

# Ejido Governance and Resettlement Process: A good match?

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- 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*

# Constitutional Modification

- 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 lengthy 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**

Agrarian Attorney

Agrarian Registry

**Ejido's Assembly**

**Ejido's Commissariat**

**Supervisory Council**

# 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)



# Certification of Land Possession

- 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



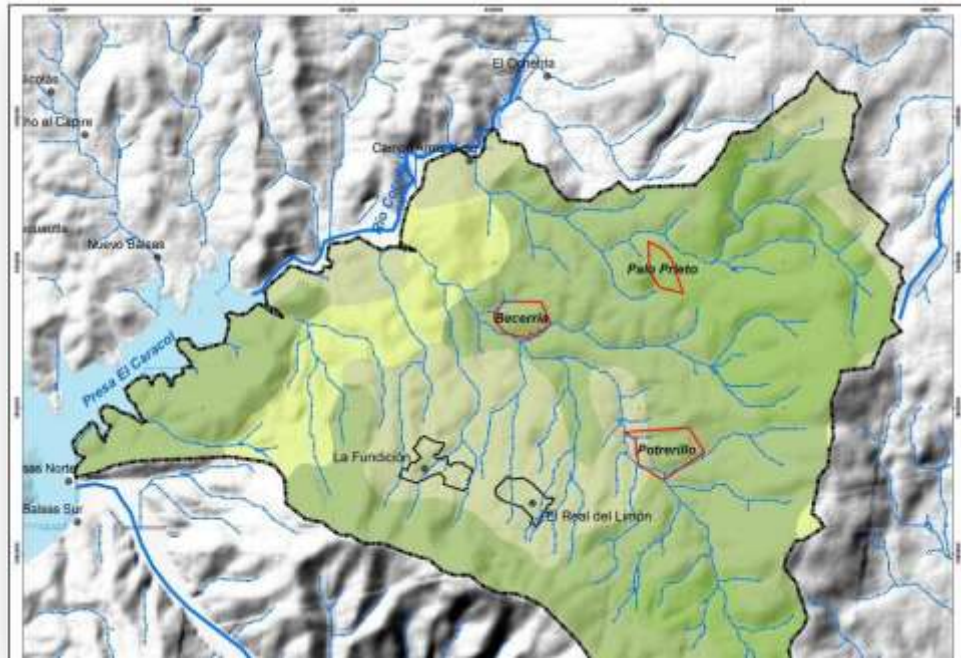
# Overview of Ejido Resettlement

- 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

# Resettlement Process - Comparison

## Resettlement Process

Land lease and resettlement decision – one decision

Resettlement Action Plan prepared

Eligibility and Compensation criteria (cut-off date)

Household asset inventory

Disputes complaints

## Ejido's Decision Process

Ejidatarios assembly (75%) quorum – approved

Ejido informed

Focus groups and ejido assembly (51% quorum)

Commissariat approval

Resettlement's Grievance Mechanism

# Resettlement Process – Comparison (2)

## Resettlement Process

Location for new settlement

New community urban layout – new houses model designs

Selection of new house model and location

Squatters and non certificate possession

## Ejido's Decision Process

Ejidatarios assembly (75%) quorum – approved

Focus groups and ejido assembly (51% quorum)

Continuous negotiation among family clans

Commissariat analysis and approval



# Resettlement Process – Comparison (3)

## Resettlement Process

Number of households increased –  
append to census

Construction of new community and  
houses

Moving planning

## Ejido's Decision Process

Commissariat confirmed validity of  
household increase

Field visits and inspection of model  
houses

Family clans decided when and how to  
move – commissariat oversaw

# Resettlement Process – Comparison (4)

## Resettlement Process

Public services in new community

Titling of new houses

Vulnerable people

Restoration of social capital

## Ejido's Decision Process

Commissariat entitled to sign requests for services

Agreement for resettlement included obtaining title to each new house built

Properly identified in census and confirmed by Commissariat

Community groups were helped to restore way of life

# 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

# Muchas gracias!!

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