

Land Administration of Communal Land: Lessons from the Ejidos in Mexico

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SUMMARY

How property rights in Latin American countries have been formalized in local and indigenous communities and their subsequent evolution is of particular relevance to countries in sub-Saharan Africa and elsewhere which are trying to formalize customary land administration. Within Latin America, Mexico has led the way both in terms of land reform as well titling of local communities. It is one of the few countries which has both a long history of titled communities and an extensive area of land under community titles. Almost half of the land area of Mexico is comprised of registered communal land known as ejidos and approximately 80% of the country's forest resources fall on ejido land. Ejidos are recognized as legal entities and are registered in a special registry known as the National Agrarian Registry or RAN. There is a uniform governance structure within all ejidos in Mexico and the governance rules are usually reflected in internal regulations which control how natural resources are distributed and managed. Although private titles were given jointly in the name of the original applicants, these came with restrictions which made it illegal to alienate, subdivide or mortgage any of the land within the community. In 1992 the Mexican constitution was changed to allow communities to alienate land provided there was majority support for this amongst the ejido leaders. At that time, many scholars predicted that this option to alienate would lead to the dissolution and ultimate disappearance of the ejido. Although about 10% of ejidos had opted for this individualization by 2009, it is clear that ejido tenure is quite resilient and unlikely to disappear in the near future. The land tenure debate in sub-Saharan Africa has for decades been dominated by the so-called 'land question' – how to deal with customary tenure within formal land administration systems that favour individual private property. For the most part this debate has been a binary one; should customary tenure be treated as communal property or should it be converted to private individual property. Ejido land tenure in Mexico, and its evolution over the past 50-80 years, demonstrates that individual and communal tenure can co-exist within communities that are titled in the name of the community leaders. Also of relevance to the African land question is the land administration system that has been constructed to deal with ejido property rights and the linkages between the ejido registry and the public registry which handles individual property rights outside the ejido sector. This paper describes the land administration system in Mexico, with an emphasis on the ejido sector. It explains how community land tenure in Mexico has evolved over the past century. Both of these components of the study will contribute to the CoFlas (Costing and Financing of Land Administration Services) and customary tenure GLTN tools that are under development.