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

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Mexico operates a pro-poor land administration system that has been around for almost a century and covers approximately half the country’s land.
**Customary Land Tenure Tool**

**Objective:**
Identify, describe and analyze mechanisms to attain land tenure security with customary tenure systems, including how these systems operate and adapt to external and internal forces.

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**Conceptual Framework**

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**The Ejido**

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Continuum of Property Rights in Mexico

Informal Land Rights
- Perceived Tenure Approaches
  - Occupancy
  - Anti-Evictions
  - Leases

Customary
- Creation of Ejidos
  - (unencumberable, indivisible, inalienable)
- Reforms to Article 27

Group Tenure
- Allowed conversion to Private Property

Registered Private Property

Formal Land Rights

Indigenous Forms of Tenure
- Dismantling of Indigenous Tenure
  - (encomiendas, haciendas, congregaciones)

TIME
- Pre-Hispanic (1917-1992)
- Colonial Era (1519-1821)
- Land Reform Era (1917-1992)
- Neo-liberal Era (1992-present)

Ejido Field Samples

By 1992 number of Ejidos exceeded 30,000

<table>
<thead>
<tr>
<th>Land Tenure</th>
<th>Ejidos Visited</th>
<th>Factors affecting Tenure</th>
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| Common-Use (no parcels)      | Naranjal Poniente (Qroo, Mexico State) (forest ejidos), | • Collective forest use  
                                 |                                     | • Traditional Practices          |
|                              |                                     | • Distrust of Government                                                              |
| Common-Use (with Certified Parcels) | Noh Bec (Qroo) Tonalaco (Veracruz) |                                                                                     |
|                              |                                     | • Continue to benefit from collective tenure                                         |
|                              |                                     | • Environmental Services important revenue source                                    |
|                              |                                     | • Limited land sales, less secure                                                     |
| Certified Parcels            | Mozambooa (Veracruz)                |                                                                                     |
|                              |                                     | • Parcels and titles confused                                                        |
|                              |                                     | • Land sales (agriculture)                                                           |
|                              |                                     | • Fear of property taxes limits conversion to dominio pleno                          |
| Dominio Pleno                | El Chico Emiliano Zapata (Veracruz) |                                                                                     |
|                              |                                     | • Conversion to DP (urbanization and rising land values)                             |
|                              |                                     | • Ejido losing original meaning                                                      |
|                              |                                     | • Subdivision and sale of ejido parcels (urbanization primary driver)                |
|                              |                                     | • Considering dissolving ejido                                                       |
|                              |                                     | • Many land sales                                                                   |

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Level of Parcelization

Percentage Ejido Area Parceled by State (2007)

Average Area (ha) per Ejido (2007)

Legal Framework

Constitution (Art. 27) of 1992

Civil Code (Libro 4 – 2000)

Agrarian Law (1992)


Organic Law – Agrarian Tribunals (1998)


Regulations – Certification of Ejidal Rights and Titling of Urban Lots (1993)

Regulations – Planning of Rural Properties (2012)


Internal Regulations (Ejido)

Regulations (Interior) – Agrarian Reform Secretariat (1995)

Regulations (Interior) – Agrarian Tribunals (1992)

Regulations (Interior) – Agrarian Attorney’s Office (1996)

Regulations (Interior) – National Agrarian Registry (1997)

Original Property Documents

Original Ejido Title

Agrarian Rights Certificate

Ejido Tlalmimilolpan

Ejido San Miguel Atlautla

Products of Certification Process

Common-Use LandCertificate

Parcel Certificate

Urban Lot Title

Urban Lot Plan

Internal Plan

Common-use Land Plan

Individual Parcel Plan

Human Settlement Plan
Characteristics of Ejidatarios

Gender of All Ejidatarios (2007)
- Male: 80%
- Female: 20%

Ejidatarios vs Possessors (2007)
- Ejidatarios: 74%
- Possessors: 26%

Los Molinos Ejidatarios Age Distribution (2000)
- 24-30: 4
- 31-43: 10
- 44-53: 21
- 54-63: 24
- 64-73: 25
- 74-83: 11
- 84-93: 6
- 94-103: 7

Mozomboa Ejidatarios Age Distribution (2003)
- 24-30: 1
- 31-43: 16
- 44-53: 45
- 54-63: 54
- 64-73: 57
- 74-83: 36
- 84-93: 7
- 94-103: 1

Property Registration Systems

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Evolution of Ejidos

- Approx. 7-10% of ejidos have converted to private property
- Why have they converted?
  - Rising land values due to urbanization
  - Maximizing payment when expropriation imminent
  - Land near tourism areas
  - Leave (will) to multiple successors

Factors Contributing to Evolution

- Externally funded Programs
- Extreme weather events
- 1992 Legal Reform
- NAFTA
- PROCEDE
- Community Forestry
- Governance
- Resource Base
- Livelihood Strategies
- Migration
- Attitude about property
- Change in Land Tenure
  - (a) Communal (no parcels)
  - (b) Temporary Parcels
  - (c) Internal Parcels
  - (d) Certified Parcels
  - (e) Entire ejido parcelized
  - (f) Private Individual Property

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Lessons - Positive

- **Title** over community provided **protective shell**
- Standardized **governance template**
- Specific **pro-poor registry** for communities
- Communal land has preserved natural resources which provide valuable **environmental services** (e.g. clean water)

Lessons - Negative

- Residents and possessors do not have a direct voice in community **Governance**
- **Inter-generational** transfer issues
- Many community members do not distinguish between **title** and usufruct **certificates** (land market in both)
- Registry structure is not easily **accessible** (recent initiatives address this)
- Policy change to allow private individual property has not integrated community members in the **larger economy**