

**Land Regularization and Conflict Resolution: The Case of Mexico.**

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## **Preface**

The paper “Land Regularization and Conflict Resolution: The Case of Mexico” is part of a series of case studies that the FAO Land Tenure Service (LTS) is carrying out on the topic of land tenure conflict management. In June-July 2002 the LTS carried out a needs assessment survey with land and natural resources conflict management practitioners of different countries in Asia, Africa and Latin America. One of the results of the survey indicates the need of the practitioners to have more information about cases and lessons learned in relation to land tenure conflict management. The Mexico case is a very relevant experience, because of the institutional framework that was set-up by the Mexican Government to solve land tenure conflicts in the framework of a nationwide land regularisation program that took place after the a new land reform law was elicited in 1992. Decentralisation was one of the key issues in the institutional set-up, and participatory methodologies were the main tool. The paper of Kirsten Appendini analyses the implementation of PROCEDE, which was launched in 1993, with the purpose of solving the main land conflicts preventing the regularisation of agrarian reform lands. The paper analyses both the main achievements and bottlenecks of the program, and suggests key issues to take into consideration for the implementation of similar experiences elsewhere. Because of the unique characteristics as a Government institutional experience on land conflict management, the Mexico case would certainly be a case of interest for practitioners and professionals dealing with the issue of conflict and natural resources.

## **Section 1. The institutional context for conflict resolution concerning property rights.**

Tenure security is the core of the ‘new agrarian reform’ that is being implemented in many countries, whether in the case of giving peasants access to land or asserting the possession of land already held, as in the case of Mexico. Under market-led economic growth, clear and secure property rights over land and its resources are deemed as the most important conditions to give farmers security and hence incentives for investment, increased productivity and better incomes.

In the first phase of the new agrarian reform policies, emphasis was placed on securing property rights by giving full property rights to land holders, namely by the process of privatization. Therefore the main issue was the regularization and giving land titles. At present, more than a decade of experience in the process of land regularization and issuing titles has provided a better understanding of the complexity of land tenure situations and the fallacy of a homogenous approach to property rights. Hence, the importance of assuring the rights of peasants in different land tenure regimes has been stressed in the relevant literature. Such, for instance, is the case of many of the common property regimes that are responsible for the livelihood of numerous peasants worldwide. (Binswanger and Dieninger 1998). There are also different ways of ensuring tenure security according to specific contexts depending on whether the main economic activities, for instance, are related to agriculture, livestock, forestry, or whether the areas concerned are located in rural or in periurban areas, ecological reservations, etc. Consequently, even within one country, the implementation of land regularization and title programs may face very different problems.

One of the most important aspects of land regularization and title programs is dealing with the conflicts that come up over ‘who’ has rights, ‘what’ rights and ‘how’ the rights to land and resources are managed and enforced. In the process of assigning property rights, a highly institutionalized legal framework for dealing with conflicts in communities and among individuals, even within a family, is likely to be complicated and costly to enforce. Solving conflicts and disputes by consensus and agreement at the local level is therefore a key issue in land regularization programs.

In this report we shall present the recent experience of Mexico in carrying out a vast regularization program regarding the lands of communities that are under the Agrarian Reform regime.<sup>1</sup> We will focus on the way in which this program has dealt with conflict resolution aimed at reaching solutions to disputes at the local level. This process was backed by policy reforms which provided increased authority to the local government organizations and also promoted and encouraged agreements between individuals. At the same time, the possibility for participation and flexibility has been created within a highly institutionalized legal framework which regulates the ‘who’ ‘what’ and ‘how’ rights of a great part of the rural population.

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<sup>1</sup> Private land holdings are not included in the program.

The incorporation of formal rules with the sometimes contradictory local norms and everyday practices of rural people is one of the key issues in understanding the process and outcomes - or limitations - of conflict resolution in some very complex agrarian situations, as is the case in many regions of Mexico.

In the first section of the report there will be a brief introduction to the conceptual frame in which we discuss the Mexican experience of a land regularization program. This will refer to an institutional approach in order to analyze property rights and conflict resolution processes within a program of land regularization.

In the second section we will discuss the background of the 1992 land reform laws and the corresponding regularization program, with a very brief overview of the complex historical process of land reform in Mexico, as well as the land conflicts that were not resolved or which emerged in that process.

The third section refers specifically to the land regularization program PROCEDE, initiated in 1993. The means for conflict resolution within the PROCEDE process is the topic of section four. Section five attempts to provide a pattern of conflicts and resolutions based on an institutional approach and on the Mexican experience.

In sections 6 and 7 we show examples and case studies in which other actors involved in conflict resolution are involved. In the Conclusion or Final Remarks we attempt to make some recommendations, in the case of Mexico, to augment the 'participation' of local people in the process of conflict resolution.

### ***The institutional setting: property rights and conflict resolution.***

Property rights to land and other forms of natural resources are defined by the institutional framework which covers different levels of institutionality ranging from laws and formal regulations implemented by public entities to the norms accepted by social groups according to custom and to the everyday practices people engage in, in order to gain access to resources. Hence we use a broad definition of institutions that focuses not only on the formal legal aspects of property rights, but also to the set of social relations that structure people's actions and practices such as the norms of structured social behavior and organized practices of people.<sup>2</sup>

Property rights can be understood in a broad institutional context which ranges from the laws and regulations designed and enforced by public entities that rule access and management of land and its resources, as well as who are entitled to these rights, to the norms that structure the rules at the local level (written or ruled by custom and use) to the everyday arrangements and practices of groups or individuals in exercising their rights.

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<sup>2</sup> For a discussion on the concept of institutions see Alberti, 2000; for a discussion on an operational concept see, Appendini and Nuijten, (forthcoming).

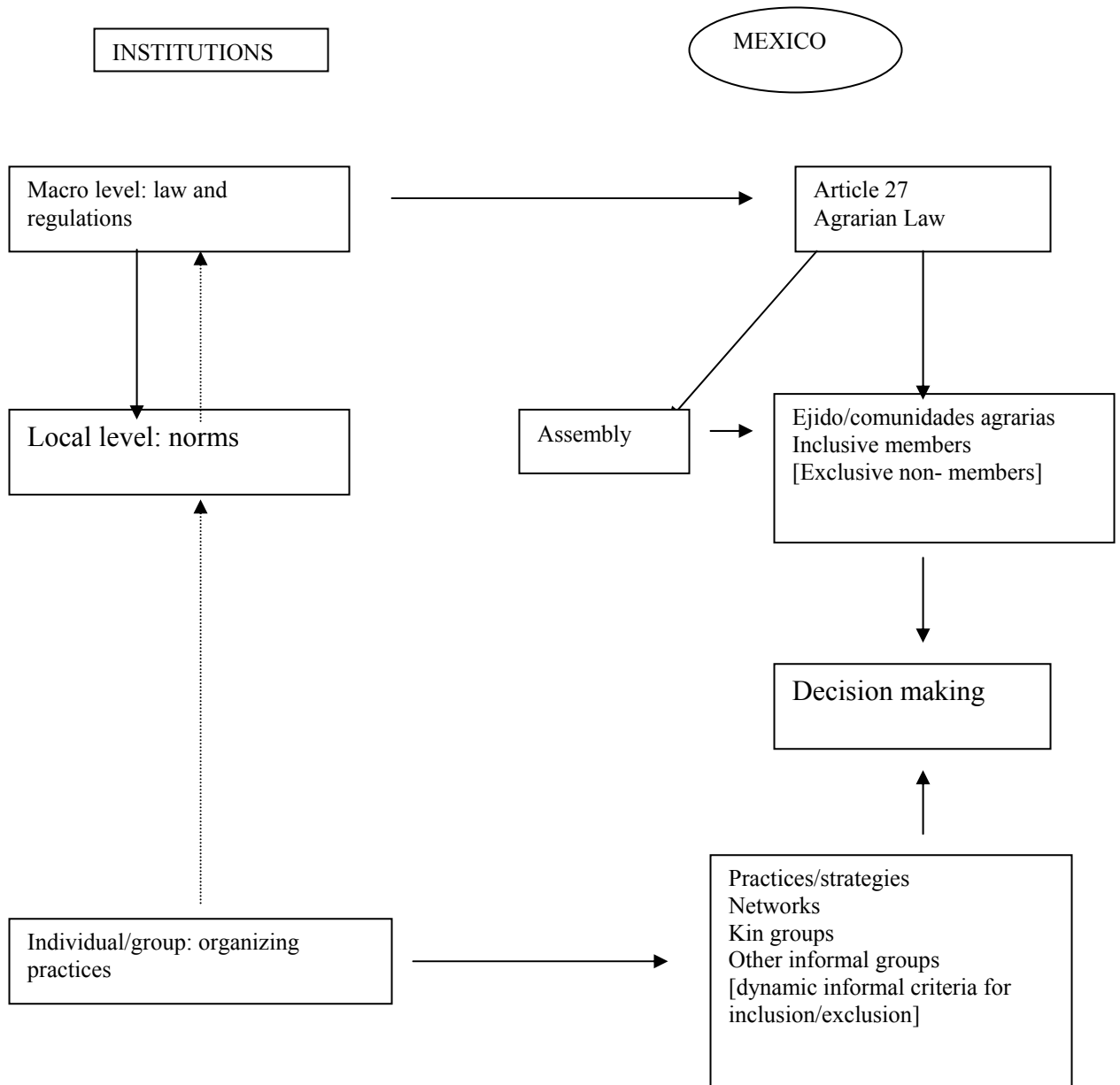
Land regularization programs and the resolution of conflicts that emerge can thus be understood as processes that have multilevel institutional dimensions: the overarching law and formal rules set at the national level and the norms and practices at local level. This may give room for institutional flexibility as social groups adapt and readjust the institutional contexts to their local and everyday lives. These practices are dynamic and may produce changes in local norms.

Adequate institutions for allocating land and natural resources at the local level are fundamental for local governance since they are the framework in which people solve their basic needs, regulate their natural resources and resolve disputes among conflicting parties. Claims to land and natural resources often compete and enter into conflict, and the same is true of rights and the basis of legitimacy that sustains those rights. Hence the mechanisms for conflict resolutions concerning land and resources are of utter importance concerning property rights at the local level (Alberti, 2000).

In the case of Mexico the institutional setting which rules rural property rights is highly institutionalized in a formal legal manner. Article 27 of the Constitution and the Agrarian Law sets the rules for property rights and the mechanisms by which they are to be enforced and monitored at all levels of institutionality. At the same time, the Agrarian Law allows for local decision-making by giving authority to local community assemblies to decide and resolve a number of issues concerning property rights and the use of land. As we shall discuss later, 'participation and democratization' at the local level are issues that are prescribed by law. This gives legal legitimacy to the inclusion of norms and customs in managing property rights and resolving conflicts. This also allows for a range of possibilities for local decision-making which may conform to the heterogeneity of situations and practices in a rural countryside with different agroecological, socioeconomic and ethnic situations. At the same time, as we shall also discuss, the everyday practices of participation and democratic procedures in decision-making are often in contradiction with the reality of power structures within the communities and a 'culture of State corporativism' which for decades permeated the local practices of decision-making. Hence people may well be organized informally outside of the recognized structures in fragmented groups, networks and kin in pursuing their specific interests (Nuijten, 1998).

Empirical evidence worldwide has shown that social norms and everyday organization practices of rural people are the key to the successful implementation of policy programs. In the process of a land titling program, assigning property rights and dealing with the conflicts that emerge on claims to rights and their enforcement, the agreement and cooperation between individuals and communities are key elements for resolving conflicts and avoiding the creation of new ones. The need for the participation of all agents involved in a land titling program has been recognized by international agencies, which advocate a 'participatory' approach at the local level. It is at this level where there is a need and challenge for creative methodological approaches that may ensure effective and equalitarian participation by the rural people involved in the process of regularization.

To sum up, to understand institutions as broadly defined in this report, we may conclude that ‘there is an important challenge to combine a strong legal framework with the formal and informal institutions that play an important role in resolving conflicts at the local level’ (Gordillo, 1999).



## Section 2. The institutional context of Mexico's land reform.

### *Background of 1992 reforms.*

Mexico has a vast experience in agrarian issues due to the land reform process carried out throughout the twentieth century. This was the result of the peasant struggle during the Mexican Revolution of 1910. The distribution of land over a period of 75 years led to a complex institutional context related to land tenure and the organization of peasant livelihoods. Laws, regulations and norms were constructed to regulate the access and management of land, water and forests of the *ejido* and agrarian communities, that is, the rights and obligations of the beneficiaries of land reform.

Consequently the reforms to agrarian legislation in 1992 were entrenched in a long agrarian history and a complex institutional fabric, creating new problems in the course of its implementation and leaving many unresolved rights and legal disputes. This was the case when the use of land had been modified through the years due, for instance, to urban growth, population pressure or migration, changes in crop patterns, technology etc. In some cases an inflexible legal framework gave way to frequent illegal practices such as renting or selling *ejido* land.

The objectives of the reformed Article 27 of the Mexican Constitution<sup>3</sup> were to extend the limited property rights of rural land which had been distributed to peasants under the agrarian reform, together with its resources. Under the new Agrarian law, peasants may have full property rights (privatization) over their plots and the right to decide the destiny of the common lands and the collective resources of the *ejido* and *comunidades agrarias*. The idea behind the reforms was to create an active land market, promote an efficient resource allocation, and enhance investment in agriculture.

The reform of Article 27 was followed by a program aimed at regulating the tenure of land, by defining clear property rights for the millions of peasants in *ejido* and *comunidades agrarias* and by providing them with proper titles to these rights.

In order to show how agrarian conflicts and the resolution mechanisms are deeply rooted in the agrarian history of Mexico, in this section we will briefly describe the background of the 1992 reforms and the land tenure regularization program PROCEDE (*Programa de Certificación de Derechos Ejidales y Titulación de Solares*).

The Mexican Constitution recognizes three forms of rural property: private, *ejido* and *comunidades agrarias*,<sup>4</sup> and lands that are national property.

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<sup>3</sup> This article establishes the norms governing the resources of the nation, which are the land, underground resources and water.

<sup>4</sup> We will use the term *comunidades agrarias* and not agrarian communities since it is a legal status referring to communities that have collective property of land and its resources.

***Forms of rural property in Mexico.***

*Small private property or pequeña propiedad rural.* This means it is a private property and the owner has besides the right of use and usufruct, the right to sell or dispose of it. The Constitution limits the amount of land allowed in private holdings to 100 hectares of irrigated or very humid land, with the exception of specific crops. A hectare of irrigated land equals two of rainfed land, four hectares of good quality pasture and eight hectares of marginal or arid lands. Land for cattle raising is limited by the amount required to graze 500 heads of cattle or the equivalent amount of small species according to a grazing coefficient set by region. Forest property is limited to 800 hectares. Rural private property is registered in the private land registration agency.

*Ejido.* Agrarian community created by land distribution under agrarian reform (1917-1992). Land was given to the members of an *ejido* for use and usufruct, but remains the property of the nation. The rights are inheritable. Hence *ejido* property rights are limited. With the 1992 Agrarian Law, the Assembly of the *ejido* members can decide by majority of vote to change the tenure regime. Access to land is by the legal means of: endowment, expansion and constitution of a new *ejido* population center.

*Comunidad agraria.* Agrarian communities are collective owners of their land under a common property regime. Titles were given by the Spanish Crown during the Colonial period. Some *comunidades* have remained intact through the centuries, but the majority have lost the titles to their land through history. Restitution of land is the mechanism by which Agrarian Reform restituted the *comunidades* access land.

These forms of property were recognized in the 1917 Constitution, which was a result of the 1910 Mexican Revolution. One of the main causes of the Revolution was undoubtedly the unequal distribution of land. Consequently some of the guiding principles of the agrarian legislation were to limit the size of private property, to restitute land to the agrarian communities whose land had been taken from them under the liberal property laws prevailing in the nineteenth century,<sup>5</sup> and to distribute land to the land poor rural population, mainly by expropriation of private land exceeded the permitted size, and creating a new form of tenure named *ejido*. The implementation of the Law led to a process of land reform throughout the twentieth century and to the agrarian structure that characterizes contemporary Mexico. On the one hand, private property was limited to specific amounts of land,<sup>6</sup> and on the other hand *ejido* and *comunidades agrarias* co-existed with their own respective economic, social and political organizations. The importance of the land reform can be observed in table 1.

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<sup>5</sup> Leyes de Desamortización de Bienes de Corporaciones Eclesiásticas e Indígenas, 1856.

<sup>6</sup> Legally termed as 'pequeña propiedad' (small property).

**Forms of Rural Property, percentage of acreage.<sup>7</sup>**

	1910	1999
Haciendas <sup>8</sup>	57.9	0
Ranches <sup>9</sup>	4.9	0
Small (private) property <sup>10</sup>	0.1	37.6
Ejidos	0	43
Communities	8.7	8.4
Colonies <sup>11</sup>	0	1.9
Federal territory	27.7	9.1
Total	100	100

*Land reform throughout the twentieth century was a long and complex process. In its wake, a web of institutions were created which were responsible for the implementation of the reform legislation, including a vast amount of laws, regulations and codes that pertained to the transformation of rural property. Public institutions were created, responsible for the implementation of rules and laws, for land distribution, titling and enforcement the laws, as well as for overseeing the proper functioning of the ejido. With the passing of time, different aspects of the reform laws and rules were emphasized or modified, as were the different bureaucratic agencies, policies and programs. The process was not smooth, either legally nor in practical terms. Many conflicts arose as a result of the implementation itself, together with conflicts that had been inherited from the past. Norms and regulations and practices for conflict resolution also became institutionalized, with the result that Mexico has an elaborate legal framework with competent public institutions for resolving agrarian conflicts. This may partly explain why civil society is not a relevant actor in conflict resolution at a national level, although this does not mean that people do not resort to social and political practices, organized or not, such as networks, personal contacts, etc. in order to deal with problems related to land tenure. But even at the local level, the agrarian law has established the legal framework for local organization in the ejido and comunidades agrarias, in matters concerning the management of land and its resources, as well as in relation to whatever conflicts may occur, as we shall see later.*

*But first, in order to better understand the agrarian context in which land conflicts have emerged as well as the institutional setting that the land regularization program PROCEDE has created, we will briefly describe the mechanisms by which peasants had access to land and the kind of conflicts that emerged. These were: land restitution, land*

<sup>7</sup> Embriz and Rojas, 1999.

<sup>8</sup> Large landholdings.

<sup>9</sup> Medium landholdings.

<sup>10</sup> Private landholdings limited in size by Agrarian Law after 1917.

<sup>11</sup> Colonies are settlements on land that belongs to the nation (federal territory), usually in unpopulated and areas and by people from other regions. The legal status is the Ley de Colonización, 1926 (Embriz and Rojas, 1999).

*endowment (dotación), expansion of the ejido, and creation of new ejido population centers (nuevos centros de población ejidal).*

### **Forms of access to land under the agrarian land reform (1917-1992).**

*Land restitution. Many agrarian communities were deprived of their land under liberal privatization laws in the nineteenth century. This was particularly the situation for many of the indigenous communities. After the 1910 Revolution, the Agrarian Law established the right of agrarian communities to the restoration of their lands and their corresponding resources such as water and forests. This right was based on communities being able to prove that they were the rightful owners of the land of which they had been illegally dispossessed. In order to prove such ownership, communities had to present their show their property land titles. These titles had mostly been awarded by the Colonial government of Spain, and not all communities were in possession of these valuable titles. Peasants and public employees searched for the documents in the National Archives or in the archives of local State governments. The boundaries of communities were often ambiguous and the rights of different groups and private holdings as well as rights to other natural resources (such as water and forests) often overlapped. This uncovered conflicts among communities that could be traced back over a hundred years (Embriz and Rojas, 1999).*

*Land endowment. This was the mechanism by which peasants who lacked land or did not have enough, were given access to land in order to constitute an ejido. The land was often expropriated from large landholdings that exceeded the legal limits. The State carried out the expropriation. The process of land endowment was legally complicated from the first petition of land at the State level to the final resolution signed by the President of Mexico. Years could pass before the peasants had the final title. In the meantime, peasants worked the land without certainty of their property rights. This situation was often resolved de facto since the ejido recognized the rights internally, but uncertainty made room for conflict, for instance when the ejido authorities periodically updated the list of ejidatarios with the right to land (Embriz and Rojas, 1999).*

*Expansion of ejido land. As years went by and as ejido families grew, the amount of land allotted to an ejido became insufficient, because the original endowment was too small to satisfy the needs of an extended family. In such cases an ejido could apply for a second allotment of land. This was one of the main demands of the peasant movements up to the 80s throughout the 20<sup>th</sup> Century. The response of public institutions to this kind of requests were very heterogeneous, and some ejidos received one or two additional allotments, while others did not.*

*New ejido population centers. When there was not sufficient crop land to distribute by way of any of the above mechanisms to all the peasants who had a right to land, the public institution in charge of land reform sought new lands appropriate to constitute a new ejido. With time, these lands were often located in remote areas and on Federal territory.*

*The procedures by which land was given in possession to ejidos and comunidades agrarias, whether by restitution, endowment, expansion or creating a new ejido, included*

*a long list of legal instances and decisions at different levels from the local institutions and authorities right up to the President of Mexico. For instance, notifying private landowners whose lands were being expropriated, locating land suitable for crops or land destined for other use, determining the right to a certain volume of water for an ejido, etc. There was plenty of room for conflicts to flourish within the process itself.*

*Some of the most common conflicts between communities had to do with boundaries. The comunidades agrarias often inherited these conflicts because of the ambiguity of boundaries established centuries earlier and disputed ever since between the various neighbors. As for the ejidos, proper measurements and maps may never have been drawn up. Sometimes the Government issued decrees to resolve disputes, but they were not always enforced. Conflicts within communities were of a different nature. Limits between individual plots were often well defined when cultivation practices were intensive. But there were more conflicts over the use of whatever parts of the land were set aside for common use. Conflicts were also common within households over inheritance rights (de Walt, 1994).*

### **The reform of Agrarian Law in 1992 (Article 27 of the Constitution).**

*The amended Article 27 of the Constitution, pertaining to land tenure, was published on January 6, 1992, followed immediately by the Agrarian Law that establishes the legal rules for the reformed laws. The aims of the reform were to assert property rights in order to assure investment and efficiency in agricultural activities. Reforms were also aimed at strengthening and democratization of local-level ejido organization and the restructuring of the agrarian bureaucracy which was to go hand in hand with the reforms in order to make them more accountable to the rural constituency (Baitenmann, 1998, Krause and Appendini, 1999).*

*The most important aspects of the reforms are: first, that land reform through land distribution is ended. Second, the reforms establish the possibility of more extensive property rights to ejidatarios and comuneros: the ejido may decide, following established procedures, whether members can rent, sell, sharecrop or mortgage their plots, as well as whether to associate with outside capital, through joint ventures, and to decide on the use of common lands (including the breaking them up into individual plots), etc.<sup>12</sup> Third, the plots assigned for housing in the ejido population nucleus are allotted as private property. With the new Law of 1992, the rights of ejidatarios were extended. Though remaining property of the nation, ejidos can decide to change this regime. The Assembly, by majority of vote can decide whether to allow its members to lease and sell their individual plots, and as a collectivity how to assign common lands, enter associations with external capital, etc. If the ejido opts for giving full ownership rights, the individual plots have to be registered in the Registry of Public Property.<sup>13</sup>*

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<sup>12</sup> The former Law prohibited the sale, lease, etc. of land as well as associations, abandonment of land, etc.

<sup>13</sup> This Registry is different from the RAN (Registro Agrario Nacional/National Agrarian Registry) that only attends tenure under the *ejido* or *comunidad agraria* tenure.

*The Law deals with three types of norms:*

- *Norms related to the internal governance of the agrarian communities and designed to strengthen their autonomy. Concerning conflict resolution more power is given to the local Assembly of the ejido or comunidad agraria.*
- *Norms related to the ordering of rural property and the attribution of the State in this matter. This concerns federal territory, expropriations, excess land in private or ejido lands. Conflict resolution concerning these issues is institutionally linked from the national to the local level.*
- Norms related to the implementation of the new agrarian justice, i.e. norms regulating the tasks of the newly created *Tribunales Agrarios* (Agrarian Courts) and the *Procuraduría Agraria* (Agrarian Attorney) which are the formal public institutions for resolving conflicts that are not solved at the local level.

*The implementation of the Law thus modified existing institutions such as the Ministry of Agrarian Reform and the Public Property Register and created a new institutional setting responsible for the implementation and monitoring of agrarian justice in the countryside, such as the *Procuraduría Agraria (PA)*, *Tribunales Agrarios (TA)* and the *Registro Agrario Nacional (RAN)*.<sup>14</sup>*

### **Ejido and comunidades agrarias: governance and the local context for conflict resolution.**

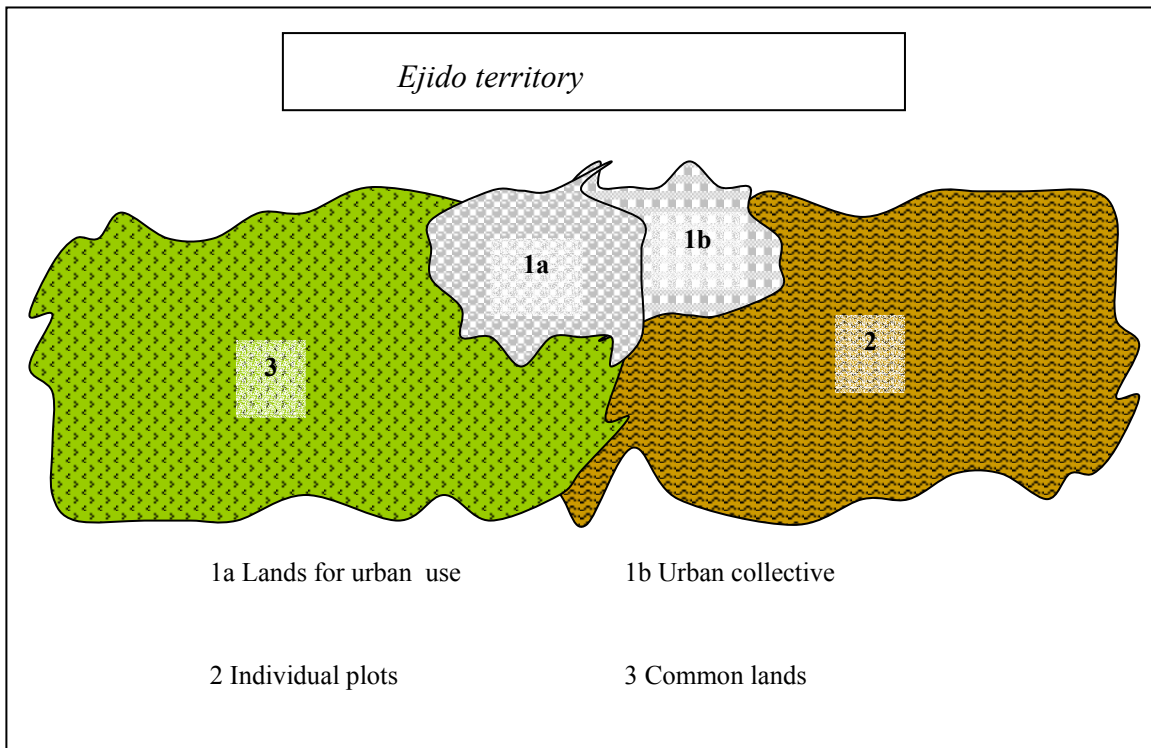
*The spatial dimensions of a typical Ejido are defined by the specific assignation of land to different uses. There is the urban population nucleus where people have their house lots and where the plots assigned for urban collective purposes such as the school, the unit for women's agro industrial projects and other collective activities are located. Then there are the fields for cultivation which are assigned in individual plots for each ejido household,<sup>15</sup> next are the lands held collectively, or for common use, namely grazing lands, forest or marginal lands.<sup>16</sup>*

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<sup>14</sup> Agrarian Attorney, Agrarian Tribunals, National Agrarian Registry. For a summary of the attributes of each institutions see section 3 of this document.

<sup>15</sup> There are few *ejidos* in which crop lands are held collectively and farmed as such.

<sup>16</sup> *Comunidades agrarias* may differ from *ejidos* in the spatial distribution of housing that may be disseminated on the crop land, hence forming several population nuclei.



*All ejidos have this basic structure, and the example above is typical of the rural ejidos, which are the majority. Within the typical rural ejidos, there is a heterogeneous spectrum ranging from commercial agriculture, with technology, diversity of crops, etc. mainly on irrigated lands, to the peasant households cultivating food crops on rain fed land. Today few collective ejidos exist. But as time passed, the growth of urban zones may have encroached upon the territory of nearby ejidos, so that there are cases of lands that are urban or semi-urban. There are ejidos along the coast where fishing is the main activity, or the possession of beaches may host collective tourist enterprises or lease out land for that purpose. Other ejidos located in ecological reserves have this as their resource, as the case of the Monarca Butterfly forest in Michoacan. In sum, each type of ejido poses specific issues concerning land regularization and the type of conflict involved, as we shall see later.*

*The systems of governance for the ejido and comunidades agrarias are legally established by the Agrarian Law. The maximum local authority is vested in the Asamblea General (General Assembly) which formally guarantees participation and democratic practices at the local level. The Asamblea makes all the mayor decisions in the ejido concerning access to and management of all natural resources (including the use of common lands, collective resources), the recognition of rights to the eligible members, the internal rules of the ejido. The procedures for conflict resolution concerning matters related to tenancy and resource management are set within this contexts, giving authority to the Asamblea to resolve conflicts based on consensus or majority vote. In order to understand how this process functions, we will briefly review how a ejido/comunidad agraria is organized and who may participate in these organs.*

Governance in ejido and comunidades

Asamblea General(*General Assembly*): participation of all members

Comisariado Ejidal or Comisariado de bienes comunales(*Commissary of the Ejido and Commissary of common resources*): President, Secretary Treasurer. Elected by the Asamblea every 3 years. Its attributes are to represent the ejido/comunidad before third parties, and to manage internal resources.<sup>17</sup>

Consejo de Vigilancia (*Surveillance Council*). Elected by the Asamblea every three years. Attributes are to monitor the performance of the Comisariado. Informs the Assembly of performance.

*The members of an ejido or comunidad are those people with rights to land or membership. Belonging to an ejido or comunidad means having not just the right to land but a variety of other rights such as: allotment of an individual family plot for cultivation, access to common lands, access to collective resources, such as forest, water, participation in the governance of the ejido and its resources. It also implies obligations such as to comply with the rules and to perform the tasks assigned to a member.*

Ejidatario: *Legal requirements: To be Mexican, adult, a peasant.*

Comunero: *Membership is by birth. Status as member is given by being adult, performing obligations as a comunero, mainly participating in tasks of governance and management of the comunidad. Each comunidad may establish its own internal rules as to membership according to age, sex, presence, usually this is according to local norms and customs. Hence the comunidades agrarias are more autonomous than the ejido.*

*It is important to note that membership is exclusive, more so in the ejido. Not all peasants have rights as ejidatarios. In some ejidos there is not enough land for everybody, particularly in the case of sons and daughters and third generations of ejidatario families that received land decades ago, or in the case in which the expansion of the ejido was not sufficient or not achieved. People without land ownership who live in the urban nucleus of the ejido do not participate in the Asamblea since they have no rights as ejidatarios. So there is an important element of exclusion in the 'democratic and participative' institutional setting of the ejido governance.*

*In sum, the internal organization of the ejido and comunidades includes the mechanisms by which conflicts are discussed and may be solved, as local authority is invested with the right to make the competent decisions, as established by Law. Formally the process is participative and democratic. It is institutionalized. However the right to membership is exclusive and hence part of the local population is left out of the decision-making process. This may contribute to conflicts in itself. Also the power structures within the ejido and comunidades are not taken into account.*

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<sup>17</sup> Before the modification of Article 27 the President, Secretary and Treasurer of the *Comisariado Ejidal* had decision capacity.

*Land tenure in México 1999*

	Number of units	Number of units	% units	Area (has.)	% Area (has.)
Total	--	5 145 925	100	195849469	100
Private property	1 594 179	1 594 179	30.9%	73 596 649	37.57%
Ejidos	27 252	3 047 384	59.2%	84146800	42.9%
Comunidades	2184	504 362	9.8%	16458590	8.4%
Others <sup>18</sup>	---	---		21647430	11%

*Source: Registro Agrario Nacional. Dirección General de Titulación y Control Documental. Dirección de Información Rural*

<sup>18</sup> Colonies, federal territories, others.

### **Section 3. PROCEDE (Programa de Certificación y titulación de Derechos Ejidales y Titulación de Solares - Program for the Certification of *Ejido* Land Rights and the Titling of Urban House Plots).**

As mentioned in the former section, Mexico has constructed a vast and complex institutional context related to land tenure. The Agrarian Law, regulates all matters concerning the legal structure as well as the economic, social and political life of the *ejidos* and comunidades agrarias throughout the country. This law covers and links the national level with the local levels of decision-making. Hence there is an enormous institutional experience in matters concerning rural property rights. At the same time, this has lead research to focus on the formal institutions, their functioning, evaluation and problems, as well as on the importance of organizations, peasant and social mobilizations related to the demand for land, and the performance of agrarian institutions. On the other hand much less is known about other social actors, such as NGOs or the everyday practices of individuals whether organized or not.

In this section we will describe the experience Mexico has had in carrying out a program of land regularization within the *ejidos* and comunidades agrarias, which was launched in 1993 shortly after the new agrarian legislation was decreed. The recently established Procuraduría Agraria (Agrarian Attorney) was made responsible for many of the matters related to the *ejidos* and comunidades agrarias, including disputes over rights, boundaries, etc. The Ministry of Agrarian Reform which had formerly attended to this, was now only responsible for pending cases related to individuals with *ejido* rights who had not been given access to land (*rezago agrario*).

With the end of land distribution, security of land tenure became a priority. PROCEDE (Programa de Certificación y titulación de Derechos Ejidales y Titulación de Solares - Program for the Certification of *Ejido* Land Rights and the Titling of Urban House Plots) was launched as a major regularization program.

Its aims were to ‘give the *ejidatarios* security about their land, by recognizing and asserting ejidal property, the right to individual plots, to common lands and to the titling of urban house plots. Each *ejidatario* should be given a certificate that asserted his/her agrarian rights and a title of ownership to the urban plot on which he/she lives. But PROCEDE went further than confirming property rights, it also aimed at reinforcing the structures and basic internal organization of the *ejidos* for the purpose of decision-making and conflict resolution, in order that the *ejidos* should become less dependent on public institutions and could rely more on local participation and democracy.

PROCEDE began in 1993, and is still active at present. The program has faced the enormous task of regulating the land tenure situation of the agricultural plots and urban plots, tracing the boundaries of common lands in *ejidos* and as well *comunidades* of a total of 27, 252 *ejidos* and 2,194 *comunidades* in Mexico. Private property is not part of the program, since it is included in the Public Property Register.

PROCEDE started with the *ejidos*. *Ejidors* would subscribe to the Program on a voluntary basis. Thus both the institutions involved in the program, as well as the *ejidatarios* must

be convinced of its benefits. Therefore the promotion of the program by PROCEDE is very important.

PROCEDE was launched in a campaign which emphasized the new ‘agrarian culture’ giving autonomy to the peasants by allowing for a democratic and equalitarian relationship between the peasants and the State so that peasants themselves make the decisions that are important to their lives. Hence PROCEDE has given special importance to local governance and the *Asamblea* as the maximum authority in making decisions on property rights and conflict resolution.

A new generation of rural promoters, called *visitadores*, was employed to carry out the program at the field level. They were trained in an intensive course on the ‘old’ and ‘new’ agrarian reform, and field work and then sent out into the countryside with the task of convincing *ejidos* to enlist in the program, and then prepare the work on measuring the land, and resolve disputes about land (Nuijten, 1998:325).

For this enormous task, PROCEDE required the collaboration of four major institutions: the *Procuraduría Agraria* (PA: Agrarian Attorney), the *Instituto Nacional de Estadística, Geografía e Informática* (INEGI: National Institute of Statistics, Geography and Informatics), the *Registro Nacional Agrario* (RAN: National Agrarian Registry) and the *Secretaría de la Reforma Agraria* (SRA: Ministry of Agrarian Reform). Other public institutions occasionally involved are as the *Secretaría del Medio Ambiente, Recursos Naturales y Pesca* (SEMARNAP- the Ministry for Environment or the Federal Commission on Water), for cases of disputes over natural resources or water resources. Also the *Instituto Nacional Indigenista* (INI-National Indigenous Institute) also has an important role, since it provides guidance and legal representation on agrarian matters to indigenous communities.<sup>19</sup>

<i>PROCEDE: PARTICIPATING INSTITUTIONS</i>	
<b>Procuraduría Agraria</b> (Agrarian Attorney)	Promotes and implements PROCEDE in the <i>ejidos</i> and <i>comunidades</i> , certifies the rights of <i>ejidos</i> and the agrarian subjects. Looks after the individual rights of <i>ejidatarios</i> and <i>comuneros</i> .
<b>INEGI</b>	Carries out the technical work of identifying and measuring the boundaries and acreage of the <i>ejido</i> and <i>comunidades</i> lands.
<b>RAN</b>	Formalizes land tenure: control and issuing of certificates and titles, registration of these documents. Registry of modifications concerning land rights. <sup>20</sup>
<b>SRA</b>	Provides the institutional actions that are to be carried out on <i>ejido</i> and <i>comunidades</i> lands. Provides information and documentation on <i>ejidos</i> and <i>comunidades</i> .

Source: INEGI

<sup>19</sup> 6,236 *ejidos* and 1,395 *comunidades* have populations that are indigenous. RAN, 1999.

<sup>20</sup> Land transfers and list of successors are to be registered in RAN, but evidence shows that this is seldom done. RAN offices are centralized in a few places, and once PROCEDE has been accomplished, registry has high transaction costs.

In order to better understand the role of each institution, it is necessary to outline the procedure of the Program and the different social actors – individual and collective- that are involved in the program.

First are the main actors affected by the program: the *ejidatarios*, *comuneros*, and heirs to *ejido* rights, *ejidos*, *comunidades* and ‘*avencindados*’. These actors have legal status under the Law as follows (PA, 1998:22):

<i>Agrarian Subjects</i>	
<b>EJIDATARIOS</b>	Men and women who possess title to <i>ejido</i> rights (Art. 12, Agrarian Law) <sup>21</sup>
<b>COMUNEROS</b>	Those individuals who have decided to organize under a communal regime (Art. 98)
<b>SUCCESSORS</b>	Heirs of <i>ejidatarios</i> and <i>comuneros</i> are individuals who became <i>ejidatarios</i> or <i>comuneros</i> by inheritance or succession of rights. (Art. 17)
<b>EJIDOS</b>	Collective subjects pertaining to the group of <i>ejidatarios</i> and the territory assigned to them. Based on an internal basic organization and representative organs.
<b>COMUNIDAD</b>	Collective subjects refers to the assigned territory which constitutes a communal regime and the individuals it includes. Based on an internal basic organization and the representative organs. Common property of land and its resources.
<b>AVECINDADOS</b>	Adult Mexicans that have resided for one year or more in the <i>ejido</i> population center and are recognized by the <i>Asamblea ejidal</i> and the agrarian tribunal as such. (Art. 13).
<b>POSESIONARIOS</b>	People who live in the urban nucleus but have no <i>ejido</i> rights. The <i>Asamblea</i> may recognize and legalize their rights to a housing plot and the use of common lands, but they have no voice or vote in the Assembly. (Pérez C, 2000).

It is important to note that the legal status given to agrarian subjects is exclusive since the family members of those individuals with agrarian rights are not part of the decision-making processes. This situation may create conflicts within the household, which is only represented formally by the head of it. For example, the Law leaves the possessor of the

<sup>21</sup> The title refers to a title of *ejido* ‘rights’ and is not to be confused with a title to the land as property

land title to freely choose his/her heirs, and this may lead to conflict.<sup>22</sup> Even when the *ejido* may recognize the voice of family members, the authorities and public institutions will only recognize those individuals that have established ‘rights’.

Second, are the external actors involved in the implementation of the program. Most important is the *visitador agrario*<sup>23</sup>, who represents the *Procuraduría Agraria* and who is responsible for the whole procedure within the *ejidos* and *comunidades*.

The tasks of the *visitador* are:

- To present the program and its benefits to the *ejido*;
- To prepare a document describing the situation of the *ejido* – a diagnosis;
- To convene all the necessary assemblies in order to enlist the *ejido* in the program;
- To resolve minor conflicts that may impede the development of the program.

Hence the *visitador* is the first external instance for resolving conflicts by means of settlement or agreement amongst conflicting parties, prior to presenting the conflict to a formal instance such as the Assembly or the agrarian tribunals. The non-agrarian rural or municipal and local authorities may also have a role in carrying out the program, since they cooperate with the *visitador* providing information about the *ejido* rights and the situation of the *ejido*. Often the agrarian subjects are in conflict with such authorities and this may make the procedure for certification more difficult.

Other external actors such as peasant organizations, NGOs and local leaders are more difficult to define, since they do not intervene in most of the cases reviewed, and their participation may be very heterogeneous. In most cases, where conflicts are concerned, these actors are not neutral but take part in the process defending the interests of the *ejido* or *comunidades* or other groups.

### **PROCEDE procedures.**

The implementation of PROCEDE follows seven steps, five of which are the responsibility of the *Procuraduría Agraria*, one is that of INEGI and the last that of RAN.

***STEP 1. Coordination and sensibilization.*** The *visitador* meet informally with local authorities, peasant organizations and representative of public institutions at the local level, in order to promote the PROCEDE program. From the start, a person from the *ejido* assists the *visitador*, this person is called the *becario campesino* – a peasant with a scholarship – which is an informal way of training local people. The *visitador* makes a

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<sup>22</sup> The former Law assigned the right of inheritance to the spouse first and to the offspring, second. One of every five agrarian judicial cases brought before the Agrarian Tribunes refer to succession of rights.

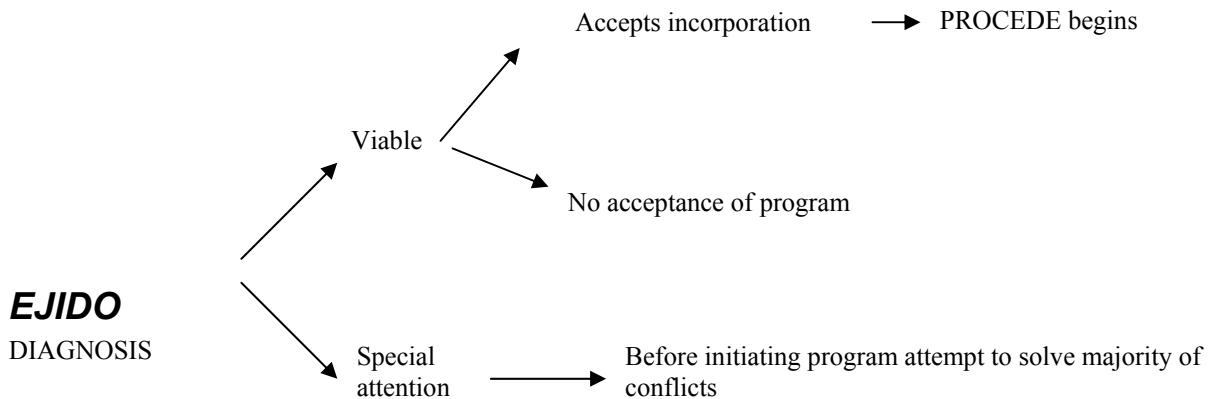
<sup>23</sup> The field promoter and coordinator of PROCEDE.

diagnosis of the *ejido* including the way it is organized, participation, pending agrarian cases (*rezago agrario*) and conflicts. There is a special form for registering conflicts, which are classified by type of conflict, the reason for conflict and the parties involved, as well as proposals for their solutions.<sup>24</sup>

*Problems:*

Filling out the diagnosis form may lead to disagreement: for instance if the information given by the *Comisariado* is biased. Though the *visitador* has been previously trained in making the diagnosis, there is no specific methodology involved. The *visitador* is provided with a Manual that lists information to be obtained, and consults mainly the *Comisariado*. Third parties are mentioned only one time. At this point, conflicts are only listed.

**STEP 2. Information and persuasion.** The *visitador* meets with the *Comisariado* and the *Consejo de Vigilancia* in order to fill out a formal questionnaire on the *ejido*, to check the information gathered in step 1. The viability of the *ejido* to enter the program is discussed. If there is a positive opinion, meetings are held with key local people – formal or informal leaders, groups of *ejidatarios*, etc. are held. Finally the *visitador* and his/her immediate superior decide whether the *ejido* enters the program:



*Problems:*

Sometimes *visitadores* or the local authorities try to pressure the *ejido* to accept the program. There are testimonies even of threats of dispossession of lands to the reluctant *ejidatarios*. Such actions are illegal.

<sup>24</sup> PROCEDE codifies 14 groups of types of conflicts. See Section 4.

**STEP 3. Information and acceptance.** The registration to PROCEDE is made formal by vote of the *Asamblea*. A representative from INEGI reports on how the measurement of the land will be carried out. Working groups called the *Comisión Auxiliar* (auxiliary commission) are established in order to identify boundaries of the *ejido*, *ejidatarios* are encouraged to participate. A first draft of the *ejido* map has to have the written consent of the *ejidatarios*.

Each procedure which follows has to be made public: The first task is to measure the *ejido* boundaries. The *Comisión Auxiliar* notifies the *ejidatarios* of the date, hour and place where measurements take place so that they may be present and agree to the boundaries of the *ejido*. Representatives of the PA and INEGI are present in mapping the *ejido* boundaries. Consent has to be registered either verbally or written.

*Problems:*

There may be problems in order to carry out the program. First a quorum of 50% plus one of the *ejidatarios* has to be present at the assembly. This may be difficult to gather, in *ejidos* where migration is important, or in which there is little interest or little trust in public affairs. If the quorum is not reached, a second assembly is called for, where no quorum is required. Hence the decisions can be taken with a minimum of votes. Once the incorporation into PROCEDE has been voted, the decision cannot be revoked

**STEP 4. Information of the Comisión Auxiliar.** The *Comisión Auxiliar* presents the results of the manual map of the *ejido* boundaries done by the working group. It also informs about the conflicts that have emerged and the agreements reached to solve them.

All conflicts are registered in the diagnosis and following steps:

- with a written comment
- locating areas of conflict on the draft map
- the *Comisión Auxiliar* receives, orders and classifies all documentation on conflicts, causes, etc.
- a report on conflicts is written by the *Comisión Auxiliar*

**STEP 5. Measurement of the ejido.** INEGI is responsible for the formal measurement of the territory and for the final maps of the *ejido* using high-level technical expertise for mapping. At this point, the individual plots are measured. The *Comisión auxiliar*, the *visitador* and the *becario campesino* also have to be present during the tasks of measuring the individual plots and lands for common use. In every case consent must be registered.

*Problems:*

An important part of conflicts arise because of problems concerning individual plot limits. This accounts for 30% of the disputes settled by the agrarian tribunals from 1992 to 1996.

When the *ejidatarios* affected are absent when their plots are measured, the *Comisariado* provides the information which is accepted and incorporated into the map.

*Solving conflicts due to mapping:*

In the case of El Cerrito, an *ejido* in the State of Guerrero, during the Assembly in which the draft map was presented, an *ejidatario* Amador disagreed to a road that had been traced passing through his plot, and which was used by everybody. He thought his plot had been divided into two and that he would pay taxes on each plot, in spite of the *visitador's* efforts to explain it wasn't so. Amador finally understood and agreed to leave three meters for a road along the edge of his plot (SRA, 1998:247).

***STEP 6. Assembly asserting the boundaries, the use and allocation of land.*** This is the most important assembly since the final decisions concerning land rights (who are the agrarian subjects) and land use are taken (destiny of common lands). A quorum of two thirds is required for the first assembly and 50% plus one for the following. If the *ejido* map and the list of agrarian subjects with rights are approved, the documents are presented for formal registry in the RAN. If there are subjects in disagreement or conflict, they are informed of the four formal instances available to solve conflicts: the *Asamblea* which is internal and direct; the agrarian tribunals, Conciliation and Arbitration, all of which are external and formal.<sup>25</sup>

*Problems:*

Even though this is the most important assembly due to the importance of obtaining consensus and a democratic solution, it may be that if convened at a second round with only 50% plus one of the *ejidatarios*, decisions taken with two thirds of the vote means that 37.5% of the *ejidatarios* may actually decide the future of an *ejido*. Voting is individual but not secret, hence there may be social pressure on the voters.

*Procedures are not always smooth:*

In the coffee growing region of Veracruz, the *Comisariados Ejidales* informed the *ejidos* about the PROCEDE program. Some communities wrongly understood that the program was obligatory and if not accepted, the land would be taken away from the peasants. The program was implemented in diverse manners, according to the dynamics of each community. For example, in one case, the control of the *ejido* was in the hands of the *Comisariado* and local municipal authorities that belonged to the political party in power at the national level. They were known for their authoritarian manners and so the limits of the individual *ejido* plots were set according to the political group in power also at the

<sup>25</sup> The institutions will be explained later.

local level. Even if this was accepted by the Assembly it was well known that decisions were not taken in a democratic context (Velasqu ez, 1999).

*In another case the Asamblea is participative and democratic:*

*In Yecapixtla, Morelos* during the assembly, one *ejidatario*, Genaro, protested because, he as all other *ejidatarios*, was assigned with four plots. However, Genaro said he should be allotted eight plots because he had put work and time into cutting the trees and preparing the land next to his. The majority of the *Asamblea* voted in favor of Genaro and the land next to his plots was assigned to him (SRA, 1998:245).

**STEP 7. Certificates are issued and registered.** When all the tasks have been performed and approved, the *ejido* Assembly hands in a petition to RAN in order to formalize the certification by issuing *ejido* certificates to the *ejido* and to each *ejidatario* for his/her agricultural plot and urban housing plot. The RAN also inscribes this in the registry.

In sum, the procedure to carry out PROCEDURE in the *ejidos* and comunidades is founded on the formal norms of governance within the *ejidos* and the functions of the public institutions as established by the Agrarian Law. The existing institutional context was thus adjusted to the needs of the procedures, such as the *Asamblea*, the election of representatives within the *ejido* to carry out specific tasks with the public officials of PROCEDURE, INEGI and in some cases the SRA. Nor was electing a special tasks force such as the *Comisi n Auxiliar* new to the *ejidatarios*. Hence participation was built upon a formal structure that already existed within the *ejidos*. However participation is constrained and therefore exclusive of non-members. Yet, PROCEDURE recommends the inclusion of non-*ejidatarios* such as *avencindados* and the local population *junta* to have voice in the Assembly, even though the Law excludes them from voting.

The relevance of local decisions are summed up in the list of attributes of the *Asamblea*, formally consensus is obtained if the *Asamblea* is a participative and democratic institution.

#### **Main attributes of the Asamblea for PROCEDURE.**

- Determine the use of *ejido* land that are not formally divided into individual plots
- Divide land into plots
- Recognize the plots
- Regularize the tenure of *posesionarios* (in case they occupy, for example the common lands of the *ejido*).
- Regularize the tenancy of individuals who lack certificates of agrarian rights
- Determine the land allocated to human settlement, common use or parceled lands.
- Locate or relocate the area of urbanization
- Formulate and modify the internal regulations of the *ejido*

Attributes of the *Asamblea: the 'poseionarios'*

In the community of Tulin, Veracruz a dispute over whether the *poseionarios* would receive land emerged in the Assembly. The regional PA stated that the *ejidatarios* agreed to allow for *poseionarios* to have rights to land, but this decision was later revoked and it was agreed that they had to pay rent for the land they cultivated (Velásquez, 1999).

During the *Asamblea* of Santiago Coltzingo, Puebla there was a dispute concerning the recognition of *poseionarios*. Raquel said she had rights to a plot from her deceased husband, but a group of *ejidatarios* wanted to assign the rights to another person, Hermenegildo, even though did not live in the *ejido* nor cultivate the land. The problem emerged because Raquel's husband died without appointing a successor, and because the opponents said he had ceded his rights to Hermenegildo. There was a brawl, when the opponents wanted their files and one even tore up his. They wanted to suspend the assembly and invalidated it. Finally the *ejidatarios* voted and the majority was in favor of assigning the land to Hermenegildo's wife while he remained as the first successor (SRA, 1998:279).

**PROCEDE in *ejidos* and *comunidades*, 1993-1999.**

PROCEDE advanced at first in the *ejidos* with less conflicts, due to the voluntary acceptance of the program. Hence as years went on, it has become increasingly difficult to incorporate new communities into the program. The program did not start in the *comunidades agrarias* until 1998.

The procedures of the program should not take more than a year if there are no obstacles to carry out the program, however this is not generally the case. In many communities the procedures take several years, hence the gap between the number of *ejidos* that have accepted the program and those that have obtained the final certificates.

TOTAL <i>EJIDOS</i> (1992-1999)	27,355 (100%)
INCORPORATED IN PROCEDE	84.37%
<i>ASAMBLEA</i> FOR INFORMATION OF THE <i>COMISIÓN AUXILIAR</i>	71.61%
<i>ASAMBLEA</i> FOR BOUNDARIES, ALLOCATION AND USE OF LAND	89.50%
CERTIFICATION AND TITLING	66.45%

TOTAL <i>COMUNIDADES</i> (1998-1999)	2342 (100%)
INCORPORATED IN PROCEDE	34.32%
<i>ASAMBLEA</i> FOR INFORMATION OF THE <i>COMISIÓN AUXILIAR</i>	20.36%
<i>ASAMBLEA</i> FOR BOUNDARIES, ALLOCATION AND USE OF LAND	14.04%
CERTIFICATION AND TITLING	12.29%

A special comment is due for the *comunidades agrarias* referring to the specificity of their organization, which require a more flexible procedure for implementing PROCEDE. In the *comunidades agrarias*, customary norms have to be respected, this is particular for indigenous communities that account for 1395 of *comunidades* in Mexico.<sup>26</sup> The *comunidades agrarias* hence have relative autonomy. This led to diverse practices concerning land tenure – such as sale and lease of plots, change in land use, etc, that were not registered in the Ministry of Agrarian Reform, but are recognized by the local people. But is also led to complex situations that make identifying property rights more complex.

The task of PROCEDE is to certify the boundaries of the *comunidad*. Lands are collective and even though plots may be cultivated year after year by the same family, individual certification is not relevant since there is a social recognition of the right to a plot according to customary use. What is relevant is that the *comunidad* obtains a list of the *comuneros* that are recognized as having rights as members of the *comunidad*.

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<sup>26</sup> Indigenous communities are particular important in the *comunidades agrarias* of the states of Oaxaca, Guerrero, Edo. De México, San Luis Potosí, Hidalgo, Michoacán, Puebla, Durango, Chiapas (Rivera Herrejón, 2001:7).

*Oaxaca: Conflicts over land rights in comunidades agrarias.*

The Southwestern State of Oaxaca comprehends 30% of the agrarian communities in Mexico, many of these are indigenous. There are many conflicts surrounding land, which has made the advance of PROCEDE slow, in 1999 only 40% of the territory had been covered by the Program. Conflicts are of different nature, ranging from individual conflicts concerning individual rights to problems at the community level, because there are no local authorities, or there are political problems, such as fractions of political parties and peasant organization fighting against each other. Other causes of conflict may be the pending cases with the SRA (*rezago agrario*), the disputes over natural resources, and the involvement of other actors such as NGOs, the church, schoolteachers, public officers, human rights groups and even drug dealers. Interaction becomes even more complicated because many of the rules and norms that are held by tradition in the indigenous communities related to agrarian issues may contradict the formal legal structure of Mexican law. This leads to conflicts being asseverated and prolonged, (Fernández Osorio, 1999).

The delimitation of boundaries and the final documentation that certifies them, have involved some of the more complicated and prolonged conflicts of the agrarian problems, since, as mentioned, some of these conflicts can be traced centuries back. These conflicts were the competence of formal institutions of conflict resolution such as the SRA before 1992. The majority of *comunidades* were formally recognized by Presidential Resolutions during the period of 1953-1976. The list of individuals with rights as *comuneros* should be updated periodically, but this was rarely done, hence conflicts about who has right to land may also complicate the process of certification in PROCEDE (Rivera Herrejón, 2001).

With the 1992 Agrarian Law, the *comunidades* preserve their legal status as such, with lands under a common regime, in which land is not subject to sale, leasing or mortgage. However there is a loophole in the Law allowing for the *comunidad* to adopt the *ejido* regime (and hence be allowed to privatize land) or for the *comunidad* to enter into association with external agents and provide the land for joint ventures. The Law recognizes the existence of private plots, the secession to kin or *avecindados*, but does not allow for the sale, nor does it recognize the formal inheritance or the registration of successor as in the case of the *ejido*.

*Defining boundaries in an indigenous comunidad agraria.*

San Pablo is an indigenous community in the highlands of the Sierra Juárez in the Southwestern State of Oaxaca. Its main resource is the forest, which is held and managed collectively. Throughout its history, San Pablo has been under different tenure regimes – ancient, private and communal- all considered legitimate by the community.

Prior to 1856, human populations were circumscribed by spaces without boundaries or with diffuse limits, defined by the established relations with visible or invisible non-human beings<sup>27</sup> with whom they shared the space and its resources. The appropriation of resources was performed through a balance of different practices concerning these beings, including rituals. Resources were clearly identified and located but the territory was not.

Under the period of liberal laws (1856 until the Mexican Revolution) individuals reclaimed private property on the areas of immediate usage such as agricultural plots, grazing lands and forests near the populated areas. Private property deeds were granted to the indigenous people. However, the boundaries with other communities and the property of lands without direct usufruct (forests) continued being diffused.

During the post-revolution, particularly from the 1950's, private property was formally annulled and communal property was established according to Article 27 of the Constitution. However, private rights on the land were still recognized by the community, including possibilities to inherit and alienate land. When the concessionary companies arrived to the region and started to exploit the forest resources commercially in the 1950s, the demand for defining the boundaries of a common territory became imminent. It was not until then that specific authorities (*comisariado de bienes comunales*) were established in order to administer and control a specific territory now identified by its physical limits.

With migration a social space has been constructed beyond that of territoriality, as migrants to Mexico City and California constructed social relations that intertwined their societies of origin and destiny. This process evolved particularly from the 1980s on when the community regained control of the forest resource.

In sum, a modified institutional dimension concerning property rights has been constructed and transformed throughout history, boundaries are moving and are flexible to everyday needs of the community (Appendini, et. al, 2001).

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<sup>27</sup> People have known and used the forest around their communities but did not define its limits and there were no boundaries between the forest of one community and the other. In order to use its resources, people requested permission to supernatural beings since they did not consider themselves owners of the forest, but rather were permitted to use it by the divinities they believed in.

## *Recommendations*

- Information for the *ejido* diagnosis should be obtained from a diversity of sources, including peasant groups, municipal authorities but also groups and individuals who have less public presence, such as women, youth, and low income households.
- The system of voting has to be restructured in order to create mechanisms that can truly guaranty the process of decision making to be democratic and transparent.
- The *visitadores agrarios* should have a more complete training as well as a formal methodology for their participation in conflict solutions so they can handle each situation in a proper way.
- The active participation of *ejidatarios* and *comuneros* must be encouraged. This participation cannot be reduced to the agreement or disagreement of PROCEDE.

#### **Section 4. The institutionalization of conflict resolution: PROCEDE.**

Obviously the procedure of land certification can generate conflicts or bring out conflicts that were latent. Many of these were the fault of the former process of Agrarian Reform, for example when the assignation of plots or the use of common lands had not been formalized but held by norms of use and custom. Hence when obliged to formalize tenure, use and boundaries of land as well as assign legal rights, conflicts may well emerge regarding land allocation that had been agreed upon for decades. In other cases, conflicts involving illegal land appropriation and sale may be formalized by PROCEDE and hence resolve conflicts that are against the spirit of the ejido and the community. As one agrarian analysts says: ‘ Time has entrenched this structure, and the boundaries between the legitimate and the unjust are blurred...’ (Zepeda, 1999).

In this section, we will present the framework designed by the PA for conflict resolution. There are two channels for solving disputes: one is internal and is validated by the Asamblea, the other is external and refers to the legal forms of conflict resolution by conciliation, arbitration or the Agrarian Courts. In the latter, the mechanisms are formal and involve external agents in the resolution of conflicts.

PROCEDE gives ample power to the Asamblea for reaching agreements on disputes, which have to be validated by vote. However there is no documentation on how agreements are reached. In other words, the visitador agrario and the internal actor involved in a dispute have no guidelines as to how to carry out a negotiation process. We will comment on this in the last part of the section.

Internal solutions: The Asamblea.

As far as conflict resolution is concerned, the Agrarian Law emphasizes that autonomy to the ejidos and comunidades is the basis of conflict resolution. Hence the PA will try to persuade ejidatarios and comuneros to resolve conflicts within the Asamblea in a participative and democratic way, giving ample power to the Asamblea on all matters concerning the governance of the ejido. However there are at least two problems as to the way the PA approaches the Asamblea to solve conflicts: one refers to the institutionalization of participative democracy and the other to the conflict that may emerge between collective and individual decisions.

First of all, the will to establish democratic methods for decision-making may not always be realistic when, in many ejidos and comunidades, conflicts may traditionally have been solved by other methods; which may be legitimate and congruent to the ejidatarios and comuneros.

Participatory democracy also implies that the Asamblea will meet periodically and that the minimum quorum required in order to make decisions is reached. As stated before, it is not always easy to get the ejidatarios to assist. As an average, 49.5% of ejidos hold from 1 to 6 assembly meetings a year (SRA, 1998:166), and furthermore the custom of leaving decision-making to the Comisariado Ejidal is often still prevalent, as it was under the former Agrarian Law (up until 1992), and may be difficult to change in many cases.

‘Even today many Comisariados continue to make key decisions, even if these are not legally sanctioned.’ (Baitenmann, 1998:21).

The second problem concerns the contradiction between giving more power to the Asamblea and at the same time empowering the ability for individual action. In other words, giving individuals more autonomy in order to carry out actions such as transferring the rights to the use of land to other ejidatarios, avecindados or associations, without having to consult the Asamblea, has a direct impact on the dynamics of the ejido. The only transfers in which the Asamblea can intervene are those concerning common lands. In the case of controversies with third parties, only the Asamblea can intervene and make decisions, but neither the PA nor any other public office can properly monitor the processes within the ejido and enforce decisions taken by the Asamblea.

In sum, conflict resolution concerning land rights at the local level is institutionalized by giving maximum authority to the Asamblea. However this assumes that the community, whether an ejido or comunidad, is a homogeneous entity and not a stratified social group in which unequal power relations may permeate the Asamblea. In most instances, this is unlikely to be the case. The Asamblea is a public space and power relations such as those relating to gender, local leadership, group factions, etc. are likely to influence decision-making. Also, the presence of external agents, such as the visitador or INEGI personnel has an influence on the participation of people and their decisions. This is not changed by the fact that the visitador’s Manual recommends ‘that for the approval of the reports and agreements reached within the Asamblea concerning the boundaries, destiny and assignment of land, voting must be nominal and open’ (PA, 1994).

Controversies that are not solved by the Asamblea are sent on to external agencies of conflict resolution.

*External solutions: Conciliation, Arbitration and the Agrarian Tribunals.*

*The Procuraduria Agraria provides three mechanisms for the resolution of controversies: one is so called ‘assisted’, namely the process of Conciliation; the other two are resolutions: by means of ‘arbitration’ and the Agrarian Tribunals. The three external agents, are part of the Procuraduria Agraria, and are therefore formal procedures.*

*Conciliation is a formal procedure established by the PA. It is the preferred mechanism to resolve any controversy which may come up regarding agrarian rights, whether individual or collective, when these are not the responsibility of the Asamblea. Conciliation means to assist the involved parties in dispute to come to an agreement. The ‘conciliator’ is an agent appointed by the PA, who acts as a third neutral agent who will provide arguments and guidance for resolving the controversy and who will propose terms for an agreement. There is a formal procedure for the process:*

*Formal procedure for Conciliation:*

- One or both parties presents a request for conciliation
- The conciliator requests each party to provide identification, state their legal interests and give precise reasons for their demands.
- A document is provided acknowledging receipt of the request, names of the parties involved, and the subject of controversy. Date for a conciliatory meeting is set.
- The forms for notifying the parties involved are written and sent to them, five days prior to the meeting.
- The conciliatory meeting is held at the date agreed upon. Each part is asked to state their motives and show proof of their case. At the end of the meeting, the conciliator presents the alternatives for resolving the dispute. The parties in conflict may request a suspension of the meeting in order to consult a third party, gather important documents or evaluate alternative solutions. In such case the meeting is suspended and a new date is set.
- If the parties come to an agreement, they sign the agreement after the conciliator has analyzed the legal viability of the proposed solutions.
- The agreement is presented to the *Tribunal Unitario Agrario* (TUA) and registered with RAN.

From 1992 to 1998, 190,264 petitions for conciliations were received by the competent authority, and 95 % have been resolved. There is a consensus that the most difficult agrarian conflicts in Mexico should be solved through the conciliation mechanisms. Such is the case of conflicts in the Chimalapas, Oaxaca and in Chiapas; the Huichol region of Jalisco and Nayarit; and the Meseta Purépecha in Michoacan, among others.

Arbitration is also a formal procedure which is adopted voluntarily by the parties in dispute (agrarian subjects) in order to submit a controversy to for the decision of an arbitrator, in this case the Procuraduría. This process leads to a resolution. The formalities involved are:

*Formal procedure for arbitration.*

- By request of the agrarian subjects involved in a legal dispute, the *Procuraduría Agraria* establishes itself as arbitrator with the understanding that the parties are obliged to accept and comply with the resolution.
- The former commitment –also known as the ‘contract of arbitration’ – sets the basis and processes for the procedure, as well as the dates on which the subjects must present proof and receive a sentence.
- The resolution that finalizes the controversy is called ‘laudo’.
- Once the ‘laudo’ is set, it is legally confirmed to the corresponding TUA.
- The resolution is executed.
- If required, the resolution is inscribed in the RAN.

Arbitration is the second mechanism that the *visitador agrario* will suggest and which the external conciliator will propose if a conflict has not been solved by other means. In general, arbitration has not been called for very much (only 237 requests were received between 1992 and 1997), and when a case cannot be resolved in this manner, it is usually turned over to the third mechanism, the *Tribunal Agrario*.

The third instance for formal external conflict resolution are the Agrarian Tribunals, which were established in 1992 at the same time that the Law was reformed. These courts solve all matters that cannot be solved by the former means in a formal, legal and obligatory manner.

The Agrarian Tribunals resolve two types of conflict: a) pending cases of assigning agrarian rights (*rezago agrario*); b) other matters as referred to above. Two formal institutions constitute these Courts: the *Tribunales Unitarios Agrarios* (TUA), which are responsible for resolving disputes presented by the parties involved, and the Supreme Agrarian Court (*Tribunal Superior Agrario*), which coordinates judicial policy and reviews court decisions on appeal.

In the cases presented to the Agrarian Tribunals there is also a formal procedure which must be complied with:

*The procedure followed by the Agrarian Tribunals*

- An individual must present a demand or complaint before the judge.
- The Court notifies the defendant that there is a claim against him and that he must present himself within 5 to 10 days after the notification.
- The meeting takes place, the claim and required proof are presented. The TUA sets the date for presenting the proof.
- The meeting takes place.
- TUA sets the terms for formulating the allegations corresponding to the proofs.
- The judge pronounces sentence that will resolve the conflict or dispute, and hence end the process.

The majority of the cases received by the Agrarian Tribunals are of ordinary competence, which shows that the new agrarian organization has resulted in a high degree of conflictivity. By 1998, TUA had received 109,000 cases of which 85% were of ordinary competence (Zepeda, 1999). There have since been difficulties due to the accumulation of pending cases within the TUA.

A great number of cases presented to the Agrarian Tribunals deal with the inheritance of *ejido* rights and are due to changes in the Law, since now an *ejidatario* can appoint any person as heir to his/her rights. Formerly the wife and children were the mandatory heirs. One out of every five *ejidatarios* are women, and the right to inheritance is an important gender issue, but the rights of women have been weakened with the new Law.

In all three cases of external solutions there are certain principles that must be complied with in order to maintain equality between the peasants in dispute and to diminish as far as possible, opportunity costs (such as not cultivating the land in conflict) and transaction costs (transport and lodging).

These principles can be summed up as:

- ✓ Voluntary basis: for all disputes submitted.
- ✓ Orality: verbal communication has priority over written communication.
- ✓ Economy: attain resolution with the minimum of cost in effort, time, etc.
- ✓ Contiguity: direct communication between the parties and the PA.
- ✓ Equality: equal treatment or nondiscriminatory practices for any of the parties.
- ✓ Respect of custom uses: the presence of an interpreter when subjects do not speak Spanish; account for customary norms when relevant.

However, in practice, it may be difficult to fulfill some of these principles, such as economy and orality. Most often it is not possible to carry out the process in one single session, and processes may be delayed. Also, the principle of orality is contrary to the need to register all that is said at a formal meeting, hence writing down everything prolongs the sessions. All these problems are different in each case. If there is a need to resort to the Agrarian Tribunals, this means that people often have to travel, which makes the effort more difficult. In the cases of Conciliation or Arbitration, the case may be solved in or near the community, thus reducing transaction costs, but the length of the process may damage the agricultural activities of the persons involved.

The statistics: Agrarian conflicts registered by PROCEDE, 1997.

Causes	Total	%
Total nuclei with problems	7 858	100.0
Rejection of the program	2 579	32.8
Controversies over <i>ejido</i> boundaries	1 591	20.2
Pending cases due to administrative causes	1 697	21.6
Conflicts between local authorities and <i>ejido</i> members	164	2.0
Distrust due to economic and political causes	239	3.0
Invasion or deprivation of land	235	2.9
Peri-urban nuclei, coastal or forestry, etc.	324	4.1
Pending judgements	193	2.4
Division of the <i>ejido</i> , fusion or other cases	91	1.1
Others	745	9.4

Source: PA *Informe Anual*

In this section we have reviewed the formal instances of conflict resolution established by the PROCEDE framework. We will now turn to the previous steps, before a conflict is discussed and/or resolved in the *Asamblea* or by external solutions; that is how conflicts are faced by the *visitador agrario*, who deals directly with the individuals involved at the various steps of the PROCEDE. The *visitador* has instructions on how to obtain information on conflicts, and how to register and classify conflicts. The guidelines are included in the Manual of the *visitador* (*Manual del Visitador*) and in the *Ejido* questionnaire.

In section 3, we outlined the seven steps for PROCEDE to carry out the regularization program in *ejidos* and *comunidades agrarias*. From step 1 – diagnosis – to step 5 – measurement and mapping, the *visitador* and the *Comisión Auxiliar* register all conflicts as well as settlements reached, as follows:

*The Visitador's Manual. Instructions relating to conflicts.*

The *Comisión Auxiliar* receives, organizes and classifies the reports which refer to possible conflicts ( such as individual rights, *ejido* boundaries or plot limits) generated during the process of measurement. The *Comisión Auxiliar* informs the *Asamblea* about the existing conflicts due to boundaries and the list of individuals with agrarian rights.

When measuring land within the *ejido*:

- When measuring the individual plots, you (the *visitador*) must become acquainted with the problems that may emerge and intervene in these matters when requested to or when you detect violations of the Law. You must inform your immediate superior and the *Comisariado Ejidal*.

During the *Asamblea* on assessing the boundaries, allocation and use of land:

- If there are conflicts over plots you must suggest to the President (of the *Asamblea*) that the cases of dispute be handed over to the competent instances.
- You must be aware about the possible objections that may be presented against the agreements reached by the *Asamblea* and report these to your immediate superior
- You must report the objections that groups of *ejidatarios* may want to present to the *Tribunal Agrario* and report this to your immediate superior.

Source: *Manual del Visitador*

These guidelines emphasize what we have already observed, that the *visitador* has instructions on how to obtain and register information concerning conflicts, but not on how to deal with conflicts or how to guide individuals in the process of negotiation and reaching an agreement. He/she needs to draw on personal resources and the commitment to his/her work as shown by the following interview:

*The aims of a PROCEDE official:*

‘What I intend to do in this job is to bring progress to rural Mexico, so that the *campesinos* won’t be deceived any more. If I can make a contribution, that’s it. If one of the 244 *ejidos* under my responsibility makes headway because of my involvement, I’ll be satisfied.....When *ejidatarios* visit the office with a lawyer, the lawyer often starts talking, We tell them to let the *ejidatarios* speak for themselves. Then the lawyers often react by saying that the *ejidatario* is not able to talk about it very well. We then say that the *ejidatarios* are very well able to talk about it and if not we will find another form of understanding each other. We ask the lawyer to keep quiet or wait outside. After the talk we tell the *ejidatarios* that they can get a free lawyer at our office’ (Interview with the PROCEDE director at the Autlán Office in Jalisco, in Nuijten, 1998:324-325).

Another tool for obtaining information on conflicts is included in the *ejido* questionnaire which asks detailed questions about the agrarian conflicts encountered in the *ejido*. It is interesting to note that though questions 17 and 18 ask whether conflicts have been resolved, there are no questions on how the negotiation process was carried out, or in due case, how an agreement was reached.

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*Ejido Questionnaire (Applied to ejido authorities):*

1. Does the *ejido* have conflicts on boundaries with neighboring communities?
2. Where are these conflicts located?
3. Which are the reasons for the conflicts?
4. With whom do you have a conflict? (Mention the name)  
a) *Ejido* b) small property c) community d) Federal territory
5. Have the *ejido* lands been invaded?
6. What caused the invasion?
7. Who is the invader? (Mention the name)  
a) *Ejido* b) small property c) community d) Federal or national institution
8. What type of land was invaded?  
a) Common lands b) Crop lands c) Human settlement
9. Does the *ejido* invade other properties? (Mention them)
10. Does the *ejido* have conflicts over plots within the *ejido*?
11. Does the *ejido* have disagreements over the actual use of lands?

12. Does the use of common lands generate conflicts between the *ejidatarios*?
13. Are there any problems due to the distribution of plots?
14. Are there any problems due to the ownership of urban housing plots?
16. Have internal solutions been reached on conflicts?
17. Have external solutions been reached on conflicts?
18. Have any public agencies been involved in solving the conflicts?
19. Which ?

Source: PA, *Cuestionario Ejidal*

## **Section 5. A typology for approaching conflict resolution related to land regularization.**

A typology of conflicts related to assigning rights and use of land and its resources, has to take into account two main questions: the conceptual basis for defining ‘types’ as well as the aims of the typology, such as: analysis, knowledge or intervention. In matters concerning land conflicts, the purpose of a typology is intervention for conflict resolution.

With this in mind, we may say that the classification of conflicts that the *Procuraduría Agraria* has established for PROCEDE is a legalistic typology since it classifies conflicts according to the legal aspects of controversies that affect the rights of the parties in dispute, or the social nature of these.<sup>28</sup> This is due to the specific formal purpose of PROCEDE, aimed at channeling the process of conflict resolution to the appropriate legal instances and ensuring the efficiency of the processes.

However, the same problem that is expressed in a legal context can be approached in a different manner, in order to focus on the problems of assigning property rights and take into account the norms and practices that give legitimacy to the process within the local context.

In other words, we propose an institutional approach, as defined in section one, referring to ‘the norms of structured social behavior’ – whether written or not- that are recognized and which give legitimacy to the actions of a social group, as well as to the organizing practice of people.

The ‘quid’ of the institutional approach is to suggest mechanisms for reaching agreements between individuals in dispute by negotiation before turning to legal instances, which have high transaction costs. This is more obvious in the case of external intervention such as conciliation and arbitration, in which communities and people get involved in long processes that are time consuming and are costly due to transportation, lodging and legal fees. But also disputes that are settled locally, for example within the *Asamblea*, may have transaction costs if consensus is not reached, such as erosion of social cohesion, etc. For the individual household, such costs may be high: for instance, in disputes over boundaries, peasants may leave land uncropped or invest less in cultivation.

The first consideration is that the institutional arrangements to which property rights refer have a spatial dimension: the territory of the *ejido* and *comunidad agraria*, with the divisions according to the land assigned to urban areas, individual fields and common lands (see figure *Ejido* territory, section 2).

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<sup>28</sup> According to the PA ‘Controversies that involve the rights of the populations in the agrarian nuclei’ or ‘controversies that involve the individual rights of agrarian subjects’.

The spatial dimension comprehends two types of potential conflicts: boundaries – collective and individual- and how the use of land is assigned within the community (individual crop land, common lands for grazing, forest or marginal land). Property rights are superposed on the spatial dimension.

Second, we propose the institutional dimensions of demands on the spatial territory of the *ejido* or *comunidad agraria*. These refer to:

- The assignation of rights to the land and its resources: **who** has rights - membership
- The ‘collection of rights’ that accrue to members: **what** are the rights
- The management and enforcement of decisions concerning the land and its resources: **how** rights are exercised by decisions on:
  - The use of land
  - The organization of production
  - Issues referring to infrastructure

A third dimension of a typology is the kind of *ejido* according to the characteristics of land use and economic organization: urban or peri-urban *ejido*; cash crop agriculture, subsistence, forest, ecological reserve, tourism.

Within this framework, we propose a typology of conflicts that is based on the spatial and institutional characteristics of land tenure, and which may also comprehend the legalistic classification of conflicts provided by PROCEDE.

The purpose of the typology is to determine the institutional level of intervention based on questions such as: What can be solved in the local institutional context? Which are the mechanisms for conflict resolution based on a ‘participatory’ approach that allows for negotiations between agents in order to lower transaction costs?

As shown in the table below, many conflicts can be solved at the local level and many can be solved at the level of a negotiation process between individuals (marked by \*) even before presentation for the formal approval of the *Asamblea*. However this requires that conflict resolution is not left to chance or the common sense of the *visitador* but that agents are provided with the skills and tools required for a systematic approach to conflict solving within the given framework. Individual talent such as leadership, legitimacy, etc. is an important element, but also building on the capabilities of groups and their organizing practices that strengthen the bargaining power of local people, particularly of the weaker groups.

*Aims of conflict resolution at local level*

- Lower transaction costs
  - collective
  - individual
- Reinforcing social cohesion or social capital
  - participatory and democratic assembly

- legitimacy of representative authorities
- inclusiveness of weak members and non-members in decision-making

### Typology for conflict resolution<sup>1</sup>

<i>Type of conflict:</i>	<i>Conflict</i>	<i>Examples of issues</i>	<i>Internal agents for solutions</i>	<i>External agents for solutions</i>
Spatial: boundaries	Intercommunity Intracommunity	Boundaries	<i>Asamblea</i> Individuals*	SRA, Conciliation, arbitration Agrarian Tribunals
Spatial: Use of <i>ejido</i> land	Community Assigning individual, common, land for social projects	Restitution – <i>comunidades agrarias</i> Expropriation	<i>Asamblea</i> Organizing practices of informal groups*	SRA Conciliation, arbitration Agrarian Tribunals
Assignment of rights	<i>Who:</i> to be <i>ejidatario</i> to be <i>comunero</i> succession <i>what</i> rights	Updating the <i>ejido</i> list Limited rights to <i>poseisionarios</i> and <i>avecindados</i> <b><i>Rights to women</i>**</b>	<i>Asamblea</i> Household/Individual *	Conciliation, arbitration Agrarian Tribunals
Organization of production	Use of common lands  Individual plots	Change in land use regime Land to <i>poseisionarios</i> <b><i>Tourist projects</i>**</b> Productive organizations and associations <b><i>Privatization of plots in urban areas</i>**</b>	<i>Asamblea</i> Peasant organizations, Credit associations, etc.* Organizing practices of informal groups*	
Administration of resources	<i>How:</i> management	Legitimacy of representatives <b><i>Forestry, ecological reserves</i>**</b> Indemnization Sanctions for not participating	<i>Asamblea, Comisariado, Comité de Vigilancia</i> Organizing practices of informal groups*	
Infrastructure		Local roads Plot for school Plot for women's Project	<i>Asamblea, Comisariado, Comité de Vigilancia</i> Organizing practices of informal groups*	

<sup>1</sup> Examples are based on most common conflicts, the list is not exhaustive.

\* Examples of conflict resolution through bargaining between agents

\*\* Examples of relevant issues

## **Section 6. Conflict resolution processes: non-government actors.**

In the preceding sections, we have focused on the procedures of PROCEDURE and the conflict resolution mechanism established by the program. We have seen that the process is highly formalized, and even though there is a legal institutional space for conflict resolution at the local level, giving power to local participation and decision-making through the Asamblea of ejidos and comunidades, there is no mention of third actors in the process of conflict resolution, nor is there a ‘grounded’ methodology for conflict resolution mechanisms, such as tools for the *visitador agrario*.

In this section we will refer to the role of third agents in conflict resolution by looking at some examples. These cases will also allow us to assess some of the findings in the former sections, namely problems of participation in local decision-making and hence the gap between the mechanisms for conflict resolution as designed in PROCEDURE and the problems encountered in the field to carry out resolutions and their enforcement.

The role of NGO’s and peasant organizations in conflict resolution.

A literature review and interviews with key informants leads to the conclusion that there is no relevant presence of NGOs in ejidos and comunidades in which PROCEDURE has taken place. NGOs and other organizations such as peasant organizations are not recognized as actors in conflict resolution related to the process of tenure regularization. This does not exclude the intervention of non-government organizations in ejidos and comunidades, but their agenda for action is generally concerned with wider issues than the more focused objectives of the PROCEDURE program, notwithstanding that property rights are linked to most issues concerning communities.

In Mexico, NGO’s have been particularly involved in defending the interests of indigenous communities –most often under common property regimes (*comunidades agrarias*). As an actor in complex issues of specific regions, often in very conflicting situations, NGO’s tend not to ‘fragment’ their actions, but rather to deal with multiple conflicts – which are interlinked in the everyday livelihoods of rural people - ranging from collective resource management to human rights.

An important part of NGO’s are involved in environmental issues, and in defending the interest of communities from the encroachment of their resources, often by neighboring communities, leading to complex situation of conflict that may have deep historical roots; or to outside interests, such as may be the case of concessions for exploiting resources to private enterprises. The dispute over forest resources has been a well studied example and NGO’s had an important role in the struggle for indigenous communities, for example in Oaxaca, to end concessions with state-owned organizations and gain control over their forests in the 1980s (García, et.al., 1999).

As external actors, NGOs are identified with the interests of the communities, hence they often ‘take sides’ in a conflict, and have, in the past, often been in opposition to the interest of public organisms, for example at the local and state level. Some interviews openly stated that NGO’s were not conflict mediators but a part of the conflict, precisely

because they take sides and defend the interests of one of the parties involved in conflict. It is thus not surprising that public entities do not credit the presence of NGOs as actors that may be involved in conflicts around land tenure situations.

Peasant organizations are another external actor that may be involved in disputes over land tenure. Peasants have a long history of organized mobilizations for land. Up to the 1970's land was the main demand of organizations, such as supporting requests for an extension of ejidos, denouncing and sometimes invading private landholdings that held more land than allowed by law. In later decades, peasant organizations became more involved with supporting their constituencies to access public resources such as credit, input subsidies, etc. With liberal policies, some organizations are active in finding new ways to support peasants to market their products, find innovative ways of obtaining credit (micro financing), accessing and administering regional or local development projects, etc. The scope of peasant organizations has broadened towards local development programs and projects that are integrated and sustainable, based on common values such as self-management, cooperation, solidarity, environmental concerns, etc. (Interview CNPA, 2001).

Organizations involved in land tenure conflicts at present mainly support ejidos and comunidades that have pending cases such as restitution of land, indemnizations for land that has been expropriated (for urban use, oil exploitation, etc.). Hence, peasant organizations also defend the interests of their constituencies and are not neutral actors in solving land disputes.

A particular actor in conflict resolution is the INI (National Indigenous Institute), this is because it is a public agency, which acts in disputes defending the interests of the indigenous population. In the case of land tenure conflict, INI provides support and legal counseling to the communities. According to the PA, if the PA gives legal services to one party in dispute, the INI will support the other. The INI will also defend the interest of a community when the conflict is with the PA itself. The INI gives advice to communities on matters related to PROCEDE, such as its objectives, how the program proceeds, the impact and repercussion –negative and positive – of entering the program. However this kind of involvement has diminished in latter years due to tensions between the two institutions referring to the performance of their agents in the community, which may tend to adopt rivalizing roles. For example, indigenous people have a long experience of relation with INI, and so may confide more in the opinion and advice of their agents, while they see PROCEDE as another government program.

In order to illustrate the role of non-government organizations in land disputes, we have summed the following cases which are relevant at present:

***Chimalapa:***

Chimalapa is a region of 600 hectares, located in the Istmo de Tehuantepec, comprehending both the State of Oaxaca (90%) and of Chiapas (10%). The dispute over the territory is extremely complex, involving disputes of rights and the use of land. The case of Chimalapa has caught national attention because the region is noteworthy for the

richness of biodiversity: there are 9 natural ecosystems ranging from the jungle highlands and lowlands and to temperate forests. All these ecosystems co-exist and interact. It has one of the most important hydraulic resources in Mexico, due to the amount of rainwater captured in the region.

The conservation of the territory's natural resources has been the commitment of the indigenous communities of Santa María and San Miguel Chimalapa, both for ecological reasons, and because for generations, their livelihoods are based on the resources and its balance with human activities.

The territory has been encroached upon by outsiders with very different interests that endanger the ecological equilibrium and livelihoods of the indigenous population: forest loggers, cattle ranchers, mega-development projects and even illegal trader related to narco or endangered species. The indigenous population of Chimalapas has defended their territory by different means: directly, legally and even violently.

Chimalapa has a complex and difficult agrarian situation, due to unclear property rights involving disputes between different ethnic groups, that are intertwined with the external forces mentioned and environmental problems.

One of the main problems is related to the dispute over boundaries between the state of Oaxaca and Chiapas, which affects the community of Santa Maria Chimalapa were 40,000 hectares and 37 agrarian nuclei are in a situation of undefined property rights. In the case of San Miguel Chimalapa 7 agrarian nuclei are in an uncertain condition. Intraboundaries disputes of the two states are complicated by the presence of the original ethnic population zoque and the newly arrived tzetzales and tzotziles from Chiapas.

In 1991 a third actor was created to work towards resolutions in Chimalapas, The National Committee for the Defense of Chimalapas, comprehending various environment NGOs, artists and intellectuals. This group has pressured public authorities to clarify property rights, and created technical brigades aimed at resolving land disputes by supporting agrarian conciliation. But though this was officially accepted, the conciliation process was interrupted because of conflicts with the ejidos in the Chiapas territory and with community authorities and cattle ranchers. NGOs, such as Maderas del Pueblo del Sureste has a strong presence in the region, with the aim of working with the indigenous population in promoting sustainable exploitation of the tropical areas with agroecological and agroforest techniques. In relation to land, the organization states that one of its aims is to promote the organization of the territory and the self-determination of communities on decisions of land use, at the local and regional level.

PROCEDE has not been able to enter into the region. According to one public official, there are too many actors involved, external actors particularly have an influence in the communities and impede the negotiation process. Also according to the official position, authorities seek a conflict resolution process through the Program for Agrarian Conciliation for the communities of Chimalapa, handled by the Ministry of Agrarian Reform, the Procuraduría Agraria and the state governments of Chiapas and Oaxaca, together with the people of the communities of Santa Maria and San Miguel, but it is noteworthy that there is no mention of civil society groups that may be viable in supporting the conciliation efforts. This underlines that NGOs and other external *actors*

are not considered valuable actors in conflict resolution, even if they are present and have knowledge and networks in the region.

Sources: García, 1998; Mulas, 1998, PA

***The Huichol region:***

The Huichol region, where indigenous people belonging to that ethnicity live, comprehends territories from the states of Jalisco, Nayarit, Durango and Zacatecas. 12 agrarian nuclei (four ejidos and eight comunidades) are involved in conflicts over community boundaries and the establishment of non-ejidatarios o non-members of the comunidades on lands belonging to those entities.

One aspect of the conflict is that the huicholes are reclaiming the land occupied by private proprietors – ranchers and peasants- on the land of Comatlán, on the limits of Jalisco and Nayarit. The conflict has been going on for 50 years. AJAGI- Asociación Jalisciense de Apoyo a Grupos Indígenas, is an NGO which gives legal support to the huicholes.

An interinstitutional commission formed by the Ministry of Agrarian Reform, the Instituto Nacional Indigenista (INI) and the Procuraduría Agraria together with the state governments of Jalisco and Nayarit and the representatives from the agrarian nuclei, was established in order to coordinate the technical surveillance of the territories in dispute.

The legal channel to resolve the conflicts on land boundaries and private possessions has been by Conciliation.

Source: PA, interview with A. Avila, August, 2001.

Peasant Organization: An interview with a peasant leader of UNORCA.<sup>29</sup>

“Peasant organizations may have an important role in defending the agrarian nuclei versus government entities. That is, they do not intervene in conflicts between individuals, but rather they represent the agrarian nuclei before the authorities. Their role is not that of a neutral agent, so peasant organizations do not function as mediators in a conflict because they defend the cause of the agrarian community. However we do aim at settling disagreements by negotiation and we try to make these negotiations as little unequal as possible, showing the government that we have strong mechanisms of protest. Organizations have the ability to end the dilemma of collective action because one of our main objectives is to organize mobilizations in order to be heard and to put pressure on the authorities. Many peasant organizations are inclined to sympathize with one or other political party, and so they mix politics with the agrarian problems.”

Source: Interview with UNORCA leader, August, 2001.

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<sup>29</sup> Unión Nacional de Organizaciones regionales Campesinas Autónomas.

## Section 7. Case studies: PROCEDE in the State of Mexico.

The following cases have been documented as examples of how PROCEDE proceeded in three rural communities in the State of Mexico. These examples show how the program encountered very different problems in each community and thus emphasized the importance of context specificity in the kind of problems encountered and how they are confronted and solved, or not solved. The importance of local norms and practices are evident in these examples. <sup>30</sup>

### SML: An Ejido.

SML is an indigenous community in the hills of the municipality of San Felipe del Progreso, in the Northwest of the State of Mexico. The population is of the mazahua ethnicity, and people speak the native language, though most are bi-lingual (Spanish). The community is categorized by official indicators as one of extreme poverty. There is an urban nuclei with a few services such as the school, health clinic, stores and some houses, but most houses are scattered on the farming plots. Peasants cultivate maize for self-consumption, and generate cash income mainly by working outside the community: men work as construction workers in Mexico City (aprox.100 kms away) and single young women work as domestic servants in the same city.

PROCEDE began its program of land regularization in 1993. It took six years before the phase of asserting the boundaries of the community and the individual plots was finished. It was finally the persistence of PROCEDE agents, which convinced the peasants to register the titling of land. In 1999 PROCEDE handed ejido certificates to 195 ejidatarios and recognized 487 posesionarios. From its foundation in 1936, when there were 196 plots, PROCEDE identified 1644 plots.<sup>31</sup> The fragmentation of the ejido land and its regularization under PROCEDE is the main land shuffling ever taking place in SML. This is due to the pattern of inheritance among the Mazahua, which gives each male child a right to land. With PROCEDE this right was recognized.

There were two main problems that the program encountered in the communities: the first one was due to misinformation and misunderstanding of what was going on about their land and people's distrust of local authorities; the second one was due to the absence of the ejidatarios at the Asambleas. An unclear understanding about what the certification meant led to rumors, gossip and later to social conflicts among the people in the community.

The climate of uncertainty surrounding land certification led some people to invade the common lands. There were conflicts among some ejidatarios and the Comisión Auxiliar, hence hindering the work of measuring and assigning the plots. For example, the Program was accepted at the second call to the Asamblea, with the people who were present, since only at first call is a fixed quorum required. Hence many ejidatarios were not informed

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<sup>30</sup> The examples are based on work done by Rivera Herrejón (2000, 2001) and Vizcarra Brodi, (sf).

<sup>31</sup> The average amount of land held by a person is 2.4 plots with 0.38 hectares each. 30 *ejidatarios* did not wish to enter the program; two plots in dispute were also left out (Rivera Herrejón, 2000).

about the program. When men were absent, women went to the Asamblea, and there were several examples of women having to take decisions, for instance on the plot limits; later their husbands did not agree and this led to conflicts within the household (Vizcarra, sf).

The new conflicts that emerged were of such a proportion that PROCEDE had to suspend the program until 1995 only to face new conflicts: the Comisión Auxiliar did not collaborate with the PROCEDE and INEGI agents, validation of the necessary documentation was held up and the program was again suspended. Finally in 1996, a new authority of the Comisariado Ejidal worked hard at convincing the community of the advantages of having a certificate validating their plot and the program continued.

In the end, the process turned out to be positive, as Rivera concludes: “PROCEDE brought to light land conflicts that had already been there unsolved, and it also uncovered some conflicts that had not been perceived. However, almost all the internal conflicts concerning land were solved and the rest were turned over to the Agrarian Tribunal” (Rivera, 2000).

In spite of the initial opposition to PROCEDE, in the end the certificates were well received. All the ejidatarios and the posesionarios interviewed claimed that they felt satisfied at having a document that proved the possession of their plots. They realized that the land was no longer on loan from the government but now belonged to them. (Rivera, 2000:13).

***Real de Arriba: The Ejido.***

Real de Arriba is an ejido in the municipality of Temascaltepec, in the Southwest of the State of México. It has a small population with 59 people with ejido rights. PROCEDE was accepted at once in November of 1995 by the ejido and proceeded without major problems so that nine months later the documents of certification were handed to the ejido and to 47 ejidatarios and 11 posesionarios. Ejidatarios were eager to obtain the certificates, and had been struggling for the recognition of their land for decades without success. The older people, who had taken part in the struggle to obtain the ejido documentation in earlier days, appeared to be very satisfied by the results. There were no conflicts within the ejido, but an old conflict with the neighboring comunidad agraria, also named Real de Arriba, could not be solved. This concerned a plot of land that some ejidatarios had purchased from the comunidad in the forties, but which had been included in the maps of the comunidad drawn and officially recognized in 1968 (Rivera Herrejón, 2000:17-19).

***Real de Arriba: The Comunidad Agraria.***

The neighboring community, with the same name but with a common land tenure regime (comunidad agraria) has a very different story. The communal land titles were given to the community during the Colonial period (1716). Throughout history the comunidad has had numerous conflicts with neighboring communities due to boundaries. In 1968 there was a presidential resolution, which recognized 268 comuneros. However within the community there were unsolved disputes over plots, which were owned by peasants who

claimed their plots as private property and did not want to belong to the common regime. This conflict has gone on since. Other conflicts concerning land are due to the allotment and transfer of plots, the allotment of plots that have been abandoned (mainly due to migration); other plots had been subdivided among sons, the delimitation and use of common lands; there were also conflicts with authorities and groups of peasants. When PROCEDURE came to the community in 1998 conflicts had eroded and divided the community for decades. The first Asamblea accepted the PROCEDURE program, in order to trace the boundaries of the comunidad, the individual plots and the common lands. However some peasants did not want the PROCEDURE certificates as comuneros because they considered themselves to be private owners of their plot; others agreed to be recognized as comuneros. For instance, a group of 'outsiders' claimed land in the forest that they bought in 1940 but never legalized. However now they disagree with the PROCEDURE certificates which classify them as comuneros. During the verification of the comunidad boundaries, the program was delayed because of unsolved disputes with neighboring communities, such as the ejido mentioned above. As of February 2000, PROCEDURE has not been able to proceed and works of measuring the territory have been suspended (Rivera Herrejón, 2000).

### ***San Nicolás Malinalco and Jesús María***

The two villages or pueblos are only separated by one street. They are located in the Southwest of the State of Mexico in the municipality of Malinalco. The Presidential Resolution (in 1968) only recognized one title for both pueblos, though each claimed titles from Colonial times, hence they share the lands which creates many conflicts. The Asamblea approved PROCEDURE in 1998, but due to absence, only 33% of the comuneros were present. Nonetheless it took place. The following Asamblea eight months later recognized the list of comuneros and avencindados as well as the allotment of plots, common lands and urban nuclei. Not all the people agreed since, as in the former case, some considered themselves 'private owners' of their plots and did not want a certificate as comunero. While some peasants finally complied reluctantly, others did not get the certificate. Some people have sold land to 'outsiders' since the lowlands are increasingly becoming areas of leisure housing for people from Mexico City. Though not recognized by the community, the 'owners' do not heed the rule of the local authorities and prefer to separate from the community.

As for the lands of common use, during PROCEDURE the communities decided that the common lands that had been deforested should remain as commons. These lands had been cultivated by individual families under the coamil system – maize is cultivated for 3 or 4 years and the left fallow for as long as ten years. People who had cultivated the commons for years could go on cultivating, but Procede was to register the lands as commons. This is in contradiction to the Agrarian Law, which prohibits plots in areas assigned as common lands, but PROCEDURE had to comply with the will of the Asamblea and register the individual plots on the official map, (Rivera Herrejón, 2000).

Interviews with the researchers G. Rivera Herrejón and I. Vizcarra assessed that conflict resolution of disputes that were solved among individuals was an informal process in which the role of the visitador agrario from PROCEDURE was important in convincing

people to reach an agreement; also the Comisariado ejidal would intervene in the process. There were no recognized mechanisms to reach agreements, this depended on the common sense and abilities of the visitador and Comisariado. In none of the cases was there any presence of outside mediators.

## Final Remarks.

Mexico has a long and complex history of land reform. Land distribution and the management of *ejidos* and *comunidades agrarias* was institutionalized and highly regulated through agrarian law. The amendment of Article 27 of the Constitution and the Agrarian law enacted in 1992 created a new approach to land reform, namely land tenure regularization and the end of land distribution.

The regularization of land tenure was limited to the *ejidos* and *comunidades agrarias*. The purpose was to insure security of tenure to the many *ejidos* and *comunidades* which had not formally resolved their situations, due either to slow procedures, unresolved disputes, backlogs in updating the lists of peasants with agrarian rights, etc, as has been shown in examples included in the various sections of this study.

An ambitious land regularization program PROCEDE was launched in 1993 by the newly established *Procuraduría Agraria*. The program faced the enormous task of resolving pending conflicts concerning land tenure, ranging from disputes between communities as well as within communities, before being able to hand the *ejidos* and *comunidades* as well as between the peasants, with documents certifying the physical location and characteristics of the communities, the individual plots, the use of land and the identification of the persons with legal agrarian rights and the right of ownership of the plots. However, new tensions and conflicts emerged in the process of land regularization.

PROCEDE was designed as a highly participative program, with the participation of the rural population in certain activities such as measuring the land, decision-making and conflict resolution, under the legal framework of the local institutions of land management, mainly by taking part in the *Asamblea* where each stage of the program is validated and where conflicts are discussed and if possible resolved by majority vote. Unresolved problems are channeled to external agents as described in section 5. Hence there is an institutional legalistic framework that foresees the resolution of conflicts within the PROCEDE program.

However, as can be seen in some of the examples shown, in some cases this process may be slow and costly, or the solution unsatisfactory to some people, or it does not comply with the resolutions, or legal disputes are further protracted by appealing to the Agrarian Tribunals. Notwithstanding the detailed design of conflict resolution by PROCEDE, there is a need for reinforcing conflict resolutions by enabling people to bargain and negotiate agreements before reaching formal instances, even at the local level, such as the *Asamblea*.

First, in the case of rural communities – in Mexico – there is a complex and rich fabric of social and cultural norms and practices that permeate formal institutional settings. The legal institutional framework recognizes this diversity by giving local institutions of *ejido* and *comunidades* management the authority to decide on matters concerning land and natural resources. Therefore there is institutional room for diversity, although in most

cases this needs to be reinforced in practice so that democratic and participatory practices become a part of everyday decision-making in the communities. The process of conflict resolution may be strengthened, for instance, by developing skills at the local level, or by establishing participatory methods for discussing the benefits and/or problems of the land regularization programs.

Second, on the individual level, the *visitador agrario* - the PROCEDURE agent in the field – is the one person on whom many responsibilities rest, since he/she is responsible for promoting, coordinating, supervising and reporting on each stage of the program at the community level – as well as being the person invested with the responsibility of helping the actors in the dispute to reach an agreement in coordination with the local authorities. However there are no special tools or methodologies for the PROCEDURE officials to accomplish these tasks. The *Manuals* set out the more formal requirements on how to report and classify conflicts but do not show how to intervene as mediators.

There seems to be room for more precise tools for conflict resolution, but there also seems to be room for other external agents to mediate in conflicts concerning land regularization, such as NGOs or peasant organizations that have no relevant presence in the process of PROCEDURE. Both types of organizations when involved in rural communities have much broader agendas and are usually committed to defend certain rights or struggles of the communities, hence they are not neutral and are often undermined by public agencies as possible third parties in conflict resolutions.

As a conclusion, we suggest that there is a need for enabling the different actors in the regularization process to become skilled in conflict resolution by providing appropriate methodologies and by capacity-building at the local level for carrying out the bargaining process and for reaching agreements. This can be based on the existing local institutional structure of the *ejidos* and *comunidades*, ensuring democratic and participatory practice as well as the inclusion of all members of the *ejido* and *comunidades* as well as to non-members in matters of importance to the community as a whole.

In sum, some of the issues to be highlighted are:

- Reinforcing attention to the ‘context specific’ nature of conflict resolution, by paying attention to local norms and practices
- Ensuring the participation of all individuals and groups in each step of PROCEDURE, and not only relying exclusively on local authorities as often happens in practice
- Ensuring the participation of all ‘members’ of the *Asamblea* in decision-making, particularly weaker groups such as women and the poor.
- Seeking mechanisms for more inclusive participation of ‘non-members’ who have none or limited agrarian rights, but who are nevertheless affected by local decisions

- Persuading parties in dispute that to reach agreements before going to legal formal instances will lower transaction costs and benefit the various actors involved
- Encouraging the active participation of *ejidatarios* and comuneros in conflict resolution
- Providing appropriate tools and training to *visitadores agrarios* as neutral mediators in conflict resolution
- Encouraging and recognizing the participation of neutral mediators such as NGOs in conflict resolution.

## Bibliography

### Books and articles:

Alberti Giorgio, 2000 “Desarrollo rural, instituciones y procesos de cambio institucional” in Carmagnani, Marcello coord. *Desarrollo social y cambios productivos en el mundo rural europeo contemporáneo*, Mexico: El Colegio de Mexico, Fideicomiso Historia de las Américas y Fondo de Cultura Económica.

Appendini, K., Raúl García Barrios and Beatriz de la Tejera, 2001 “Institutional Flexibility in a Transnational community: Managing Collective Resources” in Zoomers, A. (Ed.) *Land and Sustainable Livelihood in Latin America*, Royal tropical Institute KIT Publishers & Iberoamericana/Vervuert Verlag, The Netherlands.

Appendini, K. and M. Nuijten, 2001 “El papel de las instituciones en contextos locales: Cuestiones metodológicas en investigación de campo” *Revista CEPAL*, Santiago, Chile (forthcoming).

Baitenmann, Helga 1998 “The Article 27 Reforms and the Promise of Local Democratization in Central Veracruz” in Cornelius, W. and D. Myhre *The Transformation of Rural Mexico*, Center for U.S.-Mexican Studies, University of California, San Diego.

Binswanger and Dieninger, 1998, “The Evolution of the Bank’s Lands Policy”, photocopied document, April 17.

De Walt Billie, W. Rees, Martha, 1994, *The End of the Agrarian Reform in Mexico, Past Lessons, Future Prospects*, Center for U.S.-Mexican Studies, University of California, San Diego.

Embriz Osorio, A. and T. Rojas Rabiela, 1999 *Los sistemas de tenencia de la tierra en México. Transiciones y rupturas. Fuentes para su estudio*. Paper presented at the *Taller Internacional Transiciones en materia de tenencia de la tierra y cambio social*. CIESAS-Institut de Recherche pour le Développement, Casa Chata, Mexico, March.

Interview with CNPA, 2001, held in Cuernavaca, Morelos, 21th September.

Fernández Osorio, 1999 “El conflicto agrario en Oaxaca” *Estudios Agrarios*, Año 5(13) September-December.

García, Miguel Ángel *Incendios en los Chimalapas ¿paraincendiaros?* Internet, [www.laneta.apc.org/emis/jornada/julio98/chimalap.htm](http://www.laneta.apc.org/emis/jornada/julio98/chimalap.htm)

García, R. Et. Al. 1999 *Estrategias de Ingreso en los Hogares Rurales para Alivio de la Pobreza e Interacción con las Instituciones Locales: Caso de México* Report to FAO/SDAR, unpublished.

Gordillo de Anda, Gustavo, 1999, "Dismantled States and Fragmented Societies. A Plea for Reconstructing Institutions", Paper Presented at the Workshop Land in Latin America, Amsterdam, May 26.

Krause, H. And K. Appendini 1999 "Economic Integration and the Construction of the Efficient Peasant" in Bislev, S. and K. Appendini *Economic Integration in NAFTA and the EU. Deficient Institutionalilty*. MacMillan Press/St. Martin Press, London/N.Y.

Nuijten, Monique 1998 *In the Name of the Land. Organization, Transnationalization and the Culture of the State in a Mexican Ejido*, Ph. D. Thesis, Wageningen Agricultural University, The Netherlands.

Mulas, Elizabeth 1998 "Environmental networking in México: The Comité Nacional para la Defensa de los Chimalapas" *Latin American Research Review*, Albuquerque vol.33(3).

Pérez Castañeda, J.C. 2000 "La regulación y desamortización de la propiedad (Comentarios al Procede) in Moguel, J. (coord..) *Propiedad y Organización Rural en México Moderno. Reformas Agrarias, movimiento rural y Procede*, Juan Pablo Editores/UNAM, México.

Rivera Herrejón, Gladys 2001, *Las comunidades agrarias ante la reforma de la tenencia de la tierra: Dos estudios de caso en el centro de México*, Paper presented at the XXIII International Congress of LASA (Latin American Studies Association), Washington DC, September.

Rivera Herrejón, Gladys 2000, *¿Por qué los ejidatarios están ignorando la reforma del ejido?: Dos experiencias en el Centro de México*, Paper presented at the XXII International Congress of LASA (Latin American Studies Association), Miami, Florida, marzo.

Velásquez, Emilia 1999 "El parcelamiento de tierras ejidales en una subregión cafetalera del sur de Veracruz" *Estudios Agrarios*, Año 5(12) May-August.

Vizcarra Bordi, Ivonne sf . *Y la lucha sigue entre sombreros y rebozos. Historia de una tierra de subsistencia ¿marginal? Mazahua*, unpublished document..

Zepeda Leucona, Guillermo, 1999 "La disputa por la tierra: los tribunales agrarios en México" en *Estudios Agrarios*, Año 5 (11) January-April, México DF.

### ***Official documents:***

Procuraduría Agraria, 1998, *Marco legal agrario*, Mexico.

Procuraduría Agraria, 1997, *Manual para el procedimiento conciliatorio*, Mexico.

Procuraduría Agraria, 1996, *Cuestionario ejidal*, Mexico.

Procuraduría Agraria, 1994, *Manual del visitador*, Mexico.

Procuraduría Agraria, *Manual de conciliación* (Guía-video), Mexico.

Procuraduría Agraria, *Informe Anual*, Mexico.

Procuraduría Agraria, *Recomendaciones para mejorar el diagnóstico ejidal*, Mexico.

Secretaría de la Reforma Agraria, 1998, *La transformación agraria. Origen, evolución, retos, testimonios*, SRA, Mexico.