

LAND OWNERSHIP AND NEW INSTITUTIONAL POLICIES: THE IMPLEMENTATION OF ROAD AND HIGHWAY INFRASTRUCTURE PROJECTS IN MEXICO

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1. THE LEGAL REGIMES OF LAND PROPERTY IN MEXICO AFTER THE INTRODUCTION OF THE AGRARIAN LAW IN 1992.

As a direct consequence of the Mexican Revolution of 1910, land began to be distributed by the different federal administrations that successively held political power among those peasant groups that covered the minimal requisites in accordance with the legal framework that was in force at different historical moments. In spite of the formal differences that these changing legal frameworks maintained among them, the Federal Government never ceased to recognize that the right to receive land belonged to those persons whose economic subsistence depended on the exploitation of rural resources.

As a result of this extended and prolonged process of land distribution more than fifty percent of Mexico's territory is nowadays under a legal regime of social property that encompasses two basic figures which are the "ejido" and the agrarian community.

In view of the above, it is of the outermost importance to bear in mind the following fundamental facts:

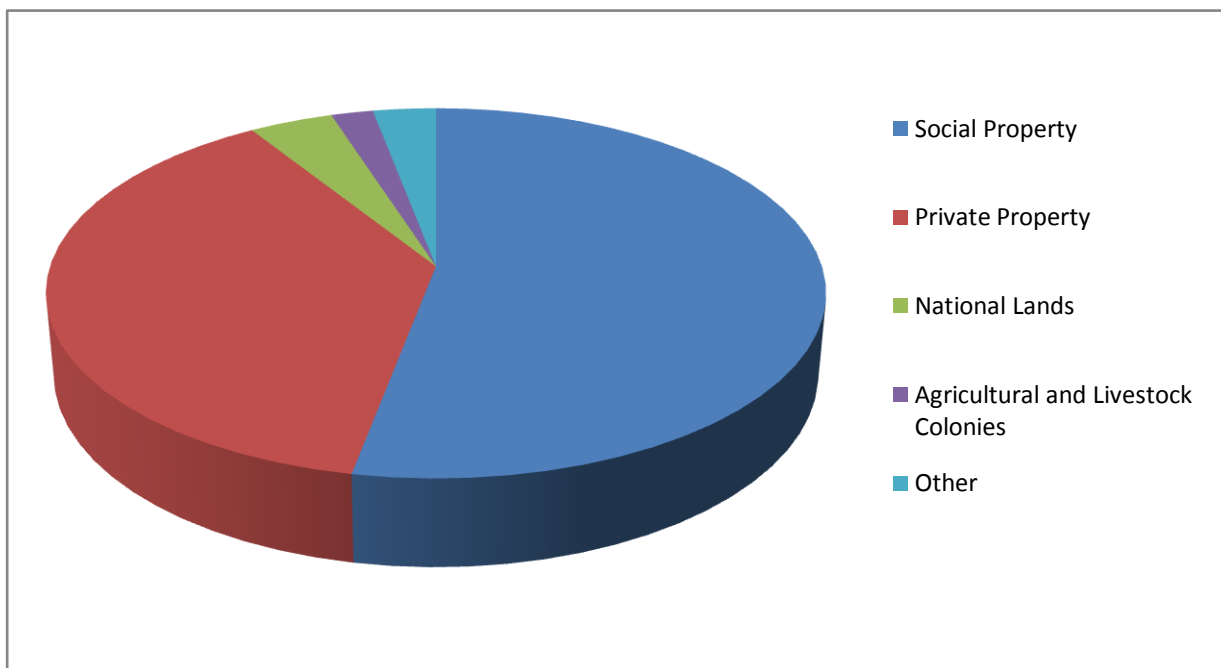
The Federal Republic of Mexico has a total area of 196.4 million hectares (485.3 million acres). This massive territorial extension is divided into five legal regimes of land property which are: "ejidos", agrarian communities, agricultural and livestock colonies, national lands and small private properties. It is worth mentioning that both, "ejidos" and agrarian communities, are situated under federal jurisdiction and, as a whole, are legally classified as social properties or as agrarian population centers (núcleos agrarios).

As the following table shows, in quantitative terms social property is the most important legal regime of land tenure in contemporary Mexico and it includes both, "ejidos" and agrarian communities

Land Tenure in Mexico

Type of Property	Percentage
Social Property	53 %
Private Property	38 %
National Lands	4 %
Agricultural and Livestock Colonies	2 %
Other	3 %

Source: Instituto Nacional de Estadística, Geografía e informática INEGI, México, 2004



Social property includes 31,623 agrarian population centers or “núcleos agrarios” which cover a total territorial extension of 101’937,176 hectares (251’892,246 acres). The following table shows how these agrarian population centers are divided between “ejidos” and agrarian communities, as well as the total area that each specific form of land tenure covers.

Distribution of Social Property

Social Property	Quantity	Total Area
“Ejidos”	29,240	84’546,745 hectares
Agrarian Communities	2,383	17’390,431 hectares
TOTAL	31,623	101’937,176 hectares

Source: Instituto Nacional de Estadística, Geografía e informática INEGI, México, 2004.

In order to clarify this issue, a basic definition of what is understood in Mexico by the concept of “ejido” and by the concept of agrarian community needs to be provided.

Ejido: This form of social land ownership was historically constituted through acts of governmental authority called agrarian actions (acciones agrarias). Through these actions the Executive Power of the Mexican Federation granted land to numerous groups of peasants who legally demanded it; increased the amount of land previously granted as a response to the expanding social and economic necessities of growing rural communities, and occasionally created new population centers composed exclusively by “ejidatarios” (nuevos centros de población ejidal). This social form of land ownership operates in a corporate manner through a general assembly that is the higher internal authority and includes the totality of “ejidatarios”; an organ in charge of the external representation of the

“ejido” and of carrying through the decisions taken by the general assembly known as “comisariado ejidal” (“ejidal” deputation): and an organ called “consejo de vigilancia” who is in charge of overseeing the adequate performance of the “comisariado ejidal” in terms of the mandate given to it by the general assembly.

Community: The agrarian community was created by a particular type of agrarian action through which the Federal Government provided legal ownership titles on the basis of an official recognition of previously acquired property rights. Through this form of agrarian action, land was restituted to many social groups and Indian villages who were able to demonstrate through historical documents (including property acts produced by different Viceroys of New Spain during the colonial period) the valid possession of their lands. This form of social land property also operates in a corporate manner and, as in the case of the “ejido”, has a general assembly, a “comisariado”, and a “consejo de vigilancia”.

The different legal frameworks that for many decades regulated the internal life of these two types of agrarian population centers or “núcleos agrarios” were based on normative structures that placed them under the direct tutelage and patronage of the State. By subordinating their operation to the federal bureaucratic apparatus these social structures became highly dependent upon anything that the authorities would decide to offer them, grant them or allow them to do.

The reforms experienced by the Political Constitution of the United Mexican States in 1992 and, in particular, those reforms that affected the structure and content of article 27 (the article that establishes the legal foundation of social property in Mexico including everything related with “ejidos” and agrarian communities) (1) led to the enactment of a new body of federal agrarian legislation which emancipated “ejidos” and agrarian communities from governmental tutelage by fully recognizing their social property rights, as well as their legal capacity of self-determination over the lands legally and legitimately owned by them.

These new capacities of self-determination are comprehensive enough as to allow the general assembly which, as we have stated before, is the internal body of corporate governance of “ejidos” and agrarian communities, the direct privatization or “disincorporation” (desincorporación) of either the totality or a specific fraction of the land that was granted to them by the State on the basis of the legal dispositions contained in the Agrarian Law. This implies extracting land from the legal framework of the “ejido” or the agrarian community in order to transform it into private real estate subject to the legal dispositions and regulations of civil or common law.

In order to accomplish this objective within a framework of legality, the new Agrarian Law established the specific rules and mechanisms that the Federal Congress considered adequate and applicable to each specific case of disincorporation. These rules and mechanisms are legally binding not only for the general assemblies of the agrarian population centers, but also for “ejidatarios” and “comuneros” considered on an individual basis (2).

2. THE INCLUSION OF AGRARIAN LANDS IN INFRASTRUCTURE PROJECTS.

The accelerated demographic and urban expansion experienced by Mexico during the last decades transformed many peasant communities who were originally engaged exclusively in rural economic activities such as agriculture, stock breeding and forestry into urban population centers. Many of these urban population centers reached considerable proportions posing important challenges on governmental institutions and policy makers. This situation generated two interconnected needs that were fundamental for the country's development process and that demanded immediate action by the authorities which, very often, had to operate in conjunction with private corporations and urban development companies.

1. The urgent need to provide the country with a modern infrastructure of communications (roads and highways) aimed at interconnecting in an efficient manner different centers of demographic expansion and economic development.
2. The also urgent need to include in this process "ejidal" and communal lands in view of the fact that, as has been stated before, over fifty percent of all the national territory of Mexico lies under different forms of social property regulated by the special body of federal legislation contained in the Agrarian Law.

The following table obtained from INEGI clearly reveals the accelerated and profound structural transformation experienced by Mexico's demographic structure between 1950 and 2005. As we can see, the majority of the country's population that during the 50's lived in rural areas is nowadays concentrated in urban spaces.

Distribution of Urban and Rural Population in Mexico

Población	1950 (%)	2005 (%)
Urbana	43	76
Rural	57	24

Source: Instituto Nacional de Estadística, Geografía e informática INEGI, México, 2006

3. THE CURRENT POSTURE OF SOCIAL LAND OWNERS

As a direct consequence of the globalization process, the peasant population of Mexico (as has been the case with other population sectors) has transformed many of its traditional economic and social attitudes as a result of the accessibility of a wider and richer amount of information. This situation has triggered among "ejidatarios" and "comuneros" the idea that their lands have nowadays a strategic importance and an economic value that did not have before in view of their relevance for the development of a wide range of economic projects that go from housing and real estate to the construction of the country's basic communications infrastructure including roads and highways.

It shall be pointed out that in the past "ejidal" and communal lands were less demanded because there was more private land available for housing, real estate, industrial, touristic

and commercial projects. This situation experienced a radical transformation during the last decades and, nowadays, a majority of the promoters of these different economic projects have been forced to deal with “ejidos” and agrarian communities in order to obtain the required land. These dealings imply the definition and implementation of specific strategies aimed at privatizing and selling parcels and even bigger fractions of land originally situated under the rule of agrarian legislation. As a consequence of this, the owners of agrarian lands have been constantly raising their market value under the certainty that their property is fundamental for the successful consolidation of many economic projects.

In view of the previously mentioned fact that the construction of roads and highways has increased importantly during the ultimate decades as a result of the strategic need to connect in an efficient manner different poles of urban and economic development, and that most of the land that is required for this purpose falls within the agrarian legal regime, the problem posed by the continuous increase in the market value of the land owned by “ejidos” and agrarian communities has seriously affected the Federal Government along with those private corporations that function as public contractors. It is a fact that many “ejidos” and agrarian communities nowadays believe that their land is expensive and, as a result of this belief, they accept their privatization and further commercialization only if their price conditions are met by both, governmental institutions and private corporations.

As a result of this situation, “ejidatarios” and “comuneros” have developed a strong interest in knowing and applying the different legal mechanisms that are available for incorporating collectively owned land into different types of economic and infrastructure projects. This has provoked the systematic rejection of the expropriation procedure that the Federal Government has traditionally used in order to obtain the land required for the development of projects aimed at satisfying important public needs like the ones implicit in the construction of roads and highways. The systematic rejection of the governmental act of authority that is implicit in the expropriation process, and that normally implies the combination of political pressure with legal impugnation and litigation, has seriously obstructed the governmental capacity to carry out fundamental projects of infrastructure at a reasonable cost. This situation has been complicated further as a result of recurrent acts of bureaucratic corruption and incompetence that have increased the discontent of the peasants thus transforming the expropriation process from an act of governmental authority based on the satisfaction of the “public interest”, into a complex bargaining process that ends up being merely formalized through an official expropriation decree issued by the Federation.

4. AN ALTERNATIVE FOR DEALING WITH THE CURRENT POSTURE ADOPTED BY SOCIAL LAND OWNERS

Within the boundaries of the agrarian legal framework that is currently in force, and taking advantage of the fact that agrarian population centers are gradually overcoming State patronage in order to take autonomous decisions over their patrimonial rights, a series of new strategies and schemes of negotiation have emerged. These new alternatives have

been promoted by the Federal Government through the institutions that are involved in the development of the country's road and highway infrastructure.

These new schemes of bargaining and negotiation have developed on the basis of strategies aimed at sensitizing the agrarian land owners in order to facilitate their final acceptance of a given economic or infrastructure project. These strategies of inclusion substitute unilateral acts of authority with respectful and friendly forms of communication that tend to reduce or even eliminate postures of resistance and resentment among the peasants. In order to achieve this ultimate objective it is of the utmost importance to gain a deep knowledge of the characteristics, needs and expectations of the agrarian centers of population in general and of their individual members in particular. This is the only way through which a position of mutual understanding and mutual benefit can be ultimately attained.

These strategies are particularly relevant in view of the fact that the majority of the agrarian land owners situated in urban and semi urban areas cannot be classified as peasants any longer. Many of the agrarian population centers to which these people belong have ceased to be humble rural towns and are now integral parts of big cities. These human establishments tend to be well communicated and most of them have access to important and modern sources of information. Many "ejidatarios" and "comuneros" of these urban and semi urban agrarian population centers have been well educated and some of them have obtained professional degrees as doctors, lawyers, accountants and architects. Some of these social land owners work in governmental institutions that deal with social, rural and agrarian issues and some of them work in social organizations, private companies and multinational corporations. It is therefore logical that some of these well educated and well informed citizens working in the public administration or in the private or social sectors, end up adopting relevant positions within their communities transforming themselves into the natural leaders of the agrarian population centers.

Nevertheless, there are other cases in which these well educated individuals chose not to participate in the affairs of their "ejido" or "comunidad" thus leaving the conduction of these agrarian nuclei in the hands of poorly educated people which end up taking decisions that affect the internal life of complex social groups. In the vast majority of cases, these two broad types of agrarian actors are forced to coexist and interact, in spite of their profound cultural differences, in a complex and sometimes conflictive manner.

This implies that the case of each agrarian entity must be regarded as highly specific. Each "ejido" and each "comunidad" is different from the rest and the whole universe of agrarian population centers constitutes a sophisticated mosaic of idiosyncratic attitudes and political ideologies. In accordance with this, the first step that must be taken when approaching an agrarian nucleus with which a process of negotiation will be implemented is to carry out a deep social, economic and political evaluation of its internal situation. The adequate fulfillment of this first step is fundamental in order to support the legal mechanism that is to be followed afterwards on a firm base. A complete evaluation shall provide valuable information upon which the specific strategy of disincorporation that is to

be followed with both the general assembly and the formal and informal leaders of the agrarian nucleus can be correctly defined and implemented.

The role played by the Federal Government within this process is very important. An adequate form of institutional participation is fundamental in order to strengthen democratic governance and the overall image of the State as promoter and executioner of important projects of road and highway infrastructure. The State must present itself as the ultimate guarantor of the general legal and institutional conditions that are necessary for private investment to keep on flowing towards strategic sectors of economic activity and infrastructural development.

In this context, unilateral acts of governmental authority exercised over the owners of social or agrarian lands through the process of expropriation must be reserved to extreme cases in which they turn out to be necessary as a result of the lack of viability of the previously analyzed mechanisms based on strategic bargaining and negotiation. Our proposal is therefore to promote in the first instance those legal and social mechanisms and strategies that are capable of putting in motion projects of road and highway infrastructure without having to exercise the supreme authority of the State through its faculty of expropriation. In addition to being completely legal and highly effective in terms of their final results, the implementation of these mechanisms normally requires smaller amounts of time.

It is worth mentioning that on the basis of the new agrarian legislation that, as we have seen before, recognized the capacity of self-determination of “ejidos” and “comunidades agrarias” the Federal Government implemented an ambitious interinstitutional program that covered the whole of the country’s territory called “Programa de Certificación de Derechos Ejidales” (PROCEDE). This program was aimed at certifying social property rights through the utilization of modern technologies of land delimitation and measurement in order to make possible their precise assignation in favor of specific agrarian population centers and individual peasants.

The main objective of this effort was to provide certainty to the lawful owners of agrarian property rights. As a result of the operation of PROCEDE agrarian property rights are effectively protected through the expedition of official certificates and titles based on definitive cartographic products and duly registered in the “Registro Agrario Nacional” (RAN), an administrative institution created by the Federal Government for that specific purpose. Along with the “Procuraduría Agraria”, which is the Ombudsman in charge of protecting agrarian rights in Mexico, the RAN forms part of the new institutional framework that emerged from the agrarian constitutional and legal reforms carried out in 1992.

Nevertheless, the projects of road and highway infrastructure that have been carried out in Mexico during the last years over agrarian or collectively owned lands, have not considered the updating and substitution of those agrarian certificates, titles and cartographic products that have been modified as a result of the legal transformation experienced by those “ejidal” properties that were successfully incorporated to these developments. This situation has taken back many peasants to the situation of legal uncertainty that affected their property rights before the promulgation of the constitutional

and legal reforms of 1992 and the nationwide implementation of PROCEDE. That is why we propose that every legal procedure that is to be implemented in order to allow the legal acquisition of collectively owned or agrarian properties for their further incorporation to projects of road and highway infrastructure must include specific mechanisms in order to cover these basic requirements of legality within an overall logic aimed at strengthening governance and institutional efficiency in order to sustain, in an effective manner, the development policies of road and highway infrastructure that Mexico requires.

5. SPECIFIC CASES OF ROAD AND HIGHWAY PROJECTS THAT ARE CURRENTLY INCLUDING PLOTS OF LAND OWNED BY EJIDOS AND AGRARIAN COMMUNITIES

The previously outlined problematic affects important infrastructure projects that are currently being developed and that require for their successful completion the inclusion of plots of land owned by “ejidos” and agrarian communities. We shall refer in this document to two specific cases situated in the State of Mexico which are the construction of the highway linking Toluca’s International Airport with Naucalpan, and the extension of the highway linking Tenango with Ixtapan de la Sal.

6. CONSTRUCTION OF THE HIGHWAY LINKING TOLUCA’S INTERNATIONAL AIRPORT WITH NAUCALPAN

As a result of its geographical proximity to the country’s federal capital, the City of Toluca (Capital of the State of Mexico) has experienced a process of accelerated urban expansion in recent years. This expansion has resulted from its growing economic interdependence with Mexico City, and has implied the reception of an important number of people coming from the capital and its surrounding metropolitan area. As a consequence of this, a growing number of people face the need to make round trips on a daily basis between Toluca and Mexico City.

Although Toluca has been for many years an industrial city, its importance as an international industrial center has increased considerably in the past decades. This situation has reinforced the flow of people not only from the Federal District but also from other cities and even from other countries.

In addition to the above, there is the fact that the International Airport of Mexico City is no longer capable of satisfying the growing demand of national and international air transportation posed by the metropolitan area. As a result of this, the International Airport of Toluca has emerged as an excellent alternative for dealing with the infrastructure problems affecting Mexico City’s International Airport, as well as for offering to those living in Toluca and in nearby locations a better option for traveling promptly and efficiently, as well as a departure point that might be geographically closer to their destination.

The highway linking Toluca’s International Airport with Naucalpan will not only connect two metropolitan areas, but it will also provide them with connections to multiple national and international destinations. This new infrastructure will benefit in a very important manner

those people living in the northeastern part of Mexico City's metropolitan area and that, independently of their need to use airport services, are currently forced to travel through the highway linking Mexico City with Toluca.

This highway project which, as we have seen before, has an unquestionable strategic importance, will cover a total length of 39.025 kilometers. The majority of the required land is order to cover this distance in the most efficient manner belongs to agrarian nuclei, and only a small percentage of it falls within the legal regime of private property. In accordance with this, the highway must go through plots of land owned by eight "ejidos" and five agrarian communities.

The specific case provided by the construction of the highway linking Toluca's International Airport with Naucalpan, constitutes a clear example of the overwhelming importance that the privatization of socially owned land has for the successful conclusion of this type of infrastructure developments. This situation also highlights, as has been argued before, the importance of counting on adequate legal and social mechanisms in order to carry out successful negotiations with the "ejidos" and agrarian communities that are the legal owners of the required plots of land.

It must be pointed out that, on average, there are 250 "ejidatarios" or "comuneros" in the agrarian nuclei that need to be affected by the project. This implies that any action that is to be taken must be based on a profound knowledge of the way in which each community is constituted and organized. Such knowledge of the inner workings of each agrarian nuclei is of the outmost importance if a non-conflictive and even smooth incorporation to the project is to be achieved. If, as a result of contradictory, confusing and incomplete information, the different communities perceive that the project is being imposed upon them in an authoritarian manner, a difficult to overcome atmosphere of opposition will be generated.

It is precisely because of the importance of generating an atmosphere of confidence among "ejidatarios" and "comuneros", that the participation of those governmental institutions that are relevant to the project must take place on the basis of preventive strategies, rather than on the basis of corrective ones. It is also important to point out that in addition to the strong emotional and ideological attachment to land that characterizes "ejidatarios" and "comuneros" in all of Mexico, the social owners of much of the plots of land that will be affected by the project in the State of Mexico are interested in preserving forests that can attract visitors from neighboring urban centers, as well as in the possibility of carrying out different economic projects based on forestry, agriculture and stock breeding. It also needs to be mentioned that many of these "ejidatarios" and "comuneros" contemplate the possibility of eventually, and as a result of the accelerated growth of neighboring urban centers, benefitting from regular and irregular housing. These issues make of the adequate presentation of attractive and feasible economic alternatives for this people an imperative line of strategic action. This is particularly important in view of the fact that the preservation of the natural environment, including water resources and local plants and animals, is something that requires, in order to be successful, of the consent and active support of the original owners of the land.

Within the framework of this specific project, an innovative legal alternative to the unwelcome expropriation has been successfully put to the test in the case of an “ejido” called “La Magdalena Chichicarpa”. Through its general assembly, this “ejido” reached the internal agreement required for the expedition of a property title that certifies that the plot of land that is to be included in the highway project linking Toluca’s International Airport with Naucalpan has ceased to be part of the social regime of agrarian property thus becoming transformed into a private form of land ownership. After the plot of land had been privatized, the “ejido” transferred the property title to the government of the State of Mexico through the signature of an agreement. This agreement established that the plot of land given to the government was to be used exclusively for the development of the highway project. The government received the required plot of land from the “ejido” and in addition to paying for it and for all the goods different from the land itself that it included, agreed to pay for the cost of all the legal procedures involved in the privatization process given the fact that the plot of land that was privatized formed part of the lands that were exploited by all the “ejidatarios”, the so called “tierras de uso común”. Through the application of this innovative legal strategy, the “ejido” obtained a double benefit which is something that wouldn’t have happened in the case of an expropriation (3).

7. EXTENSION OF THE HIGHWAY LINKING TENANGO WITH IXTAPAN DE LA SAL

The Valley of Toluca is, after the metropolitan area of Mexico City, the fastest growing urban zone in Mexico. That is why the development of infrastructure projects aimed at providing it with efficient and high quality roads and highways has become a top governmental priority. One of these infrastructure developments is the highway linking Tenango and Ixtapan de la Sal. This highway connects the Valley of Toluca with one of the most important touristic zones in the State of Mexico which is characterized by its thermal waters, its warm microclimate and its attractive landscapes dominated by the impressive view of the “Nevado de Toluca”, one of the country’s most beautiful volcanoes.

This highway has been operating for several years with two lanes that cover its whole trajectory of 39.250 kilometers. As a consequence of the important increase in its number of users, it has become necessary to improve the highway by constructing two additional lanes along its full trajectory. In the absence of this extension, the highway will soon be incapable of coping with the growing demand thus becoming obsolete in infrastructural terms.

The first stage of this extension will be 28 kilometers in length, and eighty five per cent of the surface that is required for the construction of the additional two lanes falls within the legal regime of social property. The completion of this first stage will therefore affect the property of five “ejidos” and one agrarian community.

In this specific case, the government of the State of Mexico has already established negotiation processes with two agrarian nuclei. Unlike the case of “La Magdalena Chichicarpa” where, as we have seen before, lands of collective exploitation were privatized through the expedition of a property title, the plots of land affected in the case of these two agrarian nuclei were subject to a regime of private exploitation and, in

accordance with this, a different privatization strategy was followed. Nevertheless, as in the case of “La Magdalena Chichicarpa”, the legal documentation of the agrarian nuclei was actualized at both, a collective and an individual level, which is clearly a benefit in favor of the original owners of the land that would not have been obtained in the case of a traditional process of expropriation (4).

8. CONCLUDING REMARKS

- Land property in Mexico has different legal characteristics and over half of it belongs to “ejidos” and agrarian communities. These forms of social property are regulated by a special body of federal legislation that establishes important restrictions regarding their alienation and that, in accordance with this, also establishes specific mechanisms regarding their privatization.
- In addition to these legal particularities, contemporary agrarian nuclei are integrated by people of a wide variety of economic, cultural and educational backgrounds. This situation normally leads to the formation of different interest groups within each “ejido” and agrarian community.
- The unquestionable growth experienced by Mexico’s population as well as the accelerated economic development of the country has made it necessary to include plots of land owned by agrarian nuclei in the execution of different road and highway infrastructure projects. This situation has led to the necessity of designing and implementing public policy strategies aimed at taking into account the interests of the agrarian subjects, in order to integrate them in the infrastructure projects along with governmental entities and private contractors. This policy of inclusion has been the basic mechanism behind the successful concretion of important projects.
- While the traditional process of expropriation based on the direct exercise of governmental authority has been systematically rejected by the agrarian subjects, its “concerted” or negotiated variety, although generally more accepted and currently in use, poses different problems that have emerged in many specific cases.
- The different legal procedures contemplated by the Agrarian Law that are based on the free will of the general assemblies of the agrarian nuclei have proven to be a valuable alternative for the incorporation of socially owned land to road and highway infrastructure projects. These alternatives have the advantage of being less imperative and more inclusive in nature, thus allowing a more active and definitive participation of agrarian subjects (on a collective or individual basis) in the different projects. In order to follow this alternative path of action it is necessary to achieve a profound knowledge of both, the internal social specificities of each agrarian nuclei and the legal characteristics of these procedures.

9. POLICY RECOMMENDATIONS

- It is necessary to consider in advance each and everyone of the particular characteristics of the different road and highway projects that are to be promoted and developed in Mexico and, in particular, their characteristics regarding the affectation of socially owned land (land situated under the legal ownership of “ejidos” and agrarian communities), in order to design and apply preventive strategies capable of guaranteeing an adequate management of social and legal issues.
- It is important to avoid carrying out actions that can damage the good relationship that must exist with those “ejidos” and agrarian communities that own the land that is required for the development of road and highway infrastructure projects. This is important in order to avoid the need to design and apply corrective strategies in order to reestablish trust among the different actors involved. Swimming upstream delays the concretion of the projects, increases their cost and adds unnecessary complications to the privatization procedures.
- It is also important to count with the experience of advisers and consultants that can really prove their experience and deep knowledge of complex legal and social issues. Dealing with people lacking an adequate knowledge of the country’s agrarian reality only delays and complicates infrastructure projects.
- In this sense it is necessary to bear in mind that the new alternatives of privatization through the general assemblies of the agrarian nuclei provide legal certainty for the investment of the financial resources that are required for the development of infrastructure projects that are necessary for the economic development of Mexico.

10. ENDNOTES

- (1) Agrarian Legal Framework (Marco Legal Agrario). Procuraduría Agraria, sixth edition., Mexico 2004.
- (2) The Agrarian Law establishes that the land of agrarian nuclei (“ejidos” and “comunidades”) falls within three different groups or categories which are: “tierras de uso común” (the large extension of land which is exploited collectively by all the members of the “ejido” or “comunidad”); “tierras parceladas” (smaller plots of land that are given to specific members of the “ejido” in order to be exploited on an individual basis); and “tierras del asentamiento humano” (the surface dedicated to housing and to the provision of basic urban facilities and services). See “Marco Legal Agrario”, idem.
- (3) Toluca-Naucalpan Highway Construction Project, Government of the State of Mexico, 2010.

(4) Tenango-Ixtapan de la Sal Highway Extension Project, Government of the State of Mexico,

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