What Lessons can we learn from the Mexican Customary Land Registration System for African Customary Areas?

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Brief History of GLTN

Conceived in early 2004 to:

• Provide **appropriate Land Tools** at global scale to implement pro-poor land policies and land reform

• **GLTN works with partners** to assist member states at global level in implementing land policies that are pro-poor, gender sensitive and at scale (Total of 62 members to date)

• Establish a **Continuum of Land Rights** rather than just individual land titling

• **GLTN Core Values** = pro-poor, governance, equity, subsidiarity, affordability, systematic large scale approach, gender sensitiveness and sustainability

*A Tool is a practical method to achieve a defined objective in a particular context. It can be a guide, criteria, software, training package, manual, guidelines, frameworks, etc*
Customary Tenure Key Challenges

Customary Tenure Systems are:

- Predominant in Africa and elsewhere in world
- Coming under increased pressure and conflict
- Sometimes protected under statutory system and may not be formally recognised
- Critical to both urban and rural areas
- Often tolerated, but not recognised by governments

Consequently, populations concerned do not enjoy full security of tenure
What we are Doing

Recognise complexity of customary land tenure GLTN called for expression of interest to implement (and improve):
• Analytical frameworks and
• Conduct a series of scoping studies

In the area of customary tenure security tools, methods and approaches.

Four Studies Identified:
1. Global scoping study on customary tenure security tools (Landesa)
2. Scoping study on secure customary tenure tools in Sub-Saharan Africa (KNUST, Ghana)
3. Documentation and review of customary tenure security tools developed and/or used in IFAD projects in Southern and Eastern Africa (KNUST, Ghana).
4. Mexico Case Study of the Ejido Land Tenure and Registration System.
Why Mexico?

(Total area of Mexico = Area of DRC + Kenya + Tanzania)

- Covers over 1 Million Square Kms (size of Egypt)
- Extensive pro-poor statutory registry system
- Covers 52% of area of Mexico and over 30,000 communities
- Operated for over 80 years
- Affects the rights of over 5 million people
- Community level documentation of land transactions
- Most successful land reform in Latin America
- Mexico has led the way both in terms of land reform and in extending the formal land administration system into local communities.
Mexico’s Ejido Sector

• Following Mexican Revolution (1910-1917), over half of the land area of Mexico was conveyed to indigenous and peasant (campesino) communities
• The Mexican registration of customary lands started in the 1920s and incorporates all communities.
• There are over 30,000 of these ejido community level registries, with approximately 100-1,000 people in each registry.
• Ejidos make up 92% of social properties (Remaining 8% is communities “comunidades”)
• One of the few countries in the world with a long history of successfully titling customary communities
• Created outside figures of communities.
## Rights of different stakeholders in ejido

### Table: Rights of different stakeholders in ejido

<table>
<thead>
<tr>
<th>Rights Rightholder</th>
<th>Reside in Ejido</th>
<th>Hold Use Rights in Parceled Area</th>
<th>Hold Use Rights in Common Area</th>
<th>Rights to an Urban Lot</th>
<th>Voice in Assembly</th>
<th>Voting Rights in Assembly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ejidatario</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Possessor</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Resident</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Sometimes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

### Pie Chart: Percentage of ejidatarios and possessors

- **Ejidatarios**: 74%
- **Possessors**: 26%
**Ejido Level Land Administration**

- All *ejidos* have the same fundamental governance and land administration structure.
- The *ejido* is governed by three internal entities:
  - General Assembly (*Asamblea General*), made up of all *ejidatarios*.
  - Ejidal Council (*Comisariado Ejidal*) which acts as the executive arm of the *ejido*.
  - Supervisory Council (*Consejo de Vigilancia*), comprised of an elected president and two secretaries.
- Since the 1920s this customary land has been included in a land registry which deals only with customary land.
- **2 levels of this registry**
  - Community level is the *ejido registry*.
  - State level (*National Agrarian Registry “RAN”*).

- Every *ejido* is required by law to formulate **internal regulations** which are ratified by the Assembly and then submitted to the RAN for certification.
- The land cannot be **privatized**, unless two thirds of the *ejido/community* agree.
- If agreement, land moves to the Private Registry and to-date only 10% have done this.
- *Ejidatario* is a titleholder in an *ejido* who may have individual rights to a parcel and/or a share of the common use area in an *ejido* as well as voting rights.
Land Certification (PROCEDE Project)

- National Program to clarify/delineate community **boundaries**
- Covered 94% of all rural communities
- Issued **land use certificates** to individual holdings and % share to common use land with **ejidos**
- Issued title to urban lots
- Documents registered in National Agrarian Registry (RAN)
- Certificates not freely marketable but a pre-requisite for privatization process
Lessons learned from the Mexican *Ejido* Land Registration System

- Community Land Title provides protective shell
- Standardized governance structure
- Improved Transparency – open records to community
- Decentralized maintenance and updating of records within community
- Specific registry for communities mostly free to users
- Based on a massive adjudication and certification effort (1993 – 2006)
- Communal land has preserved natural resources which provide valuable environmental services (e.g. clean water, air)
What does this mean for Africa?

- Affordable, locally acceptable governance structure linking Customary and Statutory
- African governments could develop coherent Land Administration under customary systems acceptable by communities and Central Governments
- Acceptance of local formulations of rules and minutes by Central Government
- Possibility of operating two property Registration Systems (At State and Community Level, Customary & Private) rather than one centralized statutory land registration system
- Possible to provide Tenure Security in a cost effective manner under a self-regulating customary system e.g. ejido
- Use of outside figures to create shell to protect customary areas
- Exit clause of 75% - change to urban areas
- Successful titling of Customary communities
- Systematic large scale program
- Works for Forest Management in Africa