Ejido Governance and Resettlement Process: A good match?

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Overview

- Genesis of Mexico’s ejido land tenure structure
- Characteristics of ejido governance and operation
- Ejido Governance and resettlement process
- Lessons learned
Ejido – Land Reform from Mexican Revolution

- Following the Mexican Revolution (1910), many large tracts of land formerly owned by plantation owners were expropriated and distributed to the peasants.
- These areas, which were allocated under a community ownership system, are known as *ejidos*.
- The individuals who were assigned to live in and work the ejidos do not legally own the land on an individual basis, nor can they individually sell or transfer their rights, except to their heirs.
- Persons who own or inherit these rights are known as *ejidatarios*.
Under NAFTA agreement, in 1992 the Mexican constitution was changed to allow communities to alienate land provided there was majority support for this.

Since then, Ejido’s parcels can be subject to commercial transactions, although the process to declare a parcel private is length and bureaucratic.

The most preferred alternative is land leasing for a maximum of 30 years.
Reasons for modification

- The low marketability of ejido land made it difficult for a new generation of farmers to gain access to this land
- Local governments faced difficulties in acquiring ejido land for urban expansion; and
- Legal and administrative restrictions led to a lack of capital investment in ejidos
Ejido – Governance Structure

Mexico Federal Government

Ejido’s Assembly

Ejido’s Commissariat

Supervisory Council

Agrarian Attorney

Agrarian Registry
Composition Commissariat

- Commissary
- Secretary
- Treasurer
Ejido - Types of Land Possession

- Individual parcels (production)
- Property for common use (water sources, mountains)
- Property for community development (urban)
From 1996-2006 the Federal Government conducted a country wide certification of ejido land possession (PROCEDE).

- It is not titling; it is a certificate of possession.
Key Aspects of Ejido Structure

- Represents 62% of total Mexico’s territory

- Strong cultural and historical identity
Overview of Ejido Resettlement

- Ejido urban area located on a hill ladder prone to rock falling
- Before mining operation started, ejido requested to be resettled to a safer area
- Mine feasibility determined ejido’s urban area inside safety buffer zone
Overview of Ejido Resettlement

- Ejido selected a new site for the new community inside their own boundaries.
- There was no loss of economic livelihood
- Resulting in only physical displacement
Overview of Ejido Resettlement

• One ejido with two similar but distinct communities (for historical reasons)

• Total 170 households

• Main economic activities: farming, fishing and remittances
Compensation Criteria

- Expropriation was dismissed by project proponent as not politically acceptable
- Asset for asset replacement
- Cash compensation for added household productive structures (non movable)
- Cash compensation for common use structures and not replicable in new settlement
<table>
<thead>
<tr>
<th>Resettlement Process</th>
<th>Ejido’s Decision Process</th>
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<tbody>
<tr>
<td>Land lease and resettlement decision – one decision</td>
<td>Ejidatarios assembly (75%) quorum – approved</td>
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<tr>
<td>Resettlement Action Plan prepared</td>
<td>Ejido informed</td>
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<tr>
<td>Eligibility and Compensation criteria (cut-off date)</td>
<td>Focus groups and ejido assembly (51% quorum)</td>
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<td>Household asset inventory</td>
<td>Commissariat approval</td>
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<td>Disputes complaints</td>
<td>Resettlement’s Grievance Mechanism</td>
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<tr>
<td>Location for new settlement</td>
<td>Ejidatarios assembly (75%) quorum – approved</td>
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<tr>
<td>New community urban layout – new houses model designs</td>
<td>Focus groups and ejido assembly (51% quorum)</td>
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<tr>
<td>Selection of new house model and location</td>
<td>Continuous negotiation among family clans</td>
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<td>Squatters and non certificate possession</td>
<td>Commissariat analysis and approval</td>
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<tr>
<td>Number of households increased – append to census</td>
<td>Commissariat confirmed validity of household increase</td>
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<td>Construction of new community and houses</td>
<td>Field visits and inspection of model houses</td>
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<td>Moving planning</td>
<td>Family clans decided when and how to move – commissariat oversaw</td>
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<td>Public services in new community</td>
<td>Commissariat entitled to sign requests for services</td>
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<tr>
<td>Titling of new houses</td>
<td>Agreement for resettlement included obtaining title to each new house built</td>
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<td>Vulnerable people</td>
<td>Properly identified in census and confirmed by Commissariat</td>
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<td>Restoration of social capital</td>
<td>Community groups were helped to restore way of life</td>
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Lessons Learned

- It is very important to follow all the procedures and timeframe indicated in the Agrarian Law in relation to ejido governance during resettlement.
- Federal agencies played a key role in providing legitimacy to all ejido’s assembly decisions and solving disputes.
- Free Prior Informed Consent principle was adopted in this case even though ejido residents were not considered by law indigenous people.
- Project allocated enough CR personnel to provide constant awareness and passing information to ejidatarios.
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Muchas gracias!!