

LIFE ELCN Policy Recommendations

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Dr. Tilmann Disselhoff
NABU Federal Association
Charitéstr. 3
10117 Berlin
Germany
tilmann.disselhoff@nabu.de

Introduction

Climate breakdown, environmental degradation and biodiversity loss are existential threats to the survival of mankind. To overcome these challenges, we need to fundamentally change the way we manage and use our land. The **European Green Deal** sets the blueprint for this transformation in the EU. It aims to protect, conserve, and enhance the EU's natural capital, and protect the health and well-being of citizens from environment-related risks and impacts.

The European Commission has started several legislative and political initiatives to implement the EU Green Deal. The **EU Biodiversity Strategy for 2030**¹ aims to put Europe's biodiversity on the path to recovery by 2030 by protecting 30% of EU sea and land surface (with 10% of the EU land and sea under strict protection), by creating and integrating ecological corridors as part of a Trans-European Nature Network, and by improving the management effectiveness in all protected areas. The EU Biodiversity Strategy also sets the target to ensure habitats and species show no deterioration in their conservation trends and status and that at least 30% reach favourable conservation status or show a positive trend, to reverse the decline of pollinators, to plant three billion new trees, to restore at least 25,000 km of free-flowing rivers, and to halve the number of Red List species threatened by invasive alien species. Last not least, it proposes to develop legally binding EU restoration targets and to restore significant areas of degraded and carbon rich ecosystems by 2030. To this end, the upcoming **EU Restoration legislation**² (legislative proposal expected to be published by the European Commission on 22nd June 2022) will most likely require member states to develop national restoration plans with quantified restoration targets for various ecosystems and habitat types.

As additional pillars of the EU Green Deal, the **EU Forest Strategy**³ aims to improve the health and resilience of EU forests by encouraging management practices that are better for nature, climate and people and by strengthening the protection and restoration of forests, whilst the **Farm to Fork Strategy**⁴ aims to reduce the use of and risk from hazardous pesticides by 50% and to replace them with agroecological practices, to reduce nutrient loss by at least 50% and fertiliser use by at least 20%, while ensuring no deterioration of soil fertility, to farm 25% of total agricultural land organically and to develop high-diversity landscape features on at least 10% of agricultural area.

All these targets require an **active involvement of private landowners** and significant **support from nature conservation organisations**. Without the cooperation of these two groups, it will be impossible to reach the EU climate and biodiversity targets and to implement the EU Green Deal. A significant share of protected areas and other relevant natural sites are owned, governed, and managed by private landowners. While land ownership comes with social obligations, not all publicly desired land use could or should be achieved through regulation or coercion. The implementation of EU biodiversity and climate policy thus depends to a significant degree on the voluntary involvement of the private sector in land-based conservation measures and natural site management.

This is the essence of **private land conservation**: voluntary activities by individuals, groups of individuals, or civil sector organisations with the aim to dedicate (parts of) properties under their governance to the long-term protection and/or restoration of habitats, species or ecosystem

¹ https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030_en

² https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030/eu-nature-restoration-targets_en

³ https://ec.europa.eu/environment/strategy/forest-strategy_en

⁴ https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy_en

functions and services. These activities complement land conservation through regulatory tools such as the public designation of protected areas or land use planning.

Considering the ambitious EU biodiversity and climate targets, it is vital for the private land conservation community to expand its reach and increase its impact. A favourable political framework has been the basis for the remarkable success of private land conservation movements in other parts of the world. This includes the effectiveness, legal certainty, and predictability of private land conservation tools as well as the size and reliability of funding sources and financial incentives. Whether or not private land conservation in the EU will reach its potential is thus foremost a political question and creating the right conditions for achieving this goal is a political task. However, the expansion of private land conservation in the EU will not be possible without fostering cooperation and trust between private landowners and conservation NGOs. Private land conservation can only flourish if new alliances and partnerships are formed. Building them requires not only political support but also a cultural shift – from antagonism to collaboration, from competition to trust.

We hence divide our recommendations into three categories, all of which are necessary prerequisites for upscaling private land conservation in the EU:

1. how to further develop the necessary legal tools for private land conservation,
2. how to create the right incentives and financial support for private land conservation,
3. how to build new partnerships and networks in the European private land conservation community.

The recommendations presented in this paper are based on the findings of the project “Development of a European Private Land Conservation Network” (LIFE ELCN), namely its pilot actions, workshops and the international conference carried out by the ELCN together with the International Land Conservation Network (ILCN) in late 2021. We have benefited greatly from the insights gained during these events and discussions with experts from a variety of organisations and initiatives, such as the European Landowners Organization and its project “Land is forever” (LIFE L.I.F.E.), the International Land Conservation Network, the IUCN Privately Protected Area Specialist Group, and others. We are indebted to the generous counsel of our colleagues.

Possible contributions of private land conservation to the EU biodiversity and climate policy targets

Private land conservation can help implement EU biodiversity and climate policy targets in several ways. The most obvious link exists with regard to the protected area targets of the EU Biodiversity Strategy for 2030, namely to legally protect at least 30% of the land, including inland waters, and 30% of the sea in the EU, of which at least one third (10% of land and 10% of sea) should be put under strict protection, to improve the management effectiveness of all protected areas, and to create a Trans-European Nature Network by connecting protected areas with ecological corridors.

The European Commission recently published the Staff Working Document “Criteria and guidance for protected areas designations”⁵, in which it puts forward criteria and guidance for the identification and designation of additional protected areas, including a definition of strict protection, as well as for appropriate management planning. This guidance explicitly opens the door for private land conservation efforts to contribute to the protected area targets. Whilst it emphasises that Natura 2000 is “an essential part of a Trans-European Nature Network, and that the existing gaps in the Natura 2000 network need to be filled by Member States as soon as possible”, it allows other sites designated under national protection schemes to be considered contributions to the 30x30 target. This implicitly includes privately protected areas if they focus on the protection of habitats and species.

Secondly, the EU Biodiversity and the EC Staff Working Document stipulate that “other effective area-based conservation measures” (OECMs)⁶ can contribute to the 30% target if they comply with a minimum set of criteria ensuring similar safeguards for long-term conservation outcomes as protected areas. This includes “a national or international legislative or administrative act or a contractual arrangement aiming to achieve long-term conservation outcomes, the definition of tailored conservation objectives and measures, and effective management and monitoring of the biodiversity in the area”. To count towards the 30x30 target, both PPAs and OECMs need a long-term commitment to protect a specific area of land and sea, the minimum duration of which should be set based on the ecological requirements of the species or habitats to be protected. This means that temporary formal or informal mechanisms do not effectively contribute to reaching the ambition of the EU Biodiversity Strategy.

In a few EU member states, national or regional programmes exist for private landowners who are willing to protect their property in the long-term, thereby voluntarily enlarging and consolidating the Trans-European Nature Network. For example, the Forest Biodiversity Programme for Southern Finland (METSU)⁷ offers private owners of forest with biodiversity value compensation payments for establishing temporary or permanent nature reserves on their properties. METSU is designed to complement the network of national parks and public nature reserves, which is not as developed in

⁵ https://ec.europa.eu/environment/publications/criteria-and-guidance-protected-areas-designations-staff-working-document_en

⁶ OECMs are areas benefitting from de facto long-term conservation outside protected areas. This category of area-based conservation was officially codified at the 14th Conference of the Parties to the Convention on Biological Diversity (CBD) in Sharm El-Sheikh, Egypt in 2018. For further information see <https://enplc.eu/plc-terminology/>.

⁷ <https://mmm.fi/en/forests/biodiversity-and-protection/metso-programme>

the South as in other parts of Finland. The Programme also promotes active management of the protected sites and the establishment of conservation networks between private forest owners and conservation organisations. Even if for some reason privately protected areas such in the METSO programme are not considered contributions to the 30x30 target, they can still help to reach other objectives of the EU Biodiversity Strategy. 30x30 is just one part of the more general objective of building a truly coherent Trans-European Nature Network. Stepping stones and ecological corridors between protected areas as well as buffer zones around them are also vital elements for the overall coherence of the network, as they improve its connectivity and management effectiveness.

Moreover, the pilot action “Integrated management planning” within LIFE ELCN showed that the inclusion of private landowners in the elaboration of management plans for Natura 2000 sites or the co-authorship of such plans by private landowners can constitute a way of increasing management effectiveness by avoiding splintering of management decisions for Natura 2000 sites with multiple landowners and by increasing acceptance and ownership of these decisions by private landowners. Similarly, the holistic approach in site management practiced by LIFE ELCN project partner ADEPT demonstrates the benefits of actively involving private landowners in decision making processes.

Beyond contributing to the protected area targets of the EU Biodiversity Strategy, private land conservation may have a role to play in the long-term conservation of sites restored in the context of the EU Nature Restoration legislation. If properties in private ownership outside protected areas are subject to restoration actions, the question arises if there are other way to designating the site as protected area to secure the restoration outcomes in the long-term. What kind of other effective area-based conservation measures (OECMs) can be taken on these properties? What legal safeguards other than publicly protected area status are available to satisfy both the interests of the public and of private landowners?

As for the many qualitative targets of the EU Biodiversity Strategy that are linked to in-situ measures, but not directly to protected area targets, such as habitats and species showing no deterioration in their conservation trends and status and at least 30% reaching favourable conservation status or showing a positive trend by 2030, reversing the decline of pollinators, planting three billion trees etc., private land conservation offers promising synergies but the connection between these targets and the recognition and accounting of their implementation by private landowners is tricky.

One way to create a link between qualitative targets related to land-use, such as the establishment of forest management practices that are beneficial for nature and climate, the reduction of the use of hazardous pesticides, the adoption of agroecological practices, the reduction of fertiliser use, the expansion of organic farming, and the protection of landscape features, might be to list such measures in voluntary private land conservation tools, such as conservation easements or stewardship agreements, but to refer to external policy frameworks, planning documents or technical guidance for details on their implementation and funding.

Promoting legal tools for private land conservation

Various private land conservation tools are used in the EU. In this report, we will focus on three of them: privately protected areas, conservation easements, and stewardship agreements.

Privately Protected Areas

Private landowners may wish to put their property under official protection to publicly commit to conservation objectives and improve legal safeguards against conservation threats. It is important to keep in mind that this happens voluntarily. As all private land conservation tools, the designation of a property as privately protected area (PPA) is an act of free will by the owner of the respective piece of land. Despite the involvement of public authorities in the process, PPA designation and recognition should thus be considered a “carrot” not a “stick”.

On the other hand, public authorities have a legitimate interest in ensuring that protected areas that are officially counted as contributions towards international commitments (such as 30x30) fulfil quality criteria regarding their governance, management, and long-term conservation outcomes. That is why it is important to agree what a “privately protected area” is what should be expected of it.

The IUCN defines a privately protected area (PPA) as a *“protected area, as defined by the IUCN (i.e. a clearly defined geographical space, recognised, dedicated, and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values), under private governance”*.⁸

Private governance of a protected area can include governance by individuals and groups of individuals, non-governmental organisations, corporations, including existing commercial companies and small companies established to manage groups of PPAs, for-profit owners such as ecotourism companies, research entities such as universities and field stations, or religious entities.

Several defining criteria for PPAs can be derived from this definition. To be considered a PPA, the land or sea

- must be dedicated, recognised, and managed as a protected area,
- must have nature conservation as the primary function of its protection status,
- must be dedicated to nature conservation in the long term, either through legal designation as a protected area, through a permanent or renewable binding agreement (e.g. conservation covenant or easement) or through governance by an organisation with clear perpetual conservation objectives (e.g. as stated in its articles of association),
- must be governed by a private entity.

This excludes protected areas under public or shared governance. Governance in this context is understood as having decision making power over

- the establishment of a PPA,

⁸ Mitchell et al. 2018. Guidelines for privately protected areas. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. <https://portals.iucn.org/library/sites/library/files/documents/pag-029-en.pdf>

- the long-term goal (vision) of the PPA,
- the management objectives,
- the adoption of a management plan and/or system,
- deciding who will implement the management,
- ensuring adequate human and financial resources.

The question of how PPAs are recognised, dedicated, and managed is answered very differently (if at all) in the various EU member states. Only Portugal, Belgium, Finland, Slovakia, and Slovenia include provisions in their nature conservation laws on PPA designation and recognition. In all other EU member states, no official process or programme for establishing PPAs exist. In some cases, publicly designated protected areas (e.g. nature reserves or Natura 2000 sites) under private governance can be treated as de facto PPAs, but they are not treated as a distinct category. The IUCN's PPA Guidelines acknowledge the existence of "many instances of shared governance arrangements that involve private governance in combination with other governance types, depending on the legal and institutional context for conservation in any country".⁹ As long as no procedure exist to identify and catalogue these cases, their contribution to protected areas targets cannot be quantified.

On the other hand, not all private land conservation initiatives can be treated as PPAs, and they do not have to. Where nature conservation is not the primary aim of the site management or is limited to the protection of parts of a larger property, e.g. in the case of set-aside areas as part of responsible forestry operations or landscape features on agricultural properties, such areas would not be considered as PPAs.¹⁰

Belgium has by far the most PPAs, which is mostly due to a robust funding programme for PPAs, which is available to private landowners managing a PPA as well as conservation NGOs since 2017. Under this programme, private landowners are eligible for compensation payments if they place voluntary conservation restrictions on their properties in the context of Natura 2000 management planning. In contrast to this, Portugal does not subsidise the establishment of management of PPAs. As a result, Faia Brava remains the only PPA in Portugal despite various private land conservation initiatives protecting land through acquisition or other means.

Policy recommendations for promoting PPAs on EU level

- Propose steps to harmonising the designation, recognition, and management processes of PPAs in the EU.
- Support the exchange of information between national and regional authorities on the legal and administrative frameworks for PPA designation and recognition.
- Offer training on PPAs, based on the IUCN PPA Guidelines.¹¹
- Request EU member states to include PPAs as part of their reporting on EU and global protected area targets.
- Publicly recognise the contributions that PPAs make to biodiversity targets in the EU by showcasing individual PPAs on EU level and publicising best practice.

⁹ Mitchell et al. 2018, page 2.

¹⁰ These areas could be considered as other effective area-based conservation measures (OECMs), an emerging type of site-based conservation, see IUCN-WCPA Task Force on OECMs 2019. Recognising and reporting other effective area-based conservation measures. Gland, Switzerland: IUCN.

<https://portals.iucn.org/library/sites/library/files/documents/PATRS-003-En.pdf>

¹¹ Mitchell et al. 2018

Conservation Easements

A conservation easement (also called conservation covenant or conservation servitude) is a tool to protect conservation values on private property from harm or deterioration. The concept has its legal roots in real property law. It treats ownership of real estate as a bundle of rights. One of the rights connected to land ownership is the right to carry out certain land uses. If a landowner places a conservation easement on her property, she voluntarily grants the holder of the easement the right to restrict or regulate these land uses without transferring the ownership of the property or other associated rights (e.g. the right to sell, lease or bequeath the property). The recipient of the easement is usually a public authority or a qualified conservation organisation (often called land trust). Conservation easements thus function similarly to regulatory restrictions on land use but are the result of direct contractual agreements between two private parties on a voluntary basis.

A conservation easement must be recorded in the title of the property, which means that it enters into force when it has been registered by a notary at the land registry office. Once it has become part of the property title, it is binding for the present and all future owners of the respective property. Although a conservation easement can be altered and revoked under certain conditions, it is usually designed to remain effective in perpetuity.

Conservation easements are very heterogeneous in form and scope. In their simplest form, they state that a property (or part of it) is dedicated to conservation purposes. This implies that all actions that run counter to this objective are prohibited. However, such a conservation easement leaves much room for interpretation and dispute. More sophisticated conservation easements thus describe the natural features (habitats, species, scenery etc.) that are supposed to be protected on the property, explain what land uses are allowed or forbidden, and specify rights and responsibilities of the contracting parties. In their most comprehensive form, conservation easements include detailed management prescriptions or refer to planning documents that are not registered in the property title and can thus be updated more easily.

Conservation easements have become the most popular conservation tool in the US. Land trusts in the US now protect more acres by conservation easements than by all other forms of land conservation combined. Their rise has been triggered by a combination of push- and pull factors that are unique to the situation in the US.

In some EU funding programmes (e.g. LIFE) land acquisition for conservation purposes is only eligible if the property is dedicated to conservation in the long-term through adequate legal safeguards. In some EU member states, such provisions have led to an increase in the use of conservation easements, but conservation easements of this type rarely go beyond a general clause in the property title.

Racinska and Vatrhuhs found that in 22 of the 25 EU member states that they analysed, easements (or variations of this tool) can be used to dedicate a property to nature conservation in principle, and that some countries have national legislation that explicitly addresses the use of easements for conservation purposes.¹² For example, in 2016 France introduced the “obligation réelle environnementale” (ORE) – a type of conservation easement – as conservation tool in “law no. 1087 for the restoration of biodiversity, nature and landscapes”. To date, only a few dozen OREs have

¹² Racinska and Vatrhuhs 2018. The Use of Conservation Easements in the EU. Report to NABU Federal Association. <https://elcn.eu/sites/default/files/2018-12/Racinska%20and%20Vatrhuhs%202018%20The%20Use%20of%20Conservation%20Easements%20in%20the%20EU%20-%20final%20report.pdf>

been signed. Finland has had more success with its programme “Metso”, which enables private forest landowners to voluntarily protect their properties either in perpetuity or temporarily. So far, 96,000 ha of privately owned forest have been protected through conservation easements. Anecdotal evidence suggests that conservation easements have been used outside the scope of LIFE projects in other EU member states as well (e.g. Germany, Denmark, Austria), but it seems fair to say that the concept is not widely applied in the EU.

The scarcity of conservation easements in the EU cannot be explained by the lack of a legal basis. No explicit legal obstacle exists for their use in most EU member states.¹³ Rather, insufficient familiarity with the tool, a lack of financial incentives for placing conservation easements on private property and little support for conservation NGOs as conservation easement holders currently seem to limit the use of conservation easements in the EU. These findings are supported by anecdotal evidence provided in a recent survey of over 100 conservation practitioners about the use of conservation easements in the EU.¹⁴

Policy recommendations for promoting the use of conservation easements in the EU

- Elaborate technical guidelines on for conservation easements.
- Test conservation easements as long-term voluntary conservation tool in various EU member states.
- Develop templates for conservation easements for a range of situations and purposes.
- Create financial incentives for landowners to protect conservation values on private properties through conservation easements.
- Improve information exchange on the use of conservation easements among conservation practitioners and private landowners.
- Publicise best practice of conservation easement use in the EU.

¹³ Racinska and Vatrhuhs 2018

¹⁴ Racinska, Halevy and Disselhoff 2021. The Current and Potential Use of Conservation Easements in the European Union”. <https://elcn.eu/sites/default/files/2022-03/Racinska%20Halevy%20and%20Disselhoff%202021%20The%20current%20and%20potential%20use%20of%20conservation%20easements%20in%20the%20EU.pdf>

Stewardship Agreements

Stewardship agreements are contracts between a landowner and a third party (usually a conservation NGO) about the transfer or support of management tasks on a property for conservation purposes. While these agreements can take many different forms, they typically include a “quid pro quo” transaction of rights and obligations between the contracting parties. Landowners can use stewardship agreements to get external expertise, help or assistance in the management of natural values without losing ownership or control over the property. For conservation NGOs, stewardship agreements are a way to implement conservation objectives on private property with the consent of the landowner.

The tool is most widespread in Spain, where more than 578,000 ha of land have been subject to stewardship agreements since 2008.¹⁵ Similar contractual arrangements between private landowners exist in other EU member states, but not on this scale. In many cases, the participation of landowner in stewardship agreements is due to their intrinsic interest in protecting nature on their property, in retaining or increasing ecosystem services such as water infiltration, soil fertility, forest resilience or pest control. To date, financial compensation for the landowner in the form of subsidies or tax incentives plays a minor role in stimulating a wider use of the tool. One reason for this is the heterogeneity of the individual stewardship agreements and their contractual, private nature, which leaves it entirely to the contractual parties to agree on the terms and provisions of the agreement. As pilot action A.08 on “Tax incentives for private land conservation” of the LIFE ELCN project has shown, one prerequisite for the development of financial incentive programmes supporting stewardship agreements would thus be to define minimum requirements regarding their content, duration, enforcement etc. and to create registries for them, so that officials in charge of the incentive programmes can keep track of their existence and check their consistency with stated public nature conservation objectives.

Policy recommendations for promoting the use of stewardship agreements in the EU

- Collect examples of stewardship agreements from various EU member states and compile templates for typical applications.
- Develop standardised requirements for stewardship agreements regarding their purpose, content, duration, terms, and provisions as a basis for defining eligibility criteria for funding programmes and tax incentives.
- Create public registries of stewardship agreements to track where they are in place and who are the contracting parties.

¹⁵Fundación Biodiversidad 2018. 5.º Inventario de Iniciativas de Custodia del Territorio en España.
https://www.custodia-territorio.es/sites/default/files/recursos/5oinventario_ct_fb_03082018_definitivo.pdf

Incentivising private land conservation

Most private landowners have an intrinsic motivation to protect nature on their land. For them, private land conservation is a vocation, not a business. Nevertheless, they need to be able to justify conservation decisions also from an economic perspective and need arguments to convince family members or shareholders that doing good must not be the opposite of doing well. Only few landowners are in the luxurious position to be able to ignore financial considerations regarding their land. That is why private land conservation needs to be financially incentivised.

To be effective, public programmes supporting private land conservation do not necessarily need to generate profits for landowners, they just need to help them break even by compensating (part of) their income reduction caused by conservation activities. Being able to live off your land is not a question of black and white. There are degrees of profitability in each commercial land use, and many landowners are willing to accept lower profits in exchange for conservation gains. Moreover, part of the conservation activities “pay for themselves” through property value increases linked to improved ecosystem health, soil fertility, and amenity values. This means that financial incentives for private land conservation only need to allow landowners to cover part of their costs, so that their income reduction is equivalent to their “willingness to pay” for conservation on their property.

Costs of private land conservation fall into three categories:

- transactional costs,
- costs associated to reductions in the property value and
- costs of long-term management and stewardship.

Depending on the private land conservation tool, costs and their distribution across these categories vary. Financial incentive programmes need to consider all these cost categories, as each one of them can become prohibitive. Secondly, the question arises as to who will bear which costs. As most private land conservation deals involve either a conservation NGO or a public agency, private landowners are not the only ones who will incur costs.

All private land conservation tools presented in this report produce *transactional costs* related to talks and negotiations. Whereas in theory, an application for PPA designation could be carried out by the landowner alone, most cases will involve a conservation organisation or technical consultancy for helping to define conservation objectives, plan appropriate management measures etc. For conservation easements and stewardship agreements, transactional costs arise from contract negotiations between the landowner and the conservation organisation. As conservation easements become part of the property title, legal representation, as well as notary and land registry fees create additional costs, which may not be the case for all stewardship agreements.

Property costs stem from reductions in value of the land subject to conservation. All private land conservation tools that diminish actual or potential commercial land use can options cost the landowner something. As a rule of thumb, the property cost is equivalent to the difference between the value of a property encumbered by conservation restrictions and a similar without property without these restrictions. Measuring this difference can be difficult, as it needs to be considered case by case, and similar cases for comparison may be hard to find. There is no market (yet) in the EU for properties encumbered by conservation easements or similar tools. Conservation easements can be expected to create the highest costs in terms of property value reduction, as they are the tool of choice for land use restrictions. PPA designation and stewardship agreement can also reduce the property value, but only if the landowner agrees to land use restrictions as part of the process.

Long-term costs affect both the landowner and the conservation organisation. Private land conservation tools are like a marriage – if all goes well, they can last a long time, and ending them early can be costly. Conservation organisations and landowners need to think about costs for monitoring, reporting, recurrent and one-off management measures, enforcement etc. before entering long-term binding relationships. A common mistake is to consider PPA designation or the signing of a conservation easement or stewardship agreement the result of conservation ambitions and not their beginning. Ignoring the questions of who will be responsible for what in the long term and how associated costs will be covered can lead to disappointment and conflicts, which will put the project at risk and sour relationships. Although conservation organisations are extremely cost-effective and produce huge public benefits for little money, as they are often run by volunteers and sustained by membership fees, most of them need some sort of public support to be reliable partners in private land conservation projects, including help with their core operating costs.

	Privately protected area	Conservation easement	Stewardship agreement
Transactional costs	Costs for the documentation of property's features and development of a management plan	Costs for negotiation with the conservation NGO, legal fees, notary costs, and land registry costs.	Costs for negotiating the agreement, legal fees.
Property costs	To the extent that the landowner agrees to land use restrictions as part of the PPA designation.	Difference between the (ex-ante) value of the unencumbered property and the value of the property encumbered by the conservation easement.	To the extent that the landowner agrees to land use restrictions as part of the stewardship agreement.
Long-term costs	Costs for governance, management, monitoring, and enforcement.	Costs for monitoring, possibly costs for active conservation management or for and enforcement, incl. legal action.	Costs for active management, monitoring, reporting.

In principle, public financial support for private land conservation can take two forms: funding programmes and tax incentives. Public funding is dominant form in the EU, with well-established programmes on EU and national level, many of which have expanded their scope in recent years to include various types of private land conservation transactions. Tax incentives on the other hand are not directly linked to private land conservation, but support conservation organisations in two important ways: most EU member states allow donations for charitable purposes to be deducted from income and other taxes and exempt charitable organisations from paying taxes themselves. Both funding programmes and tax incentives thus offer good prerequisites for developing tailored financial incentives for private land conservation.

The biggest shortcoming of existing EU funding programmes for private land conservation is their limited scope and bureaucratic burden. To effectively support private land conservation, EU programmes need to consider all promising private land conservation tools and associated costs

categories, need to be accessible to all parties involved in private land conservation, and need to take into account the realities of their constituencies. Current programmes suffer from shortcomings in this respect. For example, while transactional and property-related costs are eligible under LIFE, costs for recurrent long-term management and monitoring are not. Rural development programmes cover costs related to some recurrent management, but do not support long-term monitoring, reporting, and enforcement of properties subject to private land conservation, and they usually do not support core operating costs of conservation organisations that partner with landowners willing to conserve nature on their land. All programmes have absurdly high reporting requirements and create huge administrative burden for the beneficiaries.

Tax incentives on the other hand do not target private land conservation transactions specifically. Properties subject to PPA designation, conservation easements, or stewardship agreements do not benefit from reduced property or estate taxes. While the donation of a property to a charitable conservation organisation is considered as a donation in kind in some EU member states, the transfer of use rights in the form of a conservation easement or stewardship agreement is not.

Policy recommendations for incentivising private land conservations in the EU

- Reduce the administrative burden and reporting requirements of EU funding programmes by using lump sum payments, overhead flat rates, standardised fees per transaction etc.
- Expand the scope of EU funding programmes, including various forms of private land conservation tools and their associated costs.
- Include the costs of long-term management, stewardship, monitoring, reporting and enforcement as eligible in EU funding programmes (e.g. through the inclusion of endowment fund payments¹⁶ in private land conservation transaction).
- Allow private landowners to apply for LIFE funds (in partnership with conservation organisations).
- Support the exchange of information and ideas on the reform of national tax law for the benefit of private land conservation, including the deductibility of conservation easements and stewardship agreements as donations in kind.
- Support the development of test cases for incentivising private land conservation through tax deductions.

¹⁶ An endowment payment is money given to the conservation organisation alongside the private land conservation transaction. The endowment is added to the organisation's investment portfolio. The interest earned on the investment covers the costs associated to transaction in perpetuity.

Building partnerships for private land conservation

Private land conservation has transformational potential if it is understood as collaborative approach that brings together landowners, communities, conservation organisations and public agencies around shared goals. New relationships between private landowners and conservation organisations – even blurring the lines between them – can unlock tremendous capacities for the expansion of private land conservation in the EU.

Building these partnerships, however, needs political support and a fundamental change in perspective – from antagonism to trust. This requires a better understanding of the benefits that these partnerships can provide to all sides. Private landowners benefit from private land conservation partnerships, as these help to ensure the long-term conservation of natural values on their property. They can get help from public authorities that provide landowners with oversight, financial support, and legal enforcement. In return, public agencies benefit from the involvement of private landowners through their active involvement in conservation programmes and their contributions to conservation policy objectives. Conservation organisations can offer landowners technical expertise, capacity, public recognition, and external safeguards in private land conservation projects. They benefit from better access to properties relevant for achieving their conservation mission, stronger ties to local communities, and an increase of their donor base. All parties can enjoy the fulfilling sensation of self-efficacy and the satisfaction of accomplishing cooperative initiatives and owning their results.

Experiences in other parts have shown that institutional support for networks of private land conservation organisations and landowners has dramatically increase the pace and quality of conservation outcomes. The foundation of the Land Trust Alliance as umbrella organisations of land trusts in the United States has helped to professionalise the work of the private land conservation community and helped to transform it from a disparate movement to an “conservation industry”. Similar initiatives in the EU, such as the network started by the LIFE ELCN project and the subsequent institutional partnership between Eurosite and the European Landowners Organization (see action C.05) hold the promise of acting as catalysers for the acceleration of private land conservation in the EU.

The EU should continue investments into the institutional “infrastructure” for private land conservation.

Policy recommendations for building private land conservation partnerships in the EU

- Fund projects and initiatives that aim to build new partnerships and networks for private land conservation.
- Provide institutional support to organisations that partner with private landowners in voluntary, long-term conservation (land trusts).
- Encourage and support information exchange and mutual visits of EU-based conservation organisations with land trusts and their networking organisations outside the EU.