estate. This request should contain all the information required for the owner of the dominant estate to make a well-reasoned response. Events which occurred by accident or due to a force majeure proven by the owner of the dominant estate will not be considered violations. These activities can only be carried out after the owner of the dominant estate has provided written authorization. **Ñ) PRECAUTIONARY PRINCIPLE:** In case of uncertainty about the impacts of certain acts undertaken by the owner of the servient estate on the environment, as a result of lack of scientific or other certainty, following the precautionary principle, these acts may not be carried out, will be avoided or will not continue. **O) DURATION:** This easement is established in perpetuity. **P) COST:** This conservation easement is established free of charge and for fiscal purposes, its estimated value is: _____. This document having been read to all parties, they approve and sign on _____, at _____ hours of _____ of two thousand _____.

PROCEDURE FOR REGISTRATION OF DOCUMENTS IN PUBLIC REGISTRY

Registration Procedure



Red de Reservas Naturales Privadas de Panamá
Telfax: (507) 232-8442
Altos de Curundu, Calle Ascanio Villaláz, Edif. ANAM #500, Primer Piso
E-mail: inforeservas@cwpanama.net
www.reservasprivadas.org
Apartado 832-0004 World Trade Center
República de Panamá

