



Land Regularization on the Fringes of Mexico City: A Recipe for Reducing Inequalities?

Jean-François Valette

Translated from the French by Oliver Waine

Series: Land Rights in the Urban Global South. Regularization and Land-Ownership Policies in Low-Income Neighbourhoods

Mexico City's working-class neighbourhoods are the focus of numerous land-regularization operations. Jean-François Valette analyses the impact of these policies and the effects of land titling on already highly fragmented peripheral spaces.

Despite the explosion in the construction of legal “social” housing¹ since the 1990s, the “classic” Mexican model of residential production aimed at working-class populations in Mexico City still profoundly marks urban growth on the city’s fringes. Low-income housing developments (*colonias populares*)² still accounted for more than half of new housing in the metropolitan area between 2000 and 2010, and are home to two thirds of Greater Mexico City’s 20 million inhabitants. These are spaces that were urbanized illegally at the time of their creation and/or which are still in situations of irregularity today. This irregularity may be due to a lack of land titles or proofs of transactions (or problems with these documents), to breaches of planning or building standards, to pre-existing irregular situations, or even to situations where there has been a relapse into irregularity after a previous regularization. While populations affected by poverty are not the only groups represented in these neighbourhoods, they do make up the majority of residents (Ribardiére and Valette 2014).

In these spaces, the approach adopted by land-regularization mechanisms is essential for understanding the trajectories of residents and neighbourhoods. The titling process – that is, the distribution of legal title deeds, enabling secure real-estate transactions and residential stability – is the fruit of more than 60 years of policies and has been the subject of innumerable studies in Mexico City since the 1960s.³ Taking as our starting point an empirical study conducted between 2010 and 2015 in an outlying neighbourhood,⁴ we shall see that land regularization is not uniform in

¹ The state, which built “social” housing from the 1950s to the 1970s, most often with assisted access to home-ownership, has gradually become a developer (undertaking public planning but entrusting the realization of projects to private companies) and subsequently a “facilitator”. For example, the state offers loans for access to home-ownership, but only oversees the process: it is private companies that actually purchase, construct and sell social housing (Jacquin and Capron 2010). Only those families with a bank loan (obtained in the vast majority of cases via formal, declared employment) can access this type of housing.

² *Colonia* (literally “colony”) is a Mexican urban-planning term, generally used in the same way as “neighbourhood”.

³ We might cite, for example, the works of Martha Schteingart (1989), Ann Varley (1993), Antonio Azuela and François Tomas (1997), Alfonso Iracheta and Susana Medina (2008), or the various studies by the Lincoln Institute.

⁴ In addition to field observations and the analysis of legal texts and urban-planning documents, this research more specifically involved conducting 86 semi-structured interviews, with local leaders from associations and authorities

terms of the degree or speed of completion, depending on the location and period in which it takes place. Analysing the different kinds of regularization processes enacted enables us to gain a better understanding of the sociospatial inequalities that are still very much present in peripheral areas of Greater Mexico City. For while Mexico as a whole has been undergoing profound changes with regard to its land-tenure regimes and residential production for working-class populations over the last 25 years, our analysis of the mechanisms involved in accessing land titles and tenure security reveal social micro-divisions and fragmentation in periurban spaces.

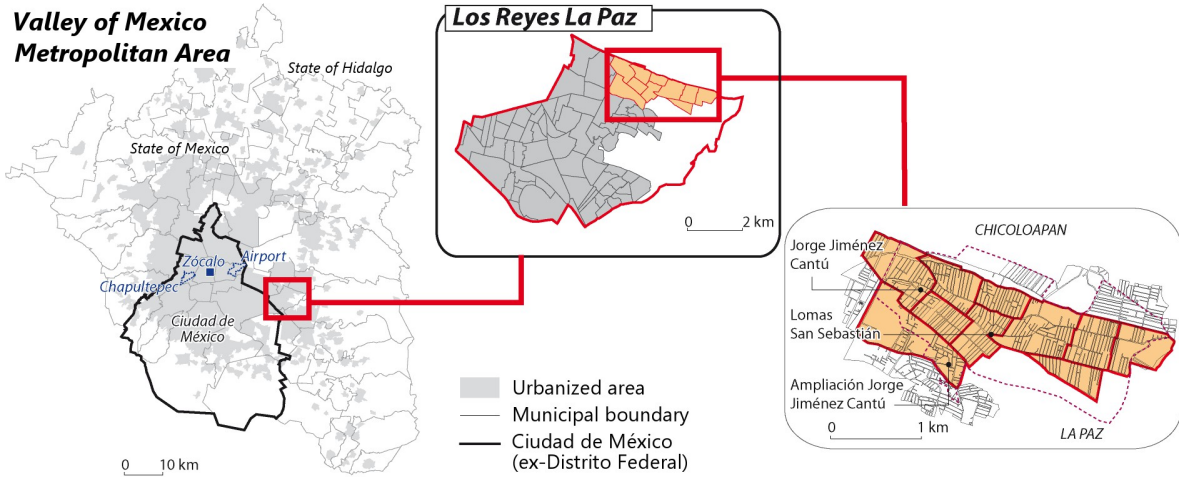
A harmonious institutional approach to land irregularity

Regularizing land means ensuring it complies with legal provisions, legality typically implying the right to make use of one's land, to gain revenue from it, and to cede it if one so wishes. However, in Mexico, the situation is more complex, as land-tenure regimes may be social, private or public. Social ownership (granted to a community called an *ejido* or a *comunidad*), which is the most common regime in areas on the outskirts of Mexico City, is a form of collective ownership resulting from the agrarian reform implemented after the Mexican Revolution of 1910, and is enshrined in Article 27 of the Mexican Constitution. In theory, land under this regime cannot be sold, divided or withdrawn (i.e. it cannot be turned over to the public domain or transferred to a different ownership regime). In 1992, modifications to Article 27 paved the way for possible privatization – meaning the end of the social ownership regime – especially on the urban fringes of Mexico City, where pressure on land reserves is particularly acute (Olivera Lozano 2005; Salazar 2014; Lombard 2015).

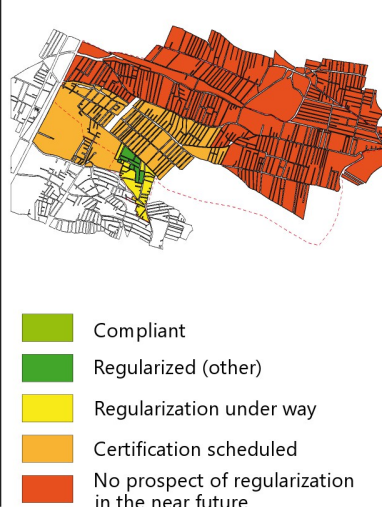
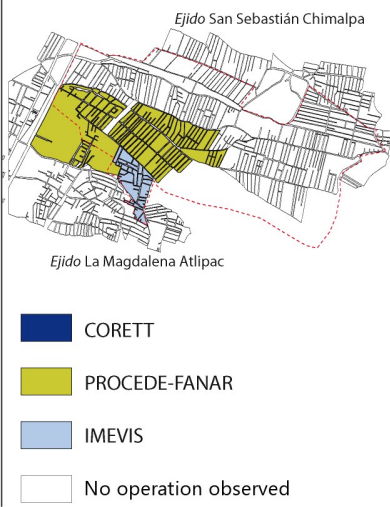
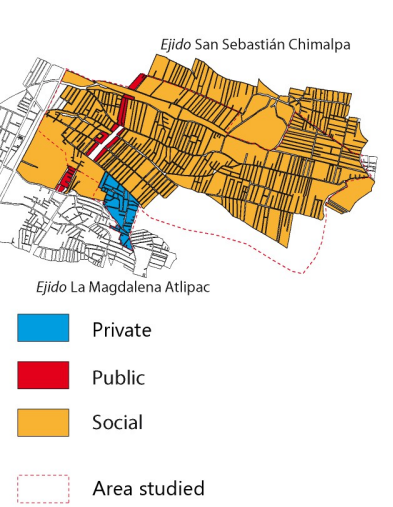
The expansion of Mexico City has in large part – but not exclusively – occurred on land that is held in social ownership. For example, in the east of the municipality of La Paz, in the state of Mexico, the *colonias populares* of Jorge Jiménez Cantú and Lomas de San Sebastián are located on social lands, belonging to *ejidos*, whereas Ampliación Jorge Jiménez Cantú is built on land that was private property (see map below). As of 2015, these *colonias* were still in situations of varying irregularity. Most occupants do not have land titles, but the zoning of certain blocks has been modified to residential use – therefore reducing the risk of eviction – and a public school and municipal annex have been built. The illegal urbanization made possible by the subdivision of collective lands has necessarily led to the arrival of residents who are not beneficiaries of the social ownership regime in these spaces. Despite the illegality of both this subdivision and the land use in question, a market exists for this land, which in turn feeds the housing market.

connected with the issue of regularization, and with a cross-section of the inhabitants who are directly concerned by these changes; the aim was to understand the authorities' actions, the mechanisms involved in the titling schemes, and the organizational structure of local collective action (Valette 2014).

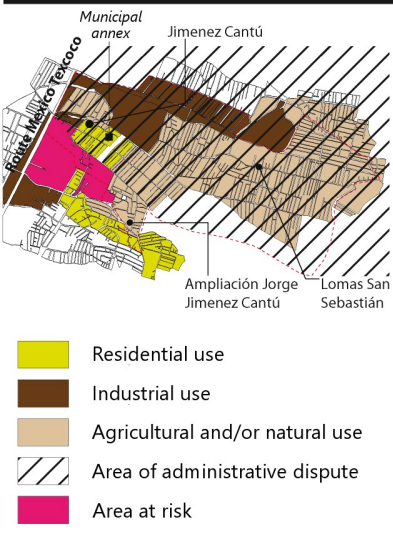
Map. Land regularization and consolidation in a group of neighbourhoods to the east of Mexico City



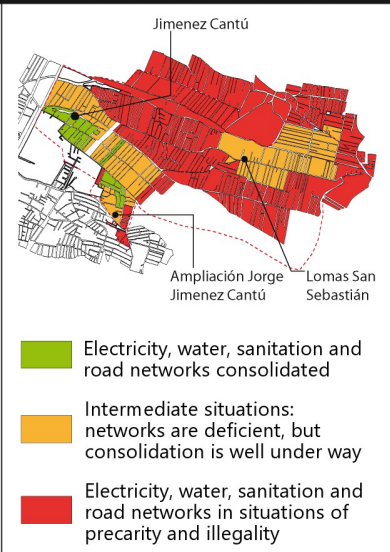
Land tenure status Regularization body or programme in operation Land regularization situation



Land use



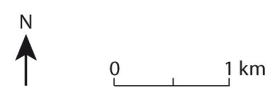
Consolidation of urban networks and services



Social organizations and leaders



Sources: base maps from INEGI [2012]
Ground surveys: 2010–2011; PMDU La Paz 2009–2012 [2003]; PMDU Chicoloapan 2009–2012 [2003]



Jean-François Valette, 2016

For inhabitants, the irregular land status of these neighbourhoods brings with it the constant risk of eviction. However, in Mexico, such action is regulated by the Constitution,⁵ which stipulates a right to land. After a minimum of five consecutive years' "peaceful" residence on a parcel of land, settlement is tolerated and displacement without consent is prohibited.⁶ In concrete terms, the Agrarian Reform Law and Agrarian Code allow, in the case of social ownership, for the acquisition (for those who have purchased subdivided parcels) of the same agrarian rights (i.e. to enjoy use of and to work the land) as minor landowners with legal land titles (*títulos ejidales*, in this case);⁷ however, this is in no way equivalent to a right of abode and a right of access to urban services. In other words, this interpretation of the legal texts makes it possible, *de facto*, to appropriate a piece of land according to one's duration of residence there, thus opening the door to the formalization of occupancy. This means that, rather than recognizing collective ownership, regularization has primarily meant issuing individual land titles authorizing or validating the subdivision and privatization of the land.

Land regularization: when state intervention generates social pressures

Since the 1940s, land-regularization policies in Mexico have undergone a process of institutionalization. From initially being a form of exceptional government action, regularization has been transformed into a key pillar of its strategy for managing urban spaces (Huamán 2010). From the 1970s onwards, the federal entities of Mexico⁸ have put in place a number of specific bodies and programmes.

For land in social ownership, the procedures implemented reflect a tendency to reconfigure collective land, by dividing it into individual private lots. A distinction is made between:

- expropriation (the only option available before 1992): the community is dismantled by the state, which becomes the official landowner, and then compensates the members of the community (*ejidatarios* or *comuneros*) and sells back the land to residents at minimum rates, who subsequently become the legal owners of their parcels;⁹ and
- certification (since the reform of Article 27 of the Mexican Constitution in 1992), which enables land titles to be issued to members of a given community, while still remaining within the theoretical framework of social ownership; in practice, however, once "certified", an *ejido* can enter into *pleno dominio* ("freehold") – that is, private ownership.¹⁰

Under a private ownership regime, regularization operations, conducted more on a case-by-case basis, involve different bodies, depending on the location within the metropolitan area: IMEVIS (Instituto Mexiquense de la Vivienda Social – Mexico State Institute for Social Housing) in the state of Mexico, and the DGRT (Dirección General de Regularización Territorial – Directorate-General of Land Regularization) in Mexico City (Ciudad de México).

⁵ *Diario Oficial*. 1917. "Constitución Política de los Estados Unidos Mexicanos", Tomo V, 4ª Época, N° 30, pp. 149–161.

⁶ *Diario Oficial*. 2009. "Ley de Expropiación", Cámara de diputados, amendment of 5 June 2009, 10 pp.

⁷ *Diario Oficial*. 1971. "Ley Federal de Reforma Agraria", 16 April 1971. Book 4, Title 1, Chap. 8, Arts. 248–253.

⁸ Mexico is a federal republic composed of 32 federal entities: 31 states and the capital, Mexico City (Ciudad de México or CDMX, formerly known as the Distrito Federal or DF). The Mexico City metropolitan area extends beyond the city boundary into the neighbouring states of Mexico and Hidalgo (see map).

⁹ This procedure has long been used by CORETT (Comisión para la Regularización de la Tenencia de la Tierra – Commission for the Regularization of Land Ownership), founded in 1973 and replaced in 2015 by INSUS (Instituto Nacional del Suelo Sustentable – National Institute for Sustainable Land).

¹⁰ As a result of the PROCEDE (Programa de Certificación de Derechos Ejidales y Titulación de Solares [Urbanos] – Programme for the Certification of Communal Land Rights and [Urban] Land Titling) and, since 2007, FANAR (Fondo de Apoyo para Núcleos Agrarios sin Regularizar – Support Fund for Non-Regularized Agrarian Units) programmes, it is officially possible for land to switch from social ownership to private ownership without necessarily having to use the (theoretically exceptional) procedure of expropriation.

In La Paz, in the *colonias populares* of Jorge Jiménez Cantú and Lomas San Sebastián, although the relevant laws have been in force since 1992, regularization operations have barely begun. It was only in 2011 that the *ejido* authorities undertook a land census for titling purposes – and only for a very limited section of the neighbourhood at that (Figure 1). The number of illegal sales and transactions and the degree of urbanization are such that it is now impossible for the *ejido* authorities to keep track of who the original landowners were for the parcels in question. Above all, however, there have been – and still are – many internal tensions within the areas concerned, adding pressure to current situations of illegality (Figure 2): on the one hand, there are those *ejidatarios* who are hostile to the idea of dismantling the *ejido*; on the other, there are those who are ready to sell up, alongside developers who are ready to purchase and subdivide the land, and families who are ready to buy plots. The fragmentation of interests has become patently clear with the individualization of collective property. Speculative strategies, paltry levels of compensation and the continuing existence of farming activities have all contributed to strong divisions between those directly concerned by local land issues.

Figure 1. Census of land parcels for titling purposes in the Jorge Jiménez Cantú colonia



“Decision of the [*ejido*] committee. We inform you that, in accordance with the minutes of the meeting held on 14 April 2011, a census of properties by block will take place within an area of 20 hectares extending downhill from 9th Street, in order to update the *colonia*’s ownership records”, La Paz, 2010. Photo © Jean-François Valette.

Figure 2. Evidence of conflicts between sellers and non-sellers over social lands in the Lomas San Sebastián neighbourhood



“Not for sale. Anyone caught [in breach of these terms] will be sanctioned by the authorities”, La Paz, 2010. Photo © Jean-François Valette.

In Ampliación Jorge Jiménez Cantú, the *colonia* was in social ownership until the 1980s, and formed part of an *ejido*, but had been subject to a partial expropriation procedure. The privatization of parcels that was made possible after expropriation has enabled many families to initiate titling procedures – something that is impossible for neighbouring *colonias* still under a social ownership regime.

The public regularization bodies and titling programmes encourage dialogue between the different parties present in a given area. Four factors influence this process: government policies (at federal, state and municipal levels); land-tenure status; administrative zoning; and the socioeconomic status of residents (and thus their ability to pay for the necessary procedures). But the dynamics of social organization present in a neighbourhood, such as residents’ collectives, can also play a key role in obtaining access not just to essential urban services and changes in land use but also to land-titling procedures (Valette 2014). In particular, the clientelist funding mechanisms of such organizations results in significant inequalities at several levels – both between and within neighbourhoods – when titling policies are implemented, with the level of financial contributions requested of residents largely dependent on leaders’ personal networks and connections.

The role of land tenure in fine-scale social divisions

The aim of regularization is not simply to recognize residents’ private ownership; land titles, changes in land use and the provision of utilities and services are generally linked (as either results

or prerequisites) to the incorporation of an area into the jurisdiction of the municipal departments with responsibility for officially recognized residential zones.

On the map above, a gradient of urbanity is visible (from west to east in this case), albeit with certain intra-neighbourhood discrepancies related to differences in land-tenure status. Progress in the provision of basic services (electricity, water, and sanitation) for residential areas has been more substantial in Ampliación Jorge Jiménez Cantú, which is under a private ownership regime. In the areas under social ownership regimes, a distinction can be made between the older neighbourhood of Jorge Jiménez Cantú, where certification has been initiated, and the housing developments in Lomas San Sebastián, where legal restrictions have prevented such operations. Overall, it is the link between land tenure and social organization – itself dependent upon the power relationships established by land-tenure status in terms of the legitimacy of land occupancy – that reveals these fine-scale social divisions present in residential spaces.

The various interconnections between the three main aspects of regularization in low-income areas (services, ownership, and usage) result in different trajectories in neighbourhoods and households: the processes relating to these three aspects do not always occur in the same order, depending on the strategies deployed (Valette 2014).¹¹ The land security provided by title deeds is therefore both a desirable end in itself and a somewhat illusory aspiration, especially at the start of the process when levels of precarity are particularly high. Land security is not just about safeguarding personal assets, that can later be passed on; it is also about the authorities recognizing residents' existence and consequently officially granting them the right to legal public services (however patchy). And yet, paradoxically, when it comes to inequalities regarding access to urban services, social organization and collective pressure from residents are the main causes of differences in consolidation trajectories for neighbourhoods of similar ages.

In La Paz, those areas that have been urbanized the longest, in Jorge Jiménez Cantú, are connected to the water and electricity networks, as a local citizens' council – elected at neighbourhood level and recognized by the municipality – has been in place for many years (since 1979). In Ampliación Jorge Jiménez Cantú, there has been a structured form of social organization for 20 years and encouraging progress has been made. In Lomas San Sebastián, meanwhile, the results of consolidation work have been very mixed, owing to a context where land conflicts are still heated and collective representation is less structured.

When considered at a very local level and in light of access to basic services, sociospatial divisions in *colonias populares* all come down to differences in land-tenure status. Private ownership and the privatization of land is typically a prerequisite for any comprehensive titling scheme that might be envisaged, as well as for recognition of the neighbourhood within the legal urban sphere, potentially a means of securing the arrival of official urban services. Of course, it is not always possible to follow each step of the process in the expected order or with perfect linearity: electricity and water supplies, whether official or “pirated” (but never free of charge) are basic priorities for residents and, in this respect, are generally quickly installed whatever the land-tenure status. Nevertheless, the potential obstacles to obtaining services are more numerous under social ownership regimes – and, in this respect, the land reforms of 1992 have not really brought any significant improvements for residents of irregular neighbourhoods. Unlike the expropriation process, which essentially amounts to subsidizing the resale of land to poor residents, certification programmes are still theoretically only an option for members and affiliates of a *comunidad ejidal*, who do not always make up the majority of residents in *colonias populares*, thus leading to relative fragmentation. This development is also likely to lead to even greater precarity for those populations with the fewest resources, in that regularization measures under certification programmes are more complex and more onerous than under an expropriation procedure, and could therefore entrench inequalities within these neighbourhoods (Salazar 2014).

¹¹ Although authors such as Geoffrey Payne and Alain Durand-Lasserre (2013, p. 20) underline a certain linearity in consolidation procedures and highlight a continuum formed by the different stages of tenure security typically encountered, the specificity of local contexts means it is necessary to conduct analyses on a case-by-case basis.

Ultimately, the multiple trajectories followed by these neighbourhoods and the range of political dimensions involved raise questions about the social differentiation engendered by land-regularization policies and the limitations of the theoretically positive dynamics they induce.

Bibliography

- Azuela, A. and Tomas, F. (eds.). 1997. *Acceso de los pobres al suelo urbano*, Mexico City: Universidad Nacional Autónoma de México, 321 pp.
- Huamán, E. A. 2010. “La regularización territorial en la zona metropolitana de la ciudad de México (1970-2002) : un instrumento desvinculado de la política de ordenamiento territorial”, *Scripta Nova. Revista Electrónica de Geografía y Ciencias Sociales*, vol. XIV, no. 331 (32), August. Available online at the following URL: www.ub.edu/geocrit/sn/sn-331/sn-331-32.htm.
- Iracheta, A. and Medina, S. 2008. *Irregularidad y suelo urbano: ¿Cómo incidir en las prácticas y hacia dirigir las políticas públicas en México para enfrentar dicho fenómeno? Memorias del II Congreso Nacional del Suelo Urbano*, Zinacantepec: El Colegio Mexiquense, 581 pp.
- Jacquin, C. and Capron, G. 2010. “De la *gated community* au lotissement géant mexicain, une version bon marché de la fermeture résidentielle”, Paris: *Cahiers des Amériques latines*, no. 59, pp. 33–53.
- Lombard, M. 2015. “Land conflict in peri-urban areas: Exploring the effects of land reform on informal settlements in Mexico”, *Urban Studies*, vol. 53, no. 13, pp. 2700–2720. Available online at the following URL: <http://journals.sagepub.com/doi/pdf/10.1177/0042098015603569>.
- Olivera Lozano, G. 2005. “La reforma al artículo 27 constitucional y la incorporación de las tierras ejidales al mercado legal de suelo urbano en México », *Scripta Nova. Revista Electrónica de Geografía y Ciencias Sociales* [online], vol. IX, no. 194 (33), August. Retrieved 7 June 2018, URL: www.ub.edu/geocrit/sn/sn-194-33.htm.
- Payne, G. and Durand-Lasserve, A. 2013. *Holding On: Security of Tenure – Types, Policies, Practices, and Challenges, Research Paper prepared for the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, to inform her Study on Security of Tenure*, Geneva: Office of the United Nations High Commissioner for Human Rights, 76 pp. Available online at the following URL: www.ohchr.org/Documents/Issues/Housing/SecurityTenure/Payne-Durand-Lasserve-BackgroundPaper-JAN2013.pdf.
- Ribardiére, A. and Valette, J.-F. 2014. “La pauvreté urbaine à Mexico : une approche de la diversité des colonies populaires”, *EchoGéo* [online], no. 30, October–December. Retrieved 7 June 2018, URL: <https://echogeo.revues.org/14020>.
- Salazar, C. 2014. “‘El Puño invisible’ de la privatización”, *Territorios*, no. 30, March, pp. 69–90. Available online at the following URL: www.redalyc.org/articulo.oa?id=35731003004.
- Schteingart, M. 1989. *Los productores del espacio habitable: estado, empresa y sociedad en la Ciudad de México*, Mexico City: Centro de Estudios Demográficos y de Desarrollo Urbano (CEDDU), Colegio de México, 415 pp.
- Valette, J.-F. 2014. *Mobilités et ancrages dans les quartiers populaires de la périphérie de Mexico : une approche de la maturation urbaine*, PhD thesis in geography, Université Paris-1 Panthéon–Sorbonne, 955 pp. Available online at the following URL: <https://hal.archives-ouvertes.fr/tel-01134072>.
- Varley, A. 1993. “Clientelism or technocracy. The politics of urban land regularization”, in Harvey, N. (ed.), *Mexico, Dilemmas of Transition*, London: Institute of Latin American Studies/British Academic Press, pp. 249–276.

Jean-François Valette is a geographer and a postdoctoral researcher at the CNRS (Centre National de la Recherche Scientifique – French National Centre for Scientific Research) within the mixed research unit PRODIG (Pôle de Recherche pour l’Organisation et la Diffusion de l’Information Géographique – Research Cluster for the Organization and Dissemination of Geographical Information; UMR CNRS 8586). He has also taught at Paris-1 Panthéon–Sorbonne University and the University of Limoges, before becoming a research engineer within the LabEx (laboratory of excellence) DynamiTe (Dynamiques Territoriales et Spatiales – Territorial and Spatial Dynamics). His research focuses on intra-urban mobility, rootedness, the social division of space, and the sociopolitical mechanisms involved in regularizing illegal low-income neighbourhoods, primarily in Mexico City. He has also participated in a number of research programmes in partnership with institutions such as the IRD (Institut de Recherche pour le Développement – Research Institute for Development), the GIS CIST (Groupement d’Intérêt Scientifique Collège International des Sciences du Territoire – International College of Territorial Sciences scientific interest group), and FLASCO (Facultad Latinoamericana de Ciencias Sociales – Latin American Social Sciences Institute).

To cite this article:

Jean-François Valette, translated by Oliver Waine, “Land Regularization on the Fringes of Mexico City: A Recipe for Reducing Inequalities?”, *Metropolitics*, 8 June 2018. URL: <http://www.metropolitiques.eu/Land-Regularization-on-the-Fringes-of-Mexico-City-A-Recipe-for-Reducing.html>.