INTERNATIONAL LAND CONSERVATION NETWORK

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The State of Sonora joins Chile as one of two Latin American regions to adopt *Derecho Real de Conservación*

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On June 7, the Congress of the State of Sonora in Mexico approved several legislative amendments to encourage biodiversity conservation on private land. The cross-sector effort creates a framework for economic and market-based incentives and makes the state the second region in Latin America to incorporate *Derecho Real de Conservación* (DRC), a tool similar to an easement.

The vote to amend the state's environmental and municipal tax laws was unanimous. Leading up to the vote, several government, non-government, and private organizations collaborated to promote the reforms. The group included the Bioconnect Project, the French Development Agency, VistoBueno Environmental Consultants, the Wildlands Network, and congressional Deputy Brenda Cordoba Búzani.

Modifications to Sonora's environmental law allow the government to leverage a new legal figure, resembling an easement, called a DRC. The Mexican State of Sonora joins Chile—which debuted the DRC model in 2016 after an eight-year campaign to introduce it—as one of two Latin American regions to use the tool.

In some ways, DRCs are more innovative than easements. While the latter imposes restrictions on how land can be used, a DRC introduces new ways of exercising ownership over environmental goods. The legally binding agreement is meant to conserve the environmental patrimony of a private property or retain certain attributes and functions. A landowner makes a free, voluntary, and flexible agreement with a conservation guarantor, who then owns the DRC and ensures that the property is cared for sustainably long term. The guarantor is typically a public or private not-for-profit conservation organization with the capacity and skill to carry through on the promises of a DRC.

Currently, there is no financial motive for a landowner to adopt a DRC. Landowners who are interested in the mechanism are typically driven by an intrinsic desire to protect the natural heritage of their property. When the landowner signs the agreement, that desire becomes a legacy and is legally protected even if the land changes hands.

In the future, DRCs may be further strengthened by tax incentives. Fernanda Ibarra, legal advisor of Sonora's Energy and Environmental Commission, played a key role in passing the law enabling DRCs and said that the original initiative has been modified to bolster the tool's power. Eventually, landowners who sign a DRC protecting their land for at least 30 years could enjoy a property-tax reduction of between 20 percent and 80 percent, depending on the size of the parcel being protected.

“These amendments are a huge win for conservation in Sonora,” said Senior Conservation Specialist for the Wildlands Network, Carlos Castillo. Castillo’s technical knowledge was instrumental to passing the amendments. “Providing economic incentives for private conservation will help us strengthen current private conservation areas and promote new ones, which will benefit ecological connectivity and integrated landscape management.”

Another important development for private conservation in Mexico are Areas Voluntarily Designated for Conservation (ADVC). This mechanism builds off natural areas that are protected by presidential decree. ADVCs are voluntarily adopted by private landowners and are both more flexible and easier to implement than a presidential decree. The first ADVC was created in 2002. Today, Mexico has 384 valid certified areas distributed across 26 states, with a total area of 631,743 hectares.

The State of Sonora trails behind a few other regions in leveraging ADVCs. While it is the second largest Mexican state, it has the fifth highest rate of ADVCs. Even so, the tool is helping to protect over 53,000 hectares of private land.

Ibarra said that tools like DRCs and ADVCs that catalyze private land protection are critical to achieving conservation goals in the region. “State-owned Natural Protected Areas are insufficient to reach the goal of 30 percent conservation by 2030, promoted by multilateral organizations.” Most of Sonoran land is communal or private property, which limits the state’s conservation capacity.

Castillo said that private land conservation is one of the most important ways to protect the environment and create ecological corridors for jaguars, ocelots, black bears, and other Sonoran species. His ultimate goal is to mitigate climate change, mass extinctions, and biodiversity loss, a mission that “puts Sonora at the forefront in terms of private conservation.”

While the Wildlands Network does not yet hold any DRC contracts, it does support two AVDCs and is willing to enter new contracts to enhance conservation protection. Its land includes the *Reserva de Jaguar* and *Parque La Colorada de Álamos*, both in the state of Sonora. He said that layering protection for established conservation areas and enabling new private conservation areas sparks new hope for land protection in Mexico.

While Sonora is a pioneer for private land conservation in Latin America, it is not alone in its vision for a healthier landscape. Many other Mexican states are working to pass similar laws and Castillo hopes Sonora’s success will serve as an example as they develop their own frameworks