



**THE PROTECTION OF INDIGENOUS PEOPLES' RIGHTS
AND THE CONSERVATION OF NATURAL RESOURCES: Is
there a place for a new philosophy of property rights?**

Alma Rocio Segoviano-Basurto
Supervised by Patrick McAuslan

***THE PROTECTION OF INDIGENOUS PEOPLES' RIGHTS AND
THE CONSERVATION OF NATURAL RESOURCES: Is there a
place for a new philosophy of property rights?***

**Submitted to obtain the PhD degree in Law at Birkbeck, University of
London¹**

Candidates' name: Alma Rocio Segoviano-Basurto

ID Number: 12311024

Supervised by Patrick McAuslan

Law Department

Birkbeck, University of London.

**Save for the quotations, the work presented in this Thesis is entirely
mine**

THE PROTECTION OF INDIGENOUS PEOPLES' RIGHTS AND THE CONSERVATION OF NATURAL RESOURCES: Is there a place for a new philosophy of property rights? © 2015 by Segoviano Basurto Alma Rocio is licensed under Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International. **CC BY-NC-SA 4.0** To view a copy of this license, visit <https://creativecommons.org/licenses/by-nc-sa/4.0/>

¹ NOTE: If you would like to get the entire document, please contact the author at: asegob01@gmail.com

Abstract

Securing land property and greater autonomy in order to alleviate poverty and achieve climate change mitigation is getting every year more attention worldwide. The Annual World Bank Conference on Land and Poverty is a key global event to discuss new developments and progress on land policy and implementation. According to the conference's programme; "*linking land tenure and use for shared property*", while land tenure affects the distribution of assets, patterns of land use will have far-reaching implications for welfare and other socioeconomic outcomes at household, community or landscape level. The collective use and property has been recognised before as potential benefit for the alleviation of poverty and climate change mitigation. During the United Nations Climate Change Sixteenth Conference of the Parties COP16's celebrated in Mexico in 2010 the significant positive contribution of the *ejido* in Mexico was declared. An emblem of the different struggles for land and freedom in Mexico, the *ejido* system has developed as interactive system of property rights that if envisaged in a proper manner could have great capability to bring not only strength but sustainable development to the rural Mexico. After the constitutional reforms in 1992 the *ejidos* acquired greater security over their property rights and took over forest operations increasing their own capacity to trade and benefit directly from the forestry resources (Macqueen 2012). However, in spite of these positive outcomes, the *ejido* and the rural sector in Mexico have not been able to overcome the crisis. In 1992 the biggest concern in the debates was that the *ejido* was in danger of disappearing due to the reforms. Alien to the predictions the *ejido* has survived and grown. These unexpected results are proof that the *ejido* is indeed far more complex than common systems of property.

Table of Contents

Abbreviations	8
Acknowledgements.....	10
Introduction	13
The <i>Ejido</i> considered from a larger viewpoint: linking poverty alleviation and climate change with the <i>ejido</i> 's collective land property rights	13
Towards a synergy between property and poverty alleviation: the <i>ejido</i> and the constitutional reforms in 1992	16
Objectives of the thesis.....	18
The contributions of the thesis to knowledge and practice:	19
Chapter I.The Ejido and its reforms in 1992.....	
Introduction	
I.I The <i>Ejido</i> concept: defining its meanings and legal perspective.....	
I.I.1. The <i>Ejido</i> : its endogenous nature.....	
I.I.2. The <i>Ejido</i> : a brief historical overview of this concept's evolution	
I.I.3. The <i>Ejido</i> ' s legal perspective and characteristics	
I.I.3.1. The <i>Ejido</i> as a legal subject and legal personhood	
I.I.3.2. The <i>Ejido</i> as a system for land tenure and its patrimony	
The <i>Ejido</i> 's patrimony.....	
I.I.3.1.3 The <i>Ejido</i> as a production unit	
I.I.4.The <i>Ejido</i> as a complex interactive organization of rights: echoes of diversity and endogeneity.....	
I.I.4.1. The multidisciplinary approach to the <i>Ejido</i>	
I.I.4.II. Indigenous peoples and forestry resources within the <i>Ejidos</i> 's collectivity	
Demystification of national communitarian ideologies: the associative relations among the <i>Ejido</i> , indigenous peoples and the mestizo "new" protective state.....	
I.II.-The debates about the <i>Ejido</i> reforms in 1992	
I.II.1. The different aspects of the proposed reforms and the focus of the debate	

- I.II.1.1. Countering the reforms: arguments against
- I.II.2 The goals of the reforms: the arguments in favour.....
- I.II.2.1 Security of land property.....
- The Programme for the Certification of Ejidal Rights: PROCEDE.....
- I.II.2.2 Reversing fragmentation of smallholdings
- I.II.2.3 Reorganization of organs of control: a new conception of Ejidal representation.....
- I.III. The results and responses to the reforms: how did the *ejido* change after 1992?.....

Chapter II. The multiple interaction of rights in the Ejido: beyond the reforms in 1992.....

Introduction

- II.I. The shortcomings of the debates in 1992: highlighting the *ejido* as an issue of property perception.....
- II.I.1.The constitutional issues behind the *ejido*'s property regime
- II.I.1.1Land use regulations and the ambivalence of communitarian claims
- II.II Moving forwards: Re-inventing the *ejido* under the new approaches to property.....
- II.II.1.Developing a wider concept of the *ejido* as a property system: beyond the dichotomy of common versus private property systems.
- II.II.1.1. Patrick McAuslan and the multidisciplinary approach to property in land.....
- II.II.1.2. Re-connecting communitarian ideals and their complex interactions with power
- David Bray: The necessity of creating a different theoretical basis for studying the relationship between markets and property institutions
- New use for the commons: linking environmentalism with property.....
- James Tully and the constitutional approach in an age of diversity

II.II.2. The alternative perception of property: the self-constituting third strand	
II.II.2.1. Luin Goldring and the ejido as a new package of rights	
II.II.2.2. Antonio Azuela and Cancino: the triangle of public, private and common instead of “social”	
II.II.2.3. The ejido as a third strand of property: Margaret Jane Radin	
Indigenous peoples and their concept of territory: a part of the complexity adding to the ejido as a self-constituting entity.....	
The ILO Convention 169	
II.II.3. Common, private and public: from a tragedy to a positive interaction.....	
II.II.3.1. Elinor Ostrom and its polycentric approach to participation	
The Biological Corridor of Chichinautzin	
II.II.3.2. Learning from the past: power relations and their role in shaping property.....	
II.II.3.3. The positive interaction of the ejido as a complex system of property	

Chapter III. Local and traditional governance by the ejidos: analysing the interaction between rights in the practice of Community Forest Enterprises- CFEs.

Introduction

III.I. The management of natural resources within the scope of the <i>ejido</i> : <i>what is the importance of CFEs?</i>	
III.I.1. Time for convergence by diversification: the multidisciplinary approach at the service of the poor.....	
III.I.2. Enhancing fairer trade by securing ownership and use rights for communities and CFEs.	
III.II. Observing the endogenous interaction of rights	
III.II.1. Quintana Roo Noh Bec	
III.II.1.1. Forestry Resources in Quintana Roo.....	
III.II.1.2. Noh-Bec.....	
III.II.2. Guerrero- Sanzekan Tinemi	

III.II.2.1. Background: Design and Methodology	
III.II.2.2. The Sanzekan Tinemi and their Mezcal production: Adding to the stories of transformation.	
III.II.3. Michoacan Cerro Prieto.....	
III.II.3.1. Resources Management in Michoacan	
III.II.3.2.Cerro Prieto	
III.III CFEs and the Ejido: a way to make ourselves useful to property ¡Error! Mercado	
Conclusions. The unseen ejido.....	20
Questions discussed throughout the research.....	21
Chapter I	21
Chapter II	24
Chapter III	26
The main question and final conclusion of the thesis.....	29
Bibliography	31

Abbreviations

Asociación de Magueyeros y Mezcaleros del Chilapán (AMMCHI)
Center for International Forestry Research (CIFOR)
Community or Collective Forests Enterprises (CFE)
Conference of the Parties 16 (COP16)
Convention on Biological Diversity (CBD)
Democratic Republic of Congo (DRC)
Food and Agriculture Organization of the United Nations (FAO)
Forest Day 4 (FD4)
Inclusive Business Model (IBM)
International World Group for Indigenous Affairs (IWGIA)
International Institute for Environment and Development (IIED)
International Labour Organisation Convention 169 (ILO Convention 169)
Key Informant Interview (KII)
Mexican Federal Ministry of the Environment (PROFEPA)
Mexican Forestry Fund (FFM)
Mezcali Papalotl del Chilapán (MEPACHI)
Millennium Development Goals (MDGs)
National Forest Commission (CONAFOR)
National Gross Domestic Product (GDP)
Non-Governmental Organisations (NGO's)
North American Free Trade Agreement (NAFTA)
Pilot Forest Plan (PFP)
Programme for the Certification of *Ejidal* Rights (PROCEDE)
Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD+)
Rights and Resources Initiative (RRI)

United Nations (UN)

National Autonomous University of Mexico (UNAM)

United Nations Development Programme (UNDP)

United Nations Environment Programme (UNEP)

United Nations Framework Convention on Climate Change (UNFFCC)

United States (US)

World Bank (WB)

Acknowledgements

“All we have is our only because of the benevolence of other beings. If it were not for the others, we could not say that our things belong to us [...] even the simplest of our belongings, whose possession we take for granted, is our only due the kindness of other beings”.²

I would like to thank above all to my family, my parents, Miguel and Maria not only for giving me life; but also, for teaching me how to transform every challenge into an opportunity for a better life with their beautiful example of love, dedication, effort and positivity. My siblings, Miguel, Monica and Hugo; my friends and unbreakable partners in this life’s journey. There are not words to describe the gratitude I have to belong to this family. None of this would have been possible without their love, company and support. *Duro!!*

I owe a special mention and gratitude to my supervisor Professor Patrick McAuslan, his enthusiasm and trust for this project was key from the beginning. He was always prepared to talk to me at length and discuss my thoughts. He offered me his friendship and trust. He was also a great example of the immeasurable benefits of what a person can create for the future of the humankind when does his job with love and dedication. The experiences gained while sharing this stage of my life with him will remain to be an important pillar for the rest of my life.

I would also like to express special gratitude to Antonio Azuela; his honesty, discipline and disinterested dedication to work with me shoulder to shoulder, during the past year in the absence of Professor McAuslan, developed my academic skills and influenced me in an invaluable manner. I highly

² Gueshe Kelsang Gyatso, (1995) Joyful Path of Good Fortune: The Complete Buddhist Path to Enlightenment. Pags.479-480

appreciate his trust and friendship. The very end of this work would not have been possible without him.

To the communities of the Sanzekan Tinemi who were the main inspiration and motivation to develop and improve my career with the hope of giving back a little bit of the magical wisdom they give to the world - and gave to me as a professional and person during the time I have the honour to work for them. To Catarina Illsley, Tonantzin Gomez and the people of the Environmental Studies Group, GEA for giving me the opportunity to learn from their work and inspiration.

To José Antonio Guevara, Gustavo Alanis Ortega, Francisco Padrón Gil, Simmon Counsell and Cath Long; for their unconditional help, example and influence. They believed in me and dedicated their time to support me during this project of life. The opportunity to learn and work with them has been an invaluable opportunity that contributed to my shaping as a professional. To Sundhya Pahuja and Professor Peter Fitzpatrick for leading me to Professor McAuslan and who together with Professor Christine Chinkin believed on my project and potential during a watershed time of my career.

To my Beautiful Important People, BIP and my rocks; Maria, Francesca, Elba, Solene and Dulci, not only for their friendship but for the time they spent correcting and reading my drafts. Together with Nora, Golfam, and Alia who offered me their friendship, helping me to overcome the personal obstacles, have become a pillar for this process.

To Gueshela, Gina, Sangden, Xochitl, Liz, Dalhia, Sangpo, Vajra, Teresita and Jerónimo, my beautiful Sangha! Their advice great patience and wisdom was crucial, not only to reach this end, but to do so with peace and joy.

To Else, Carl, Marianne, Anne Dorthe and Sophie Langgaard, my Danish family - the word family says it all.

To every single person who works at the school and the students' residence, in particular to the cleaning staff that gave me their friendship and shared

with me their stories of effort and love that inspired me and strengthened my gratitude.

Mentioning it also *in memoriam* of my father Miguel, my supervisor Patrick McAuslan and Caty Illsley, this work also represent their inheritance of love and virtue in this world and our hearts. Therefore I consider it as the result of the goodness within every person and it is dedicated for a better future for everyone.

THE PROTECTION OF INDIGENOUS PEOPLES' RIGHTS: *Is there a place for a new philosophy of property rights?*

The main question to answer: Why has the *ejido* system managed to overcome the constitutional neoliberal reforms of 1992?

The main goal of the thesis: To analyse the reasons why the foreseen disappearance of the *ejido*, after the constitutional reforms of 1992, has not occurred as anticipated.

Introduction

The *Ejido* considered from a larger viewpoint: linking poverty alleviation and climate change with the *ejido*'s collective land property rights

Representing the biggest international effort to eradicate world poverty, alongside the issues created by the injustices of scarcity, the Millennium Development Goals - MDGs, were set up in 2000. Two of the eight MDGs that were agreed by the United Nations - UN - and that were supposed to be achieved by 2015 are: i) to eradicate extreme poverty and hunger, and ii) to ensure environmental sustainability. Among the benefits that the world will gain from achieving these goals is the mitigation of climate change resulting from the degradation of natural resources.

Climate change has been already described by the UN General Assembly as "*the defining human development challenge of the 21st century*" (Nations 2012). It is not only one of the greatest challenges to achieve the MDGs but also it is having serious consequences to the detriment of human development, such as famine, land degradation and desertification, as well as diseases, among others. According to the World Bank reports, climate change is also a factor diminishing development for about 2.6 million people, whilst affecting even more the poorest of these people, among whom are rural communities (Siobhán, Mac et al. 2011).

Therefore, after setting up the MDGs, many efforts have been made by the international community in order to reduce climate change via the eradication of poverty and the enhancement of sustainable development. In 2007, the Reducing Emissions from Deforestation and Forest Degradation in Developing Countries - UN-REDD, was established within the United Nations Framework Convention on Climate Change - UNFFCC. The main goal of UN-REDD is to create a financial value for the carbon stored in the world's forests and their resources. In this regard, the UN has also declared and recognises that the success of UN-REDD will depend on the active involvement of all stakeholders in the forestry chain, including forest-dependent communities and indigenous peoples (PROGRAMME , Nations 2007).

In alignment with the latter, the International World Group for Indigenous Affairs – IWGIA, has declared that one of the weaknesses and threats to these international efforts is the lack of participation from local forest communities. Hence, proper protection of their rights, in particular those to land property and self-determination is needed (Vidal 2009, Affairs 2010).

Securing land property and greater autonomy in order to alleviate poverty and achieve climate change mitigation is getting every year more attention on a worldwide scale. The Annual World Bank Conference on Land and Poverty for example is a key global event where representatives from governments, civil society, academia and the private sector come together annually to discuss new developments and progress on land policy and implementation. The conference aims to foster dialogue and the sharing of best practices on the diversity of reforms, approaches and experiences that are being implemented in land sectors around the world. This year's topic for the conference is "*linking land tenure and use for shared property*". According to the conference's programme, while land tenure affects the distribution of assets, patterns of land use will have far-reaching implications for welfare and other socioeconomic outcomes at the household, community or landscape level (Group 2015).

This is not the first time that collective use and collective property have been recognised as having potential benefits for stakeholders' communities, the alleviation of poverty and climate change mitigation. During the United Nations Climate Change Sixteenth Conference of the Parties COP16's Forest Day 4, celebrated in Mexico in 2010, the significant and positive contribution of the *ejido* in Mexico was declared, and was even put forward as a possible example to be followed worldwide (Conference 2010).

As an environmentalist lawyer working with rural and indigenous communities in México, Democratic Republic of Congo - DRC and Cameroon, I have had first-hand experience of the positive contribution of the *ejido*, i.e. the land tenure system that was the product of the Mexican Revolution in the first half of the twentieth century. Working with communities in Mexico and in the great lakes area of Africa, I was able to observe that these communities, in spite of their differences, shared one single common aim: the well-being of their members. The stories behind each of the individuals or groups that I worked with are the stories of different identities that have been shaped by this single aim and which overlap as a result. In both regions these communities are directly affected by the state and the use of the natural resources within their territories, whether for good or bad. However, in the case of the Mexican communities, I could observe one advantage over those in the DRC and Congo. Being organised as *ejidos*, these communities had proper means for local governance and organisation so that they could trade their natural resources in a sustainable manner, obtaining benefits for their development (Basurto 2006, Segoviano-Basurto 2008).

The *ejido* system is, *par excellence*, an emblem of the different struggles for land and freedom in Mexico. The *ejido* has evolved as an interactive system of property rights that - if is envisaged in a proper manner - could have great potential to bring sustainable development to rural Mexico. In this way the country will be putting its correspondent "*two cents*" towards the worldwide efforts for the alleviation of poverty and the mitigation of climate change.

Towards a synergy between property and poverty alleviation: the *ejido* and the constitutional reforms in 1992

In 1992, the Mexican parliament passed a constitutional amendment that transformed the main principles of the agrarian legal framework in the country. For the *ejido*, considered as the most representative institution of rural Mexico, these reforms focused on the end of the land distribution and the dismantling of the legal protections of the inalienability of property that were previously in force to avoid dispossession and large concentrations of land. Those protections of property had been held responsible by neo-liberal intellectuals for the agrarian degradation and rural poverty in the country (Gordillo 1992, Rivera-Herrejón 2000).

Debates around these reforms took passionate forms. They represented a dramatic break with the Mexican state's post-revolutionary policies towards the *ejido*. Therefore, at one of the extremes, there were the views of those who claimed that the reforms would provoke the dismantling and disappearance of the *ejido*. For them, the negative environmental and social effects of the *ejido*'s disappearance were among their biggest concerns (Zendejas 1995).

Nevertheless, twenty-three years after these reforms, the *ejido* – contrary to the predictions and condemnations – have not only survived and grown. In some cases they are also organizing themselves as community enterprises, taking advantage of the new conditions enhanced by the 1992 reforms in order to compete in the national and international markets whilst enhancing their traditional land management perspectives (Bray 1996, Rivera-Herrejón 2000, Robles-Berlanga 2008).

However, in spite of these positive outcomes, the *ejido* and the rural sector in Mexico have not been able to overcome the crisis. Looking back at the arguments of both the extreme- positions in 1992, together with their predictions, I argue that the limited perception that the debaters had in regard of the *ejido* – as a common system of land – distorted the focus of the

discussion and therefore the opportunities to understand y the *ejido* more accurately were wasted. While agreeing with the argument that endangering the *ejido* could lead to deforestation and a loss of biodiversity, I do not necessarily agree with the arguments stipulating that the last reforms of Article 27 enhancing the private property regime in the *ejido* system were a threat to it (Kelly 1994, Goldring 1996).

In this regard, Luin Goldring considers that the unexpected results provide proof that the debate about the *ejido* is indeed far more complex than simply a matter of being in favour or against common systems of property - because the array of rights relations within the *ejido* system have not been taken into consideration (Goldring 1996).

In addition, Mexico is not unfamiliar with the threats of climate change due the degradation of natural resources and poverty. According to Warman, in Mexico, land conversion for agricultural purposes is costing Mexico and humanity 600 000 ha per year (Warman 2001). This is why it is worthy of consideration that the vast majority of lower rates of deforestation are in areas where the community management of the *ejido* is prominent. Research carried out by the National University of Mexico - UNAM - shows that Community Forests have similar conservation rates as those which have been catalogued as Natural Protected Areas (Bray and Merino 2004).

We are now in 2015 and the MDGs have not been achieved as expected, the international community recognises that it has been overwhelmed by the challenges but, without losing hope, it has already agreed on the post-2015 Development Agenda and will carry on with its efforts to end poverty (Nations 2015). The expected economic boost for the rural sector in Mexico by the constitutional reforms in 1992 has not been achieved either. Therefore, it is time to recognise the shortcomings of considering the *ejido* merely as a common system of property and to join the international community in its efforts to pursue a post-2015 Agenda. To do so, Mexico needs to enter the new post-2015 era of collective property rights, an era that perceives the *ejido* system from a different perspective.

Objectives of the thesis

Hence, in the present thesis, I will analyse the reasons why, against all the odds, the *ejido* has survived the reforms in 1992. Furthermore, I will demonstrate that the *ejido* could be better envisaged, in the light of new theories of property, as much more than a common property regime and therefore with a greater capacity to add to the sustainable livelihoods of its inhabitants. In order to do so, in the chapters I will develop my research as follows:

Chapter I.-The *ejido* and its reforms in 1992

In this chapter, the questions to be answered will be: 1. What is the *ejido*? 2. What were the debates about the *ejido* reforms in 1992? 3. How did the *ejido* change with the neoliberal reforms of 1992?

Therefore, in this chapter, I will consider: a) Providing a proper definition of the *ejido*, b) What were the constitutional reforms in 1992 and the debates about these? and c) What were the results after these reforms and their effects on the *ejido* system?

Chapter II.- The multiple interactions of rights in the *ejido*: *beyond the reforms in 1992*

In this chapter the questions I need to answer will be. 1. What were the shortcomings of the debates in 1992? 2. How do I consider that we could bridge the gap within the theory and the practice of the law regulating the *ejido* by using new proposals for understanding property in a different manner? 3. Why is this important?

Therefore my analyses will cover: a) the reasons why the debates in 1992 were limited and b) the need to find a different way to understand the *ejido* system, in the light of new theories for property, that could enable us to improve it.

In Chapter III.- Local and traditional governance by the *ejidos*: analysing the interaction between rights in the practice of Community Forest Enterprises- CFEs.

The questions I need to answer will be: 1. What is the importance of CFEs for an *ejido*? 2. What have been the experiences of CFEs by the *ejidos* in Quintana Roo, Guerrero and Michoacan?

Therefore the chapter will cover: a) an analysis of how the *ejidos*' initiatives for collective forests enterprises - CFEs - are impacting on the livelihoods of their inhabitants and the sustainability of the natural resources in their territories.

The contributions of the thesis to knowledge and practice: With the previously described analysis I will aim to identify the dynamic relationship of the *ejido*'s property rights in order to highlight that it is a system constituted by a complex interplay of private-common, private-individual and public rights to property.

Conclusions. The unseen ejido

*“It was the best of times; it was the worst of times,
It was the age of wisdom; it was the age of foolishness,
It was the epoch of belief; it was the epoch of incredulity,
It was the season of light; it was the season of darkness,
It was the spring of hope; it was the winter of despair,
we had everything before us, we had nothing before us”.*³

During the first three chapters I have analysed the *ejido* system and its current situation in order to answer the main question of this thesis: *Why is it that the ejido system has overcome the constitutional neoliberal reforms of 1992?* The latter question has been asked in order to analyse the reasons why the foreseen disappearance of the *ejido*, after the constitutional reforms of 1992, has not occurred as anticipated. Twenty-two years later the *ejido* system is showing itself to be more complex than it was thought to be. For me, this means that the *ejido* system has not been properly understood. At the same time this represents an opportunity. I consider that the *ejido* system is at a breaking point from which we could lead it into a positive path, thus adding to the sustainable development of rural Mexico. It is for us *the age of wisdom and the age of foolishness, the age of light and the age of darkness* and it depends upon us on which path we would like to continue. Thus, in order to answer the main question of the thesis I have proposed that it is necessary to respond firstly as follows.

³ Dickens Charles *A tale of two cities*. Barnes & Noble Classics (2004); Pag. 7 Chapter I; The Period.

Questions discussed throughout the research

Chapter I

In the first chapter; *the ejido and its reforms in 1992*, the questions to be answered were: 1. *What is the ejido*, 2. *What were the debates about the ejido reforms in 1992?* 3. *How did the ejido change with the neoliberal reforms of 1992?*

1. What is the *ejido*?

To start the research on a solid basis, I considered it necessary to define the *ejido* system. Analysing the agrarian history of Mexico, particularly during the twentieth century, I highlighted the fact that the concept of the *ejido* has been the subject of different aims and interpretations. Adding to this argument is that of Gustavo Gordillo, for whom the *ejido* is without any doubt one of the most versatile institutions that is capable of adapting to any internal or external change (Gordillo 2014).

I explained that the difficulty in defining the *ejido* challenges us to recognize the different aspects and interactions of the *ejido* as a property system. Within the current agrarian law, there is not any proper definition of it. This law only talks about the regulation of the *ejido* and its lands but it never defines precisely what the *ejido* is. Thus, based on the work of Jose Luis Zaragoza and Ruth Macias Coss, currently the *ejido* could be defined as *the Mexican legal association with full rights, legal capacity and personality, constituted by an act of the federal authority, in order to give a group of people a set of assets to constitute their patrimony, which should have a rational and comprehensive use as production units with a collective organization and with the establishment of organs for control, enforcement and decision making functioning under the principles of democracy, cooperation and autonomy of association to create corporative relations with*

*third parties, to sell and to decide the dissolution of its own association as an ejido (Zaragoza and Coss 1980).*⁴

2. What were the debates about the *ejido* reforms in 1992?

Before the constitutional reforms in 1992, the *ejido* lands were, as a matter of protection against dispossession, inalienable. This is why one of the biggest and most controversial changes that took place in 1992 was the newly acquired capability of association, selling and dissolution. The reforms focused on the end of the land distribution and the dismantling of the legal protections of the inalienability of property. In general, the basic aspects of the reforms were that: a) the distribution of rural lands that started with the *Reforma Agraria* was ended; b) the prohibition of companies from becoming owners through stocks and bonds of rural lands dedicated to farming was lifted; c) the foundations were laid for communal lands and communities to acquire autonomy in managing their internal affairs, mainly with regard to their forms of representation and organization; d) the foundations were laid for the creation of mechanisms and requirements that would enable *ejidos* to exercise their rights to transfer at will their communal property; e) the reorganization of the organisms and authorities in charge of conflict resolution and rights' adjudication in agrarian matters was begun (Ibarra-Mendivil 1996, Rivera-Herrejón 2000)

The reforms represented a dramatic break with the Mexican state's post-revolutionary policies towards the *ejido* sector. The *ejido* is one of the most important institutions for rural development in Mexico and, therefore, debates about these reforms took passionate and at times deviant forms. At one of the extremes were the views of those who claimed that the reforms ran against communitarian ideals of the *ejido* and therefore would cause the dismantling and disappearance of this system. On the other hand - according to the diagnosis of the rural sector at that time - there was a necessity to modernize the *ejidos* and to achieve rural development. Hence, the main

⁴ Pag.207

objective of the reforms was the constitution of a free land market. From the neoliberal point of view, that was necessary in order to enhance the efficient and sustainable use of the resources (Téllez 1994, Zendejas 1995, Quadri 2006).

As one of the means to achieve a free land market, the Mexican government started a programme for the regularization and organization of agrarian property known as Programme for the Certification of *Ejidal* Rights or PROCEDE. It focused on the issuing of individual certificates for individual plots, either for agrarian use or for urban property, as well as collective certificates for the common use lands in the *ejidos*. PROCEDE was strongly criticized because it was considered that it went against the traditional collective ideal of the *ejido*. The controversy and, for some, the perceived threat produced by the PROCEDE was due to its aim of delimiting the individual property rights over the plots within *ejido* lands. Once the *ejidatarios* have obtained this full control over their individual plots and the certification is granted, they can dispose of their lands without the authorization of the *ejidal* authorities. The *dominio pleno* includes the right to sell or let their lands and their profits to third parties, who are not members of the *ejido*, including private companies (Bouquet 1996, Ibarra-Mendivil 1996, Rivera-Herrejón 2000).

3. *How did the ejido change with the neoliberal reforms of 1992?*

According to the data analysed by Héctor Robles-Berlanga in 2010, in 1991 there were in Mexico 29,983 *ejidos* and *comunidades*; by 2001 there were 30,305 and by 2007 there were 31,518. This proves that this form of property not only did not disappear but even increased. From these numbers we can see that, from 1991 to 2007, there were 1,535 more *comunidades* and *ejidos*. In the particular case of the *ejido*, only five per cent of the *ejido* lands have been privatized and sold (Rello 2008, 6). Furthermore, the *ejido* remains under better conditions and with more alternatives. The land is the *ejidatarios*' conquest and patrimony, so that for them its management requires their taking full responsibility and demonstrating their commitment.

This is why although the process has been slower than wished - due the greater autonomy achieved by the reforms – instead of selling their lands, communities are developing CFEs that are bringing benefits for the entire communities (Bray 1996, Warman 1996, Robles-Berlanga 2008).

Chapter II

The reasons behind these unexpected results were the main topic of the second chapter i.e, *the ejido multiple interactions of rights within the ejidos: beyond the reforms in 1992*, in which I dealt with the following questions: 1. *what were the shortcomings of the debates in 1992?*, 2. *How do I consider we could bridge the gap between the theory and the practice of the law regulating the ejido by using new proposals for understanding property in a different manner? and 3. Why is this important?*

1. *What were the shortcomings of the debates in 1992?*

Debaters from both sides limited their arguments by limiting their perception of the *ejido* as a simple common system of property that would disappear due to the neoliberal reforms aiming at privatization. Therefore, whether they were in favour or against the reforms, twenty two years later, debaters from both extremes have been proven to be wrong. The shortcomings of the debates were as follows: first, they did not recognize the development of the *ejido* and its empowerment by performing the acts of public authorities in the administration of the *ejidos'* patrimony. Privatization has not occurred as predicted because of the *ejidos'* interest in managing the natural resources in their territories. This, together with its role as a public authority – although it is not legally recognised – shows that the *ejido* has developed into something more than a simple common system of property. Second, the debates did not take into consideration the social sciences in order to understand the kind of dilemma that we are dealing with and thus to be able to develop proper concepts of property and their relations.

Taking into consideration the above points, I developed an understanding of the *ejido* as a system of land in the light of modern theories for property. Therefore I developed the second question.

2. *How could we bridge the gap between the theory and the practice of the law regulating the ejido by using new proposals for understanding property in a different manner?*

In the light of various different proposals, I highlighted the possibility and necessity to envisage the *ejido* via a multidisciplinary approach. I proposed an alternative and more appropriate way to conceive the *ejido*'s property within a third strand: that is, by recognizing the diversity of the private, public and common rights interacting within the *ejido*. I argued that the *ejido* is not only a common property regime, but one with complex interactions of rights and that this perception is not alien to its communitarian ideals.

Recognising the complex interaction of rights implies the need to take into consideration the wellbeing of all the inhabitants of the *ejido*, and the achievement of a balance of powers. This perception leads to a new economic view of property, one enabling the creation of a new relationship between markets and property that, together with a balance of power, could enhance a healthy functioning of a complex system of land such as the *ejido*. This necessarily leads us to analyse the ways in which property should relate to sustainable development – that is the conservation of natural resources and poverty alleviation for rural communities. With this analysis, the potential of the *ejido* as a system of land that could contribute to poverty alleviation and the conservation of natural resources became clearer. In the light of these proposals, the shortcomings of classifying it as a common system of land were also highlighted. Thus, I directed attention to the concept of *territories* employed by indigenous peoples and the positive outcomes that could influence our current perception of property. Finally, I analysed the results of the field work research according to which these approaches are

already being implemented on a daily basis by the communities (Simpson 1952, Ostrom 1990, 1991, Radin 1993, Azuela 1995, McKean and Ostrom 1995, Tully 1995, Goldring 1996, McAuslan 2003, Bray 2005, Scherr, White et al. 2005, Stewart-Harawira 2005, Azuela and Cancino 2007, Ostrom 2009, Walt 2009, Moumou 2010, Natios 2010, Azuela 2011, Ostrom 2012, Ríos-Cortez, Torres-Pérez et al. 2012, World-Bank 2014).

3. *Why is this important?*

According to James Tully, instead of asking whether we are or are not in favour of demands for cultural recognition we should be asking instead *what is the critical attitude or spirit in which justice can be rendered to the demands for cultural recognition?* The struggles of the *ejido* communities to manage the patrimony in their territories and their challenges to the current legal order in Mexico by acting as public authorities are clear examples of this. The influence of indigenous peoples as inhabitants of the *ejidos* was highlighted and I consider that their knowledge and influence on a new rights paradigm could contribute to a new understanding of the *ejido*.

To understand the *ejido* properly represents a challenge for the Mexican legal framework, but as such it also creates an opportunity for the development of their inhabitants and the rural sector in Mexico. However, to turn that challenge into an opportunity it is necessary to reconsider the limitations of considering the *ejido* as a common system of property. The results of the debates in 1992 are a clear example of the missed opportunities due to such limited perception. I argue that, understood in the light of the new theories for a future and positive development of property and its rights, the *ejido* system could have great potential to add to economic development.

Chapter III

In order to analyse the relation between the protection of property and economic development as a potential of the *ejido* system, in chapter three;

local and traditional governance by the ejidos: analysing the interaction of rights in the practice of Community Forest Enterprises - CFEs, the questions we attempted to answer were; 1. what is the importance of CFEs for an ejido? 2. What have been the experiences of CFEs by the ejidos in Quintana Roo, Guerrero and Michoacan?

1. *What is the importance of CFEs for the ejidos?*

The development of the *ejido* in the last few decades, together with the development of new philosophies of property as more than a mere commodity, has added to the arguments for the shortcomings of the debates in 1992. In some regions within Mexico, forestry resources constitute an important part of the *ejidos'* patrimony and a source of income. Thus some *ejidos* have been organised in what is known as Community Forests Enterprises or CFEs, with interesting results. One of the biggest strengths of these enterprises is the accumulation of assets at the communal level. Furthermore, this accumulation increases individual welfare and improves the infrastructure of the community. For David Barton Bray - going against all predictions - the CFEs in the hands of *ejido* communities, have managed to succeed within the present global market era (Bray 2003).⁵ Another advantage when talking about CFEs is that the diversification approach adopted by traditional systems of governance and organisation, such as the *ejido*, could also save the costs of administration compared to those of private enterprises.

I concluded that more efforts are needed in order to include: a) the return of public forests to the private ownership of rural communities and households, b) the strengthening of local use and management in public forests; and, c) the safeguarding of local rights over ecosystems services from forests (Scherr, White et al. 2005). Local people need to have a greater share of commercially valuable forest resources in order to develop successful enterprises that help them to overcome their poverty. Thus, the law needs to

⁵ Pag.16

strengthen and clarify their rights. Even though the ideal is to remain simple at the macro level, in this way, communities could handle internal management challenges by achieving greater autonomy.

2. What have been the experiences of CFEs by the ejidos in Quintana Roo, Guerrero and Michoacan?

The analyses of the CFE's were of the *ejido* of Noh-Bec in Quintana Roo, the *ejido* of Sanzekan Tinemi in Guerrero and the *ejido* of Cerro Prieto in Michoacan. In the first two cases, it is evident that the autonomy exercised by the communities has developed into a highly organized process based on communitarian norms. This is reflected in their strategies of trade – always for the benefit of all and the sustainable use of their resources – that bring benefits to their inhabitants in their livelihoods and to make of these cases a great example to be followed by other communities (Bray and Merino 2004, Segoviano-Basurto 2006).

In the case of Cerro Prieto, things have been different and the community still has many poverty and degradation barriers to overcome before it can reach a developing and organizational level as in the cases of Noh-Bec and the Sanzekan Tinemi. Nonetheless, I considered it a case worth analyzing because, in spite of these barriers and due to them, the *ejido's* collective ideals are proving their importance to protect their inhabitants and their patrimony in times of crisis. The *ejido's* families have a strong dependency on the forestry resources so the benefits they have obtained from the forest have increased their appreciation of these resources. This is why, after their decision to participate in the governmental titling programme PROCEDE, they also decided in assembly that any division of the common forest areas was prohibited. With this action their collective rights over the forest were defined and regulated. Here, among the *ejidatarios*, there is also the conviction that they can obtain major benefits if they preserve the forests in common. On various occasions the profits of the forestry industry have been invested in public works. So in this way the *ejido* has been able to repair its school, and has constructed a sports centre as well as a church.

Furthermore, sometimes they have provided wood for the construction of churches in neighbouring towns.

The main question and final conclusion of the thesis

Why has the ejido system managed to overcome the constitutional neoliberal reforms of 1992?

I have spoken a great deal during this research about the unforeseen effects of the reforms in 1992. Nevertheless, I consider that the answer lies within the unseen *ejido*. The reason why the *ejido* system has overcome the constitutional neoliberal reforms of 1992 and has not disappeared as predicted is because the *ejido* is – and I have proved it to be – more than a common system of property.

According to the definition I gave at the beginning, the *ejido* is a complex system in which different rights for property, common, private and public, interact. As long as the *ejido* is not properly envisaged, its potential to add to the development of the rural sector in Mexico will be limited – as has already happened with the shortcomings of the reforms in 1992.

During my participation in alternative medicine and the use of natural resources according to the Convention for Biological Diversity I had the opportunity to talk to members of the communities who were opposed to registering in their own favour the patents of medicines derived from the use of the resources in their areas and with their traditional knowledge. They told me that they considered it fair to receive a profit from the use of their traditional knowledge; however, to register a formula in order to obtain the exclusive use of this knowledge and restrict it to other communities that, like them, have had the use of it for centuries, was not an option for them. The reasons that they gave for this was that the more people benefit from the natural resources they depend directly upon, the more conscious they will be and the more interest they will have to preserve them. *“If we dispossess*

other communities or individuals of their patrimony in the search for economic benefits for ourselves, the forests will be carved up with no sense of responsibility, and then what are we going to do? Are we going to eat or breathe the money?" I do not remember their names, but their words and wisdom have remained in my mind since then.

Even though it is a hundred years since the creation of the *ejido* system, the rural sector in Mexico has not been able to get over its crisis, and I believe that this system still represents an opportunity for this sector. Yet is up to us to take advantage of this system for the better; it is up to us to transform our current perception of the *ejido* with the challenges that this may represent and the current paradigms that this may break.

Bibliography

Introduction

Affairs, I. W. G. f. I. A. (2010). UN-REDD+ and indigenous peoples: A briefing paper for policy makers Chian Mai, IWGIA,.

Basurto, A. R. S. (2006). The World Trade Organization (WTO) and the Environmental Protection of the Indigenous Communities' Rights Master in Laws London School of Economics and Political Science

Bray, D. B. (1996). Of Land Tenure, Forests, and Water: The Impact of the Reforms to Article 27 on the Mexican Environment. Reforming Mexico's Agrarian Reform. L. Randall. New York, M.E. Sharpe Press.

Bray, D. B. and L. Merino (2004). Los Bosques comunitarios en Mexico: logros y desafíos. D. B. Bray, CIFOR

Conference, U. N. F. C. o. C. C. C. (2010). Time to act on forestry and climate change- FD4. Conference of the Parties, COP16. Cancún México.

Goldring, L. (1996). The Changing Configuration of Property Rights Under the Ejido Reform. Reforming Mexico's Agrarian Reform L. Randall. New York M.E.Sharpe: 271-287.

Gordillo, G. (1992). El Debate sobre el Ejido NEXOS Mexico D.F.

Group, W. B. (2015). "Annual World Bank Conference on Land and Poverty 2015: Linking Land Tenure and Use for Shared Prosperity." from <http://www.worldbank.org/en/events/2014/08/06/landconference2015>.

Kelly, J. J. (1994). "Article 27 and the Mexican Land Reform: The legacy of Zapata's dream." Columbia Human Rights Law Review **25**(541): 883-901.

Nations, U. (2007). United Nations Framework Convention on Climate Change, Bali Conference Decision 1/CP.13 of the Bali Action Plan Report of the Conference of the Parties on its thirteenth session, held in Bali from 3 to 15
December 2007

<http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf>, UN.
FCCC/CP/2007/6/Add.1*14

Nations, U. (2012). We can end poverty in 2015 Millennium Development Goals. A gateway to the UN system's work on the MDG's.

Nations, U. (2015). "We can end poverty: Millenium Development Goals and beyond 2015 ", from <http://www.un.org/millenniumgoals/>.

PROGRAMME, U.-R. "The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries." from <http://www.un-UN-REDD.org>

Rivera-Herrejón, G. (2000). ¿POR QUÉ LOS EJIDATARIOS ESTÁN IGNORANDO LA REFORMA DEL EJIDO?: DOS EXPERIENCIAS EN EL CENTRO DE MÉXICO. Congreso del año 2000 de la LATIN AMERICAN STUDIES ASSOCIATION. Hyatt Regency Miami, Centro de Investigación en Ciencias Agropecuarias Universidad Autónoma del Estado de México.

Robles-Berlanga, H. (2008). Saldos de las reformas de 1992 al artículo 27 constitucional. Su expresión en ejidos, comunidades y población indígena. Revista de la Procuraduría Agraria. Mexico, Procuraduría Agraria. **38**: 131-150.

Segoviano-Basurto, A. R. (2008). The Protection of Indigenous Peoples' Rights and the Conservation of Natural Resources Birkbeck University of London.

Siobhán, M.-L., D. Mac and R. Lavanya (2011). Human Rights and Climate Change A World Bank Study World Bank.

Vidal, J. (2009). "UN's forest protection scheme at risk from organized crime, experts warn." The Guardian UK. (Monday 5 October).

Warman, A. (2001). El Campo Mexicano en el siglo XX. Mexico, Fondo de Cultura Económica

Zendejas, S. (1995). "Respuestas locales ante el embate reformista: el ejido como forma de organización de prácticas políticas locales." Relaciones: Estudios de historia y Sociedad **XVI**(61-62).

Chapter I

(1917). Constitución Política de los Estados Unidos Mexicanos

Armenta, L. P. d. L. (1998). Reforma Social. Ochenta años de vida constitucional en México. Trillas. Mexico D.F., Instituto de Investigaciones Jurídicas de la Cámara de Diputados México. **194**.

Avalos, F. (1994). "An Overview of the Legal System of the Aztec Empire." Law Library Journal **86**: 259-276.

Azuela, A. (1995). "Ciudadanía y gestión urbana en los poblados rurales de Los Tuxtlas " ESTUDIOS SOCIOLÓGICOS **XIII**(39): 485-500.

Azuela, A. (2011). "Property in the Post-post-revolution: Notes on the Crisis of the Constitutional Idea of Property in Contemporary Mexico." Texas Law Review Association **18**(7): 1915-1942.

Azuela, A. (2014). When Land is Inalienable. Territorial transformations and peasants' property rights in Mexico, Instituto de Investigaciones Sociales. Universidad Nacional Autónoma de México.

Azuela, A. and M. A. Cancino (2007). Los asentamientos humanos y la mirada parcial del constitucionalismo mexicano. La Constitución y el Medio Ambiente. E. O. Rabasa. México Insitituto de Investigaciones Jurídicas de la UNAM.

Berlanga, H. R. (2010). Saldos de las reformas de 1992 al artículo 27 constitucional. Su expresión en ejidos, comunidades y población indígena. París, Francia

Bouquet, E. (1996). "La tierra ejidal en México: ¿mercancía u objeto social?" Estudios Agrarios. Revista de la Procurdauría Agraria **5**.

Bray, D. B. (1996). Of Land Tenure, Forests, and Water: The Impact of the Reforms to Article 27 on the Mexican Environment. Reforming Mexico's Agrarian Reform. L. Randall. New York, M.E. Sharpe Press.

Bray, D. B. (2003). Mexican community forestry: Perspectives on common property enterprises and asset -building. International Conference on Rural Livelihoods, Forests and Biodiversity. Bonn-Germany

Bray, D. B., L. Merino-Perez and D. Barry (2005). Community Managed in the Strong Sense of the Phrase: The Community Forest Enterprises of Mexico. The Community Forests of Mexico: Managing for Sustainable Landscapes D. B. Bray, Merino- Perez, L., & Barry, D David. Austin Texas, University of Texas Press: 3-26.

Calva, J. L. (1993). La disputa por la tierra: la reforma del Artículo 27 y la nueva Ley agraria, Fontamara.

Calva, J. L. (1993). La Disputa por la Tierra Mexico D.F., Fontamara

CONADI, C. N. p. e. D. d. I. P. I. (2006). INDICADORES SOCIODEMOGRÁFICOS DE LA POBLACIÓN INDIGENA 2000-2005. http://www.cdi.gob.mx/cedulas/sintesis_resultados_2005.pdf, CONADI **2014**.

Concheiro, L. and D. R. Quintana (1998). Mercados de tierra en los tiempos de cólera: Campesinos, tierra y neoliberalismo Propiedad y Organización rural en el México Moderno. Reformas Agrarias, movimiento rural y el PROCEDE. J. Pablos. México D.F, Facultad de Economía UNAM.

Correa, G. (1991). La "contrarreforma agraria", en marcha

Acción que propiciará el resurgimiento del latifundio: PORCESO. Mexico City, PORCESO. **November 9th**.

Fernández-Moya, E. (2012). "La gestión de los comunes en México: hacia un modelo de análisis de los ejidos." Periféria: Revista de recerca i formació en antropologia **16**(Junio).

Fernandez, R. F. y. (1975). Temas Agrarios. El Trimestre Económico México D.F. , Fondo de Cultura Económica. **KLII (3)**.

Garcia-Moreno, V. A. and A. Patrinos (2011) "Indigenous Peoples and Poverty In Mexico " Country Brief: Mexico

Goldring, L. (1996). The Changing Configuration of Property Rights Under the Ejido Reform. Reforming Mexico's Agrarian Reform L. Randall. New York M.E.Sharpe: 271-287.

Gordillo, G. (1982). Programa de Reformas para el Sistema Ejidal. Cuadernos Políticos Era. Mexico City CONACYT- UNAM. **33**: 73-93.

Gordillo, G. (1992). El Debate sobre el Ejido NEXOS Mexico D.F.

Gordillo, G. (2014). El campo: El ejido transformado. La Jornada. México City, DEMOS, Desarrollo de Medios, S.A. de C.V. **30 aniversario**.

Ibarra-Mendívil, J. L. (1996). Recent Changes in the Mexican Constitution and Their Impact on the Agrarian Reform. Reforming Mexico's Agrarian Reform L. Randall. New York M.E.Sharpe: 49-60.

Janvry, A. d., C. Dutilly, C. M. Piña and E. Sadoulet (2001). Liberal Reforms and Community Responses in Mexico Communities and Markets in Economic Development. M. A. a. Y. Hayami. California US, University of California at Berkeley

Kellog, S. (1984). Aztec Women in Early Colonial Courts: Structure and Strategy in a Legal Context. Five Centuries of Law and Politics in Central Mexico. R. H. R. Spores. Nashville Tennessee.

Kelly, J. J. (1994). "Article 27 and the Mexican Land Reform: The legacy of Zapata's dream." Columbia Human Rights Law Review **25**(541): 883-901.

León, M. A. D. d. (2002). Historia del Derecho Agrario Mexicano Editorial Porrúa

Lomnitz, C. (2001). Deep Mexico, Silent Mexico an Anthropology of Nationalism, University of Minnesota Press

Martinez-Ruiz, R. (2006). Reseña de "Reforma Agraria del Latifundio al Neoliberalismo" de Jesus Morret. Ra Ximhaj. El Fuerte Mexico, Universidad Autonoma Indígena de México. **2**: 271-276.

McAuslan, P. (2003). Land Policy: A Framework for Analysis and Action. Bringing the Law Back : Essays in Law and Development. P. McAuslan. United Kingdom Hants Ashgate Publisier Ltd.

Merino-Perez, L. and G. Segura-Warnholtz (2005). Forest and Conservation Policies and their Impact on Forest Communities in Mexico. . The Community Forests of Mexico: Managing for Sustainable Landscapes D. B. Bray, Merino- Perez, L., & Barry, D David. Austin Texas, University of Texas Press: 49-69.

Ostrom, E. (2009). A Polycentric Approach for Coping with Climate Change World Bank's Policy Research Working Paper 5095. Washington D.C. .

Perez-Castañeda, J. C. (1998). La regulación y la desamortización de la propiedad (Comentarios a

Procede). Propiedad y organización rural en el México moderno. J. Pablos. Mexico City, Facultad de Economía de la UNAM.

Perez-Castañeda, J. C. (2004). EL PROCESO DE ACUMULACIÓN DE LA TIERRA (CONCEPTO Y TIPOS DE LATIFUNDIO). Estudios Agrarios Mexico D.F. , Procuraduría Agraria. **27**.

Quadri, G. (2006). Sustentabilidad y Medio Ambiente. Conocer para Decidir, Políticas Públicas. Mexico H. Cámara de Diputados, LIX Legislatura ; Tecnológico de Monterrey, Campus Ciudad de México.

Rello, F. (2008) "Inercia Estructural Y Globalización: La Agricultura y los Campesinos, Más Allá del TLCAN " Trabajo de Discusión No. 20 **20**.

Rello, F. (2009). "Inercia Estructural, Globalización y Agricultura: Lecciones del Caso Mexicano. ." E-journal UNAM **15**(006).

Rivera-Herrejón, G. (2000). ¿POR QUÉ LOS EJIDATARIOS ESTÁN IGNORANDO LA REFORMA DEL EJIDO?: DOS EXPERIENCIAS EN EL CENTRO DE MÉXICO. Congreso del año 2000 de la LATIN AMERICAN STUDIES ASSOCIATION. Hyatt Regency Miami, Centro de Investigación en Ciencias Agropecuarias Universidad Autónoma del Estado de México.

Robinson, L. and A. Dabrowski (1992). "The unfinished revolution " US News and World Report (June 27).

Robles-Berlanga, H. (2004). Entre las Fábulas y la realidad, los Ejidos y las Comunidades con Población Indígena. U. A. M. Comisión Nacional para el Desarrollo de los Pueblos Indígenas, Xochimilco. México.

Robles-Berlanga, H. (2008). Saldos de las reformas de 1992 al artículo 27 constitucional. Su expresión en ejidos, comunidades y población indígena. Revista de la Procuraduría Agraria. Mexico, Procuraduría Agraria. **38**: 131-150.

Ross, H. (1984). The Aztec Empire: A Reappraisal. Five Centuries of Law and Politics in Central Mexico. R. Spores. **30**.

RRI (2010). The end of the hinterland: forest, conflict, and climate change. http://www.rightsandresources.org/documents/files/doc_1400.pdf, Rights and Resources Initiative **2009-2010**.

Rubén, G. Z. (2006). Derecho Agrario Contemporáneo: Hacia una nueva ruralidad en México. Mexico, Editorial Porrúa

Salinas, M. F. P. (2002). Entre el interés público y los intereses colectivos, obstáculos y oportunidades para la participación ciudadana en el corredor biológico Chichinuitzin Morelos. (Julio 2002). PhD, Universidad Autónoma Metropolitana UAM.

Segoviano-Basurto, A. R. (2009). The self-interest/self-constituting paradox: Towards a shared story of property land rights, from which all could learn Narratives of Indigeneity: Literature, Law, Sovereignty. M. Patrick. Birkbeck University of London.

Tannenbaum, F. (1951). Mexico: The struggle for peace and bread New York, Alfred A. Knopf

Téllez, L. (1993). Nueva legislación de tierras, bosques y aguas. Mexico D.F., Fondo de Cultura Económica.

Téllez, L. (1994). La modernización del sector agropecuario y forestal, Fondo de Cultura Económica.

UNION, C. D. D. D. H. C. D. L. (1992). LEY AGRARIA. C. D. DIPUTADOS.

Walt, A. v. d. (2009). Property in the Margins, Hart Publishing.

Warman, A. (1996). La Reforma artículo 27 constitucional Estudios Agrarios Mexico D.F, Procuraduría Agraria **8**.

Warman, A. (2001). El Campo Mexicano en el siglo XX. Mexico, Fondo de Cultura Económica

Warman, A. (2003) "La reforma agraria mexicana: una visión de largo plazo." Land Reform **2**.

Whetten, N. L. (1948). Rural Mexico, Chicago University Press.

Zaragoza, J. L. and R. M. Coss (1980). El desarrollo agrario de México y su marco jurídico, Centro Nacional de Investigaciones Agrarias.

Zeitlin, J. F. (1984). Colonialism and the Political Transformation of Isthmus Zapotec Society. Five Centuries of Law and Politics in Central Mexico. R. H. R. Spores. Nashville, Tennessee. **30**.

Zendejas, S. (1995). "Respuestas locales ante el embate reformista: el ejido como forma de organización de prácticas políticas locales." Relaciones: Estudios de historia y Sociedad **XVI**(61-62).

Chapter II

(1991). The ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries. ILO CONVENTION International Labour Organization

Azuela, A. (1995). "Ciudadanía y gestión urbana en los poblados rurales de Los Tuxtlas " ESTUDIOS SOCIOLÓGICOS **XIII**(39): 485-500.

Azuela, A. (2011). "Property in the Post-post-revolution: Notes on the Crisis of the Constitutional Idea of Property in Contemporary Mexico." Texas Law Review Association **18**(7): 1915-1942.

Azuela, A. and M. A. Cancino (2007). Los asentamientos humanos y la mirada parcial del constitucionalismo mexicano. La Constitución y el Medio Ambiente. E. O. Rabasa. México Insitituto de Investigaciones Jurídicas de la UNAM.

Berlanga, H. R. (2010). Saldos de las reformas de 1992 al artículo 27 constitucional. Su expresión en ejidos, comunidades y población indígena. París, Francia

Bray, D. B. (1996). Of Land Tenure, Forests, and Water: The Impact of the Reforms to Article 27 on the Mexican Environment. Reforming Mexico's Agrarian Reform. L. Randall. New York, M.E. Sharpe Press.

Bray, D. B. (2003). Mexican community forestry: Perspectives on common property enterprises and asset-building. International Conference on Rural Livelihoods, Forests and Biodiversity. Bonn-Germany

Bray, D. B. (2005). Can common property regimes alleviate poverty? Markets and their absence in in the common property literature. In Managing the Commons: Markets and Commodity Chains and Certification. L. M. a. J. Robsom., CSMSS, The Christensen Fund, Ford Foundation, SEMARNAT,INE.

Dembour, M. B. (2001). Following the Movement of a Pendulum: Between Universalism and Relativism in Culture and Rights:Antropological Perspectives, Cambridge University Press.

Fernández-Moya, E. (2012). "La gestión de los comunes en México: hacia un modelo de análisis de los ejidos." Periféria: Revista de recerca i formació en antropologia **16**(Junio).

Goldring, L. (1996). The Changing Configuration of Property Rights Under the Ejido Reform. Reforming Mexico's Agrarian Reform L. Randall. New York M.E.Sharpe: 271-287.

Gordillo, G. (1992). El Debate sobre el Ejido NEXOS Mexico D.F.

Gordillo, G. (2014). El campo: El ejido transformado. La Jornada. México City, DEMOS, Desarrollo de Medios, S.A. de C.V. **30 aniversario**.

Magomu-Masaba, C., H. Verkuijl, I. Ba, A. Marini, A. Serpagli, H. Liversage and S. Jonckheere (2013). Securing Livelihoods, Land and Natural Resource Rights Through Inclusive Business Models: Lessons From Uganda and Mali. Annual World Bank Conference on Land and Poverty 2013

Martinez-Ruiz, R. (2006). Reseña de "Reforma Agraria del Latifundio al Neoliberalismo" de Jesus Morret. Ra Ximhai. El Fuerte Mexico, Universidad Autonoma Indígena de Méxio. **2**: 271-276.

McAuslan, P. (2003). Land Policy: A Framework for Analysis and Action. Bringing the Law Back : Essays in Law and Development. P. McAuslan. United Kingdom Hants Ashgate Publisier Ltd.

McKean, M. and E. Ostrom (1995). "Common property regimes in the forest: Just a relic from the past?" Unasylva - FAO **180**.

Ostrom, E. (1990). Governing the commons: The evolution of insititutions for collective action USA Cambridge University Press.

Ostrom, E. (2009). A Polycentric Approach for Coping with Climate Change World Bank's Policy Research Working Paper 5095. Washington D.C. .

Quadri, G. (2006). Sustentabilidad y Medio Ambiente. Conocer para Decidir, Políticas Públicas. Mexico H. Cámara de Diputados, LIX Legislatura ; Tecnológico de Monterrey, Campus Ciudad de México.

Radin, M. J. (1993). Reinterpreting Property, Chicago University Press.

Rivera-Herrejón, G. (2000). ¿POR QUÉ LOS EJIDATARIOS ESTÁN IGNORANDO LA REFORMA DEL EJIDO?: DOS EXPERIENCIAS EN EL CENTRO DE MÉXICO. Congreso del año 2000 de la LATIN AMERICAN STUDIES ASSOCIATION. Hyatt Regency Miami, Centro de Investigación en Ciencias Agropecuarias Universidad Autónoma del Estado de México.

Robles-Berlanga, H. (2004). Entre las Fábulas y la realidad, los Ejidos y las Comunidades con Población Indígena. U. A. M. Comisión Nacional para el Desarrollo de los Pueblos Indígenas, Xochimilco. México.

Robles-Berlanga, H. (2008). Saldos de las reformas de 1992 al artículo 27 constitucional. Su expresión en ejidos, comunidades y población indígena. Revista de la Procuraduría Agraria. Mexico, Procuraduría Agraria. **38**: 131-150.

Ronald, H. S. and W. Gruben (1992). "Ejido Reform and the NAFTA " Federal Reserve Bank of San Francisco **92-34**(Oct. 2).

Rose, C. M. (1994). Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership. United Kingdom, Westview Pres.

Salinas, M. F. P. (2002). Entre el interés público y los intereses colectivos, obstáculos y oportunidades para la participación ciudadana en el corredor biológico Chichinautzin Morelos. (Julio 2002. PhD, Universidad Autónoma Metropolitana UAM.

Segoviano-Basurto, A. R. (2006). The World Trade Organization (WTO) and the Environmental Protection of the Indigenous Communities' Rights. Master in Laws, London School of Economics and Political Science

Segoviano-Basurto, A. R. (2008). The Protection of Indigenous Peoples' Rights and the Conservation of Natural Resources Birkbeck University of London.

Stewart-Harawira, M. (2005). The New Imperial Order: Indigenous Responses to Globalization Zed Books.

Tully, J. (1995). Strange Multiplicity: Constitutionalism in an Age of Diversity, Cambridge University Press.

Vorley, B., M. Lundy and J. Macgregor (2009). Business Models That Are Inclusive of Small Farmers. Agro-Industries for Development C. A. d. S. D. B. A. W. S. C. J. a. S. Miranda-da-Cruz. Food Security Group Food Security Group Michigan University

Walt, A. v. d. (2009). Property in the Margins, Hart Publishing.

Warman, A. (1996). La Reforma artículo 27 constitucional Estudios Agrarios Mexico D.F, Procuraduría Agraria **8**.

Warman, A. (2001). El Campo Mexicano en el siglo XX. Mexico, Fondo de Cultura Económica

Warman, A. (2003) "La reforma agraria mexicana: una visión de largo plazo." Land Reform **2**.

World-Bank. (2014). "2014 Land and Poverty Conference." Retrieved 28/07, 2014, from

<http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTPROGRAMS/EXTIE/0,,contentMDK:23467358~pagePK:64168182~piPK:64168060~theSitePK:475520,00.html>.

Chapter III

Azuela, A. (1995). "Ciudadanía y gestión urbana en los poblados rurales de Los Tuxtlas " ESTUDIOS SOCIOLOGICOS XIII(39): 485-500.

Azuela, A. and M. A. Cancino (2007). Los asentamientos humanos y la mirada parcial del constitucionalismo mexicano. La Constitución y el Medio Ambiente. E. O. Rabasa. México Insitituto de Investigaciones Jurídicas de la UNAM.

Bray, D. B. (2003). Mexican community forestry: Perspectives on common property enterprises and asset-building. International Conference on Rural Livelihoods, Forests and Biodiversity. Bonn-Germany

Bray, D. B. (2005). Can common property regimes alleviate poverty? Markets and their absence in in the common property literature. In Managing the Commons: Markets and Commodity Chains and Certification. L. M. a. J. Robsom., CSMSS, The Christensen Fund, Ford Foundation, SEMARNAT,INE.

Bray, D. B. and L. Merino (2004). Los Bosques comunitarios en Mexico: logros y desafios. D. B. Bray, CIFOR

C.V, C. T. S. A. d. (2010). "Muestra trabajo forestal comunitario potencial para REDD+." from <http://www.continentaltrading.com.mx/productos/muestra-trabajo-forestal-comunitario-potencial-para-redd>.

CONEVAL (2012). Medición de la Pobreza en México y en las Entidades Federativas, Comisión Nacional de Evaluación de la Política de Desarrollo Social.

Conference, U. N. F. C. o. C. C. C. (2010). Time to act on forestry and climate change- FD4. Conference of the Parties, COP16. Cancún México.

Cortez, A. R., J. T. Pérez, A. G. Guerrero and A. N. Martinez (2012). "RELATIONSHIP BETWEEN FOREST MANAGEMENT AND SOCIOECONOMIC WELFARE IN TWO QUINTANA ROO EJIDOS." Red de Revistas Científicas de América Latina, el Caribe, España y Portugal-Sistema de Información Científica. Revista Chapingo. Serie Ciencias Forestales y del Ambiente Universidad Autónoma Chapingo Chapingo, México. 18(2): 251-259.

FSC, F. S. C., S. Program and R. Alliance Resumen Público de Certificación de Ejido Noh Bec

Hernández, S. (2011). Ecoturismo en Noh-Bec, opción tras devastación: El huracán Dean y los incendios forestales afectaron la producción de madera sustentable. El Universal. Edición Digital. México DF, El Universal **Agosto 15**.

Macqueen, D. (2012). Building profitable and sustainable community forest enterprises: enabling conditions, Natural Resources Group International Institute for Environment and Development (IIED).

Macqueen, D., A. Dufey, A. P. C. Gomes, N. S. Hidalgo, M. R. Nouer, R. Pasos, L. A. A. Suárez, V. Subendranathan, Z. H. G. Trujillo, S. Vermeulen, M. d. A. Voivodic and E. Wilson (2008) "Distinguishing community forest products in the market: Industrial demand for a mechanism that brings together forest certification and fair trade." Small and Medium Forestry Enterprise Series 22.

Merino-Perez, L. (2004). Conservación o deterioro: El impacto de las políticas en las instituciones comunitarias y en los usos de los bosques en México. Mexico, Instituto Nacional de Ecología, SEMARNAT, Consejo Civil Mexicano para la Silvicultura Sostenible. .

Mexico, G. d. (2014). "MONOGRAFIA MAZAHUA " Retrieved 20/07, 2014, from

http://www.cdi.gob.mx/index.php?option=com_content&view=article&id=616:mazahuas&catid=54:monografias-de-los-pueblos-indigenas&Itemid=62.

MEXICO, I. N. d. E. y. G. I.-G. D. (2001). Resultados del VIII Censo Ejidal 2001. Mexico, INEGI

Moumou, M. (2010). RAINFORESTS...WHAT YOU NEED TO KNOW Education Pack key Stages 3 and 4. T. R. F. U.K. <http://www.rainforestfoundationuk.org/sync/kids/PDF/edpack3-4.pdf>, RFFUK.

Noh-Bec, F. (2014). "Bio-arbol." from <http://www.bioarbol.com/somos.php>.

Ostrom, E. (1990). Governing the commons: The evolution of insititutions for collective action USA Cambridge University Press.

Ostrom, E. (2009). A Polycentric Approach for Coping with Climate Change World Bank's Policy Research Working Paper 5095. Washington D.C. .

Ostrom, E. (2012). Forest Future, interview with Elinor Ostrom

Palacios, J.-L. P., J. L. Garcia, G. Bocco and M. P. Muñoz (2000). La condición actual de lo recursos forestales en México: resultados del inventario forestal nacional 2000. I. Geográficas. Boletín del Instituto de Geografía

Paz, O. (1988). El Laberinto de la Soledad. Madrid, Fondo de Cultura Economica

Ríos-Cortez, A., J. Torres-Pérez, A. Gomez-Guerrero and A. Navarro-Martínez (2012). RELATIONSHIP BETWEEN FOREST MANAGEMENT AND SOCIOECONOMIC WELFARE IN TWO QUINTANA ROO EJIDOS Revista Chapingo 18 mayo-agosto.

RRI (2010). The end of the hinterland: forest, conflict, and climate change. http://www.rightsandresources.org/documents/files/doc_1400.pdf, Rights and Resources Initiative **2009-2010**.

Scherr, S., A. White, A. Molnar and D. Kaimowitz (2005). Time for something different: Putting markets to the service of the forest poor. In *Managing the Commons: Markets and Commodity Chains and Certification*. L. Merino and J. Robson, CSMSS, The Christensen Fund, Ford Foundation, SEMARNAT, INE.

Segoviano-Basurto, A. R. (2006). The World Trade Organization (WTO) and the Environmental Protection of the Indigenous Communities' Rights. Master in Laws, London School of Economics and Political Science

Segoviano-Basurto, A. R. (2008). *The Protection of Indigenous Peoples' Rights and the Conservation of Natural Resources* Birkbeck University of London.

Segoviano-Basurto, A. R. (2009). *The self-interest/self-constituting paradox: Towards a shared story of property land rights, from which all could learn* Narratives of Indigeneity: Literature, Law, Sovereignty. M. Patrick. Birkbeck University of London.

Tinemi, S. (2010). "Mezcal Sanzekan: Seguimos Juntos." from <http://www.sanzekan.org/historia>.

Visual, A. (2013). "GEA - Grupo de Estudios Ambientales AC." from <http://www.geaac.org/>.

Conclusions

(1991). *The ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries*. ILO CONVENTION International Labour Organization

Azuela, A. (1995). "Ciudadanía y gestión urbana en los poblados rurales de Los Tuxtlas " ESTUDIOS SOCIOLÓGICOS XIII(39): 485-500.

Azuela, A. (2011). "Property in the Post-post-revolution: Notes on the Crisis of the Constitutional Idea of Property in Contemporary Mexico." Texas Law Review Association **18**(7): 1915-1942.

Azuela, A. and M. A. Cancino (2007). Los asentamientos humanos y la mirada parcial del constitucionalismo mexicano. La Constitución y el Medio Ambiente. E. O. Rabasa. México Insitituto de Investigaciones Jurídicas de la UNAM.

Azuela, M. (1997). Los de abajo LIBROdot.com.

Bouquet, E. (1996). "La tierra ejidal en México: ¿mercancía u objeto social?" Estudios Agrarios. Revista de la Procurdauría Agraria **5**.

Bray, D. B. (1996). Of Land Tenure, Forests, and Water: The Impact of the Reforms to Article 27 on the Mexican Environment. Reforming Mexico's Agrarian Reform. L. Randall. New York, M.E. Sharpe Press.

Bray, D. B. (2003). Mexican community forestry: Perspectives on common property enterprises and asset-building. International Conference on Rural Livelihoods, Forests and Biodiversity. Bonn-Germany

Bray, D. B. (2005). Can common property regimes alleviate poverty? Markets and their absence in in the common property literature. In Managing the Commons: Markets and Commodity Chains and Certification. L. M. a. J. Robsom., CSMSS, The Christensen Fund, Ford Foundation, SEMARNAT,INE.

Bray, D. B. and L. Merino (2004). Los bosques comunitarios en Mexico: logros y desafíos. D. B. Bray, CIFOR

Goldring, L. (1996). The Changing Configuration of Property Rights Under the Ejido Reform. Reforming Mexico's Agrarian Reform L. Randall. New York M.E.Sharpe: 271-287.

Gordillo, G. (2014). El campo: El ejido transformado. La Jornada. México City, DEMOS, Desarrollo de Medios, S.A. de C.V. **30 aniversario**.

Ibarra-Mendívil, J. L. (1996). Recent Changes in the Mexican Constitution and Their Impact on the Agrarian Reform. Reforming Mexico's Agrarian Reform L. Randall. New York M.E.Sharpe: 49-60.

McAuslan, P. (2003). Land Policy: A Framework for Analysis and Action. Bringing the Law Back : Essays in Law and Development. P. McAuslan. United Kingdom Hants Ashgate Publiser Ltd.

McKean, M. and E. Ostrom (1995). "Common property regimes in the forest: Just a relic from the past?" Unasyuva - FAO 180.

Moumou, M. (2010). RAINFORESTS...WHAT YOU NEED TO KNOW Education Pack key Stages 3 and 4. T. R. F. U.K. <http://www.rainforestfoundationuk.org/sync/kids/PDF/edpack3-4.pdf>, RFFUK.

Natios, U. (2010). FD4 Summary Report: Time to act on forestry and climate change Cancún México, UNITED NATIONS

Ostrom, E. (1990). Governing the commons: The evolution of insititutions for collective action USA Cambridge University Press.

Ostrom, E. (2009). A Polycentric Approach for Coping with Climate Change World Bank's Policy Research Working Paper 5095. Washington D.C. .

Ostrom, E. (2012). Forest Future, interview with Elinor Ostrom

Quadri, G. (2006). Sustentabilidad y Medio Ambiente. Conocer para Decidir, Políticas Públicas. Mexico H. Cámara de Diputados, LIX Legislatura ; Tecnológico de Monterrey, Campus Ciudad de México.

Radin, M. J. (1993). Reinterpreting Property, Chicago University Press.

Rello, F. (2008) "Inercia Estructural Y Globalización: La Agricultura y los Campesinos, Más Allá del TLCAN " Trabajo de Discusión No. 20 20.

Ríos-Cortez, A., J. Torres-Pérez, A. Gomez-Guerrero and A. Navarro-Martínez (2012). RELATIONSHIP BETWEEN FOREST MANAGEMENT AND SOCIOECONOMIC WELFARE IN TWO QUINTANA ROO EJIDOS Revista Chapingo 18 mayo-agosto.

Rivera-Herrejón, G. (2000). ¿POR QUÉ LOS EJIDATARIOS ESTÁN IGNORANDO LA REFORMA DEL EJIDO?: DOS EXPERIENCIAS EN EL

CENTRO DE MÉXICO. Congreso del año 2000 de la LATIN AMERICAN STUDIES ASSOCIATION. Hyatt Regency Miami, Centro de Investigación en Ciencias Agropecuarias Universidad Autónoma del Estado de México.

Robles-Berlanga, H. (2008). Saldos de las reformas de 1992 al artículo 27 constitucional. Su expresión en ejidos, comunidades y población indígena. Revista de la Procuraduría Agraria. Mexico, Procuraduría Agraria. **38**: 131-150.

Scherr, S., A. White, A. Molnar and D. Kaimowitz (2005). Time for something different: Putting markets in the service of the forest poor. In *Managing the Commons: Markets and Commodity Chains and Certification*. L. Merino and J. Robsom, CSMSS, The Christensen Fund, Ford Foundation, SEMARNAT, INE.

Segoviano-Basurto, A. R. (2006). The World Trade Organization (WTO) and the Environmental Protection of the Indigenous Communities' Rights. Master in Laws, London School of Economics and Political Science

Simpson, E. N. (1952). "El Ejido única salida para México." Problemas Agrícolas e Industriales de México **IV**(4).

Stewart-Harawira, M. (2005). The New Imperial Order: Indigenous Responses to Globalization Zed Books.

Téllez, L. (1994). La modernización del sector agropecuario y forestal, Fondo de Cultura Económica.

Tully, J. (1995). Strange Multiplicity: Constitutionalism in an Age of Diversity, Cambridge University Press.

Walt, A. v. d. (2009). Property in the Margins, Hart Publishing.

Warman, A. (1996). La Reforma artículo 27 constitucional Estudios Agrarios Mexico D.F, Procuraduría Agraria **8**.

World-Bank. (2014). "2014 Land and Poverty Conference." Retrieved 28/07, 2014, from <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTPROGRAMS/EXTIE/0,,contentMDK:23467358~pagePK:64168182~piPK:64168060~theSitePK:475520,00.html>.

Zaragoza, J. L. and R. M. Coss (1980). El desarrollo agrario de México y su marco jurídico, Centro Nacional de Investigaciones Agrarias.

Zendejas, S. (1995). "Respuestas locales ante el embate reformista: el ejido como forma de organización de prácticas políticas locales." Relaciones: Estudios de historia y Sociedad **XVI**(61-62).