



Transcript Ep. XX: The Urban Lives of Property: Thinking about Appropriation, Dispossession and Expropriation in Theory and Practice.

[00:00:01] [Music]

[00:00:29] **Hanna Hilbrandt:** Welcome to the Urban Political Podcast. Today is November 13, 2023, and the episode we are recording today is a unique and new experience for all of us. We are recording it in Spanish. As Spanish listeners are probably not familiar with the podcast I would like to say, as an introduction, that the goal of this podcast is to decolonize the production of knowledge, to advance our understanding of the urban and think about how we might make it more just and democratic. The podcast was founded in 2019 and since then the editorial collective has produced over 60 episodes with over 100 guests and contributors. My name is Hanna Hilbrandt, and I am a professor at the University of Zurich.

Markus Kip: And I'm Markus Kip, and I'm a researcher at the University of Jena in Germany. Today we are recording the third podcast in our series entitled "The Lives of Properties: Thinking About appropriate disposition and Exploration in Theory and Practice". Or in Spanish "Las vidas urbanas de la propiedad: Pensar la apropiación, la desposesión y la expropiación en la teoría y en la práctica". In this series we advance conceptual and theoretical foundations on the subject of property that shapes everyday urban lives and the political debate about the city.

Hanna Hilbrandt: In this episode, our guest is Clara Eugenia Salazar Cruz. Clara Salazar holds a PhD in Social Sciences and is a research professor at the Colegio de México. She is widely recognized as an expert on land ownership, land regulation processes, housing policies and low-income housing in particular. Welcome Clara, thank you very much for joining us today!

Clara Salazar: Thank you, Markus and Hanna, for this invitation. It is an honor for me to discuss with you and to be able to talk a little bit about the Mexican and the Latin American experience in this regard.

Markus Kip: Nice to meet you Clara, thank you very much for accepting our invitation. I would like to start with the first question, can you explain the "ejido" as a form of property? How are the different property rights organized in Mexico? What was the historical relationship between ejido property and other forms of property? How did ejido and non-ejido lands coexist? And who were the ejidatarios and how did they relate to the indigenous population?

Clara Salazar: Thank you, Markus. Well, the first thing I would like to mention is that the history of the ejido begins practically with the Mexican Revolution in 1915. The revolution arose with the goal that Porfirio Diaz, who had been president for 35 years, would no longer be reelected. Let's say that this is the driving force of the political situation. And there, in this context, there is the Zapatista presence and a demand for the recovery of lands from the indigenous communities. As you know, since colonial times the indigenous communities had been disowned of their lands

and, let us say, in this context and also due to the political situation, the ejido was created. It was proposed as a form of property.

In this context, there are changes in the historical interpretation of the situation of the ejidos, because the new historians have demystified the creation of the ejido. Let us say that it is attributed to the heroes of the Revolution, to Zapata, in particular, who was asking for the recovery, to restore the old political regime of the civil corporations a little bit. But he was not just talking about the recovery of land. The civil corporations included the power of the municipalities. So, in this context and in the whole, in the context of a political crisis, the ejido was proposed as a form of land recovery for the indigenous populations.

However, there are two concepts that I think it is important to differentiate. One is that in Mexico there are ejidos and then there are also communities [comunidades]. So, the communities were-, and that is where I answer your question about the indigenous population. The communities were recognized as having legal rights because they were populations that had a historical continuity, while the ejidos were an invention of land ownership. So, they are different and, in fact, communities exist in Mexico because they were recognized as having documents from colonial times in which they had been given land. The Ejido is a different way of giving land ownership to the population that was fighting for land at that time, but it did not include only the indigenous population.

Let's say that, in political terms, it was a creation that came from Spain. Ejidos were a Spanish concept that had to do with lands outside the city, where the whole population had access to usufruct the given products, but they were not owned by anyone. So, the ejido was created in 1915, but in many texts speak of the ejido as revolutionary, because in reality the agrarian reform was established up to Lázaro Cárdenas until 1938, 35 to 38. So, there are two moments. In the first part, the concept of ejido appears to provide land to the population, but the population that is provided with land were workers, day laborers, peasants, they were people who worked in different contexts and who were not necessarily indigenous.

So, it was enough for a group of people to unify, and make a request to the State to be given land. And 100, 120, 200 or 50 people would get together and make the request and the president would give them land. So, it was not necessarily for the indigenous population. So, I believe that we do have to make that differentiation. This does not mean that many ejidos are made up of indigenous population but let us say that there is a great deal of heterogeneity in this respect. So, that would be a little bit like the history and the ejidos have a characteristic, that it was communal, community property, it was for everyone, it was collective property, unlike private property, which is individualized.

So, it had its own rules of operation. What were they? That the property belonged to everyone, that it could not be sold, that it was inalienable, that it could not be inherited by more than one member of the household. In other words, what was inherited were the rights, not the land. The land belonged to everyone and upon the death of an ejidatario the right to be an ejidatario was to be inherited by to a son, so it could not be divided. And the other, the other characteristic, meant that there

were always the same number of ejidatarios. If it had been founded with 100 ejidatarios in 1992, they could only continue to be 100 ejidatarios because the rights could not be divided. This, in terms of the regulations, in fact, took a completely different course, especially when it was around urban areas.

Hanna Hilbrandt: This is very interesting. We surely want to ask more about these normative questions. For the moment, I would like to understand more about how these changes, the introduction of the ejido, changes life in these communities.

Clara Salazar: Well, let us say that the ejido was a social claim, if we look at it in the broad sense, and a political element: it was a corporate form. The other is that, throughout, from 1938 to 1992, during the whole 20th century, it was inalienable. As I was saying, it was land of the agrarian communities, it was non-transferable and it was not individualized. How did it work, in practice? The ejido has three territorial areas: one are the parcels, another are the areas of common use and another are the human settlements; it is territorially divided into these three elements. In fact, each ejidatario managed his or her own plot.

If there were 100 hectares, and there were 30 ejidatarios, those plots were divided for each one and each one cultivated independently. So, let's say that de facto it was individualized, not de jure, but de facto. The common use area was for everyone to have a production there. Generally, it was forest areas, and they had to work it in commonly and they had rights and obligations in it. And the human settlement area was where everyone had an urban lot and there, they could build their homes. So, this would be the composition of the ejido. So, what happened in 1992? In the context of neoliberalization, one of the problems that the ejido had is that half of the national territory was given land, when it was done in 1992, it was measured, it belonged to the ejidatarios, and the ejidatarios at that time were only five million.

Hanna Hilbrandt: And you said, half of it belonged to the ejidatarios, half of the land?

Clara Salazar: Of the land, yes. Cárdenas took away the haciendas, expropriated the haciendas and gave half of the national territory to the peasants. Then, if you look at the population of Mexico, there are more than 130 million inhabitants and five million inhabitants were the owners or have been the owners of the land in Mexico. One of the problems of the agrarian reform was that they were given the land, but there were not enough economic incentives for those lands to be productive. So, that is one of the problems of the ejido. In other words, it is of no use to you, as capital, to have land, if you do not have the means to invest in it. Although some were productive, many of those lands were not.

Well, this impoverished the countryside because people did not have the capacity to invest in those lands. So, I think this is fundamental to understand that community property cannot be thought of as the solution when other types of resources are needed for its development.

Markus Kip: What were the traditions or ideologies you were referring to when ejidos were introduced in 1915?

Clara Salazar: Yes, of course. Very good question. Thank you, Markus. Look, there are different positions. There was the idea that the people who were given the land were communities that had the same principles and the same culture, but that idea was more in the politicians' imagination than in reality. Because, as I was saying, to ask for an ejido you could gather a group of people who did not necessarily have a common cultural background, they did not necessarily have the same language, they were not all from the same region, they did not belong to a historical tradition where they had cultural aspects, languages or common characteristics and above all of work as a community. So, with that idea it was founded.

But what the new historians say, reading the documents, that they observe that those who made up the ejidos were not necessarily people with those characteristics, nor did they come from the same cultural practices. They were more in the imaginary than in reality. That is why the communities have more of this characteristic, because they did have real documents where they had been a community since colonial times. So, let's say that the ejidos included many more people from different contexts who came together to be given land, but who did not have a cultural background or community work, not even necessarily working with the land. Many were workers in the growing industries or in the haciendas, and they were independent.

So, let us say that this is the idea on which it is based, but they did not necessarily have that composition. I think it is important to clarify that, there is an idea that it is homogeneous and that it always responded to that principle, but that was not the case.

Hanna Hilbrandt: You said before that the land was not productive. So this is, as you say now, because people had not worked the land before, because they did not come from agricultural traditions?

Clara Salazar: Yes, what I wanted to say, in this respect, is that about 80 percent of the production in the ejidos, Kirsten Appendini would say, is for self-consumption. And this also is a problem with the situation that in the system in which we live there is a co-optation of the international market for products. So, a lot of this population, for example, does not have access to these markets, they cannot get their product from the market. It is more expensive to buy, for example corn, which is a staple in Mexico. Bringing it from the United States is much cheaper than producing it. So, many of the local people who have products such as corn and beans do it for their own consumption because they do not have the capacity. There is no organization that allows them to have the capacity to sell in the market and compete internationally with this.

So, there are several structural factors that make the population, not the land, not necessarily, non-productive. There are good lands, but, on the one hand, they do not have the capacity to make them productive and, on the other hand, there is the co-optation of the international market with certain products. Therefore, many of these ejidatarios produce for their own consumption. But let us say that this is not new, this has been going on for a long time and each time with the neoliberal model and with economic globalization, this inequality has become more urgent and stronger.

Hanna Hilbrandt: With this we are already a little more advanced in the century. So, let's focus on the changes to the ejidos in 1992. As we understand it, ejidal property rights were liberalized in 1992. What else did the changes consist of that were introduced in 1992?

Clara Salazar: Let me see, there are several points: One, was that the 92 change allowed these ejidos to be individualized. This means that the ejidatarios could change from ejido to private property. That is one of the changes. That meant that each ejidatario could sell his parcel. Then the community or the ejido assembly would hold a meeting, each ejidatario would say: "I want to sell. I want to individualize and take my property, my ten hectares out of the ejido regime and transfer it to the private regime". As soon as it is transferred to the private regime, it leaves the agrarian law, it no longer has to comply with the agrarian regulations and goes to the land market, in other words, one can put it in its own name.

The other issue was that before 1992, I was telling you that ejido rights could only be inherited by one member of the family. After 1992, this was freed up and the ejidatarios were allowed to divide and inherit to the number of people they wanted because they had already passed to the private regime, and they could even inherit to third parties. They do not necessarily have to be members of the community or family members. This changes the concept of the ejido as a family patrimony. Another aspect that changed in 1992 is that before 1992, ejidatarios had rights and obligations with the ejido. One of the obligations was that in order to be ejidatarios they had to live there and they had to produce on the land, they had to plant.

After 1992, those obligations disappear from the law. So, they can continue to have the land without living there and without it being productive. So, these rights and obligations are no longer established. In other words, it is like: "I can have the land and I don't need to plant it, or take care of it, or live there". So, those are the fundamental changes of this. But above all, the possibility of selling. And on the other hand, it opens the doors to a land market that did not exist. Before 1992, the capitalist real estate sector could not build on ejido land because it could not legally buy it, because it was prohibited. And after 1992, this land market was opened up.

Then people, for example the real estate developers that produce large housing complexes, could buy that land to urbanize it and sell it in the real estate market. Those would be the fundamental changes of 1992, the privatization, let's say, the possibility of privatization.

Hanna Hilbrandt: Before we talk more about the real estate sector, how much ejido land was converted in this way?

Clara Salazar: That is an interesting question. When the changes took place in 1992, there was a national debate that the ejido was going to disappear. The system by which ejido property has changed to private property is called "acquiring full ownership". That is to say, it is no longer common use, but rather: "I have full dominion as private property. I can buy, sell, inherit, do whatever I want". And after 1990, there was a whole debate that the ejido is going to disappear, against the changes. What we have done in research has shown that this is not the case. Only

three percent of the ejido territory has been transferred to full ownership, although it has been privatized at the national level.

In some studies that we have done, that I did with national data together with Ann Varley from UCL, we found that, indeed, little land has been sold, but that much of the land has been sold where the capitalist sector really has an interest, which is in the metropolitan areas. If one compares it by characteristics, it was not sold, and when one thinks about it, obviously, not all the land was sold. It is sold where capital is interested and can speculate, and that is near urban areas. Today I was, for this, updating the information a little bit and I saw that much of the land that has been privatized, only 16 percent of the ejidos have transferred part of their territories to full ownership.

So, this means that it is not necessarily an attractive market in any part of the country, but that it has its specific areas where to go. A study we did, for example, with Ann Varley in the metropolitan area of Mexico City, found that yes, it had been privatized, that full ownership had been requested in about 33 percent of the ejidos between 1993 and 2008. However, when we compared that amount of land that had been optimized by the real estate sector, we realized that it was very little. During that period, from '93 to 2018, about 15 percent, out of 15 years of construction permits were given to almost 900,000 housing units in the whole period.

But 73 percent of those houses were built on privately owned land, which means that only 27 percent of the area where houses were built belonged to the ejidatarios. So, well, this shows that it is difficult to change to private property and that the arrangements between the ejidatarios and the real estate sector have not been easy either. This change of, I do not know if it is a change of mentality, but of entering into a business in which the ejidatarios did not have all the experience of how to manage the land in the market, on the one hand, and on the other hand, all the bureaucratic procedures involved in transferring from private ejido property to private property. So, well, in total, in summary, only three percent at the national level. So, the hypothesis that the ejidos were going to disappear was not fulfilled.

Markus Kip: I'm surprised, because I also remember that those debates and the conflicts with respect to the ejidos were also related to the introduction of the North American Free Trade Agreement. And so, could you tell us a little bit about how it is related to that treaty and maybe what the social and political consequences were that resulted from that introduction?

Clara Salazar: I believe that there are several aspects that I think are important to mention that have to do with the treaty with the United States and Canada. I believe that one of the aspects that was serious in that situation is that the ejidatarios were not expropriated, the land was not taken from them. But in this international context, what was done was that the ejido land, if there were resources under the ejido property, resources to exploit, they were forced to rent or sell the land as a response to the fact that there was going to be an investment there. Previously, only the State could expropriate or make use of those resources, but when the treaty entered into force, they allowed private companies to also have the power to exploit ejido-owned land.

At that time it was practically mandatory: "Either you rent or you sell". And that has generated inequitable deals. For example, in Oaxaca, there are some investigations that show that the concessions in some wind projects, for example, that rented the ejidatarios' land, rented it under very unequal conditions. So, there are lawsuits, and the ejidatarios continue to be impoverished. Let's say that the deals were very unequal and then there was a process of plundering the ejidatarios' resources. I believe that this was what generated the possibility for the international private sector to enter with apparent environmental projects or with natural resources that could be exploited on ejido-owned land, which had not happened before. And I believe that this is part of the process of liberalization of these lands.

Hanna Hilbrandt: We've talked a little bit about the relationship between ejidos and urbanization. What is the history and presence of ejidos in the big cities of Mexico? You already said that 27 percent of the land, that was around Mexico City, was converted. But how did they become...?

Clara Salazar: It was privatized.

Hanna Hilbrandt: Was it privatized?

Clara Salazar: Exactly, but prior to that, the relationship between ejidos and urbanization is much older. It has nothing to do with privatization. In the 70's, in the 60's, we had the import substitution model in Latin America, and that is what generated in the country, that a lot of rural population came to work in the big cities because there was an industrialization process. But at the time when this migrant population, which was large, arrived in the cities, there was no housing infrastructure for this population to live in. And then this population began to settle around the big cities, and that land, and that land, was owned by the ejidatarios.

So, they settled on ejidatarios' property. But that land, on the one hand, was not urbanized, it was rural land and, on the other hand, it could not be sold. So, a process took place, what we have called: "irregular human settlements". Irregular in two senses. On the one hand, they bought land, generally said it was not an invasion, they paid the ejidatarios and the ejidatarios began to sell the land without providing the population with papers of tenure or ownership of the land, because it was land that could not be sold. It was a fraudulent process. So, it was irregular. And, on the other hand, it was irregular in terms of urban law, the people simply arrived, the ejidatarios, they divided the land.

The families arrived there and settled there without water, electricity or drainage. And they began to build their homes. So, let's say that this is the first relationship between urbanization and the ejido. In fact, there is a book called... I do not remember, but it is called "Urbanization invades the ejido". So, let's say that's the first one. For a time, about 60 percent of the settlements that were made in Mexico were on that land. So, this is the first relationship. Added to that is the fact that this was formed as... institutionalizing the occupation of ejido land by the poor population who do not have access to the land market, who do not have housing.

And this also generated that the rural population brought or was the point of contact for other people from their community or locality to come to the city, to the big cities. So, these misery belts were formed where people lived in very difficult conditions. In addition to this, the industry's capacity to contact this population was added to the fact that they could only be salaried workers. Therefore, many of these people no longer had the capacity to work in the formal labor market and the population working in the informal market increased. Let's say that this is the first phase of this relationship.

Then, by 1973, the State enters into a crisis. It does not have the capacity to provide housing, the question of irregularity gets out of hand. It could not take a national attitude of dispossession for all of this population, because it was too much. So, they created the land tenure regularization programs. So, what they did was to create the Land Tenure Regularization Commission in 1973. What was the objective? The objective was to buy the land from the ejidatarios, expropriate the land where the human settlements lived and title it in the name of the inhabitants of the settlements, which we now call self-managed.

I personally do not like the term "informal", because it puts it against, it creates the idea that it is an illegality when it really is a structural issue. They do not comply with the norm, but not because people do not want to comply with it, but because they do not have access to the market. And also, this housing production meant not only that people had to build their own housing, but also that they had to negotiate with the authorities in a clientelist deal, to have water and electricity. So, the people's job was not only to build their own houses, but also to get water, electricity and roads installed after 20 years, and then they had to negotiate with the authorities when this would be done.

And obviously, that had to do with votes. So, it became a political clientelist system where the PRI members and the political parties gave... we did, with Martha Schteingart, an investigation where we found that more was given, more services were provided when it was election time, more was negotiated. So, well, that would be the relationship. And, on the other hand, the population living in the ejidos, around the ejidos, began to sell their land. And that has to do with a demographic process as well. The children of these people entered the schools, the activities and then they also changed their agricultural activity.

On the one hand, the land was sold, and, on the other hand, they were in a more urbanized environment that made their future project have other objectives that had nothing to do with planting. So, I believe that there is a process where several elements converge. And, well, and later on, the aging of the population. Since the ejidatarios were not people who had access to social security, they also sold, because with the increase in life expectancy they had no way of dealing with their illnesses. So, well, in a way, this also encouraged the population to have to how do you say, institutionalize this form of selling.

On the one hand, the settlers knew that after 30 years they were going to be given land titles. The ejidatarios knew that they needed the money, and so this led to the regularization of the growth of the cities and became the most important form of

housing production in urban areas. More important in the sense of the size of the population it holds, and in the sense of the extension of human settlements.

Markus Kip: I would like to refer to your article called: "Between property and property rights", in which you are also talking about self-managed settlements. So, you talk about the State action that gives guarantees to private property, could you clarify what the difference is between property and property rights, please?

Clara Salazar: Yes, of course, Markus. Look, in that article, one aspect that was fundamentally discussed was the question of how does the state act in the face of regularization? When the regularization takes place on ejido property or state property, and when it takes place on private property. If we look at the Latin American context, what we can say is that the countries that have had the most extensive and longest-standing regularization policies are Mexico and Peru. And why is this? Because the human settlements in Mexico were on ejido land and in Peru on state land. What does this mean? It means that the state, in the case of Peru, does not have to pay for the land to regularize, because it belongs to the state.

So, it facilitates regularization. In the case of Mexico, before 1992, the State negotiated with the ejidatarios, compensated them and paid them the compensation. What happens when self-managed settlements are on private property? The state does not have broad policies on how to regularize on private property and defends the right of the original owners where there are settlements and does not have many mechanisms. So, what is observed in Latin America, for example, in the case of Brazil, which is on private property, in the case of Colombia, there is no broad policy on the regularization of these settlements.

Why? Because the right to private property is very much respected there. Then, some researchers say: "Well, when in the case of Colombia there have been expropriations, it is because the State pays very well the compensation to private property, which Mexico did not do in the same way". When compensation was paid, it was paid as rural land. And you know that rural land is not the same as urban land. The price of rural land is different. So, the problem there is: How much compensation is paid for private land? So that was defended a lot. And in the case, for example, of Argentina, it is a paradigmatic case, because there are human settlements that are close to, I do not know if you know Buenos Aires, but they are close to Puerto Madero, which is one of the areas with the highest capital gains in the city.

And then, now projects have been realized on that land. In the case of Mexico, when it was regularized, it was on a... it did not charge them, as a title of.... How do you say? Free of charge. In the case of Peru, it was also free of charge. But in the case of Argentina, which is regularizing in these high value areas, the settlers are being charged. For example, they are forced to take out a loan so that over time they can pay for the flat they have always lived in. So, it is not free of charge.

The same thing happens in Panama. So, there is a question that has to do with the management of private property. And depending on the area where it is located, it has a different treatment. Another problem is, for example, in the case of Brazil,

which is one of the countries that has had a greater development in terms of regularization and a greater struggle that the regularization is not only to give them the title, but also includes environmental improvement. About three or four years ago, I do not remember at this moment, there was a constitutional change where both poor and rich people could be regularized. So, there are people with a lot of resources in the coastal areas where they are being regularized without asking for further proof of how they acquired those lands and so on.

So, there is a differential management. That is what I was referring to: that private property is given certain guarantees, and those with high resources, and the population with less resources are given as a gift, as if it were a favor, as if they did not have a right, as if it were a form of clientelism. The State does them the favor of giving them this, while private property is respected in much the conditions it sets. So, I was referring a little bit to that, to the procedures.

Hanna Hilbrandt: That's really, those are very interesting points. We'll come back in a little bit to these questions, as they are more international, for debates about the common good or other debates about alternative forms of property. What could be learned from the experiences of ejido land in these debates? What points do you think are so important to mix or relate to these debates?

Clara Salazar: Yes, look, I think that an important part to learn from this experience is that the multiple rights perspective is an interesting perspective. That is to say, something that I have learned, and that is sometimes difficult to understand, is that all of us, since we are involved in a private property issue, with all the rights, we have the idea that this is the best way to adapt to this. However, I believe that an experience that allows for the type of community or shared tenure is this perspective of multiple rights. Let's say that one of the problems that Latin American governments have is that they do not have the means to pay for the land to regularize in an individualized way. So, this perspective that: "you can create housing policies from multiple rights", means that you can give people the possibility of having decent housing, and dividing the rights. They give you the right of use, the right of transformation, but you give them the right of alienation. There is the right of usufruct, there is the right of rent, there is the right of inheritance. So, you can give certain rights to people. I proposed, for example, in the case of Mexico, in the discussion with the Secretary of Territorial and Urban Development, for example, that if the state had an urbanized land property, that it would urbanize it, and that the people could... who are now entering irregular land, that it would give them that land while it remains the property of the state, the people would not have to pay for the land, they could build their homes there.

And when people want to leave, they sell it. What it cost them to build his house with a capital gain appraisal, and then they recover their investment. But they don't have to pay for the land, and that means that whoever comes doesn't have to pay for the land either, and that would lower the price of low-income housing. So, I think that one of the reflections that this leads to is that this system of multiple rights can be rethought. Not as a single system and not as a system in which people have to stay there, living forever, but it can be thought of as a mixed system: parts private

property and parts communal property. And then, people have a sense of community. People do not have to pay for it, and the State can, let us say, recover part of that urbanization surplus value. People can recover their investment and they can also have part of that capital gain. But the cost of housing can be lower if everything is not intertwined. The problem we have in urbanization is that when we think of housing, we think of it with land: "I own everything". And it doesn't necessarily have to be that way. I can own the house, I can invest in it, I can improve it, but I do not own the land. So, I believe that it can generate mixed processes or mixed models and they do not have to be pure.

And I think that another lesson we have learned is that we should not idealize the community model. I think that, in the case of Mexico, the model... we have seen everything. There is a work that talks about the "common anomaly", and not all ejidos have the same type of functioning. We have seen ejidatarios who kept the ejidatarios' money, the ejidal commissariat or ejido authorities, who kept the ejidatarios' money. We have seen ejidatarios who were swindled, we have also seen communities that function well. Let us say that there is a great variety of behaviors because we are talking about property relations and we are talking about one thing is the norm and another thing is how in fact these norms are carried out or applied or not, and how the law can be turned around. So, that is another aspect.

And I think that another aspect that is interesting is to recognize that there is a legal plurality. There are regulatory systems that work as private property, regulatory systems that work as agrarian property and systems, so there are many ways of living the possession and ownership of a house. So, I think this is what leads us to think. I believe that the experience that I have had in particular is that we should not idealize either one or the other, we should think about the possibilities of what is good in the one and what is good in the other, and how we can make, have better policies combining both property systems, these and others.

Markus Kip: What additions or extensions to the law are necessary, would be necessary in this world that we live in today in an urban world?

Clara Salazar: Look, what I would say is not, let us say, I am not trying to convey that the ejido law should be changed. That is to say, that the agrarian system, the regulation of the agrarian system, which is the one that governs the ejidos, could be better or not. I believe that the condition for privatization is given. I would say the opposite. I would say that in the urban system private property prevails. But in Latin America we have a problem and it is the inequality of access to housing, the lack of accessibility. And I think that is where we have the problem. So, what I would say is that, up to now, the urban system has... even for the population that needs to be provided with housing, priority is given to the private system. What is the problem? The problem is that the state institutions only produce finished housing for the population that has guarantees, that has social security. Security, in terms that they can have public credits or that they can have access to private credit, but what happens is that 60 percent of the population cannot. So, if they cannot and if they cannot pay, if they do not have enough money in their income to pay a mortgage loan, and the State cannot provide them with conditions or rental housing, for

example, for that population to live because it has no way to guarantee that there will be a return of that, then it has to create other models that allow multiple rights and not only the compact right of the right of private property.

So, I think of it more in the sense that it is a possibility it gives us to integrate or to think about urban policy, especially housing policy, with other models. And I believe that this is the possibility that the collective system gives us. What is collective and what is private? What can and cannot be recovered by the people? What is the role of the state? Because, for example, in the case of Mexico, we have a serious problem and that is that one buys a property in the urban area, but all the capital gain is earned by the owner. The state recovers everything when, in reality, the price of urban areas goes up because the state manages, provides new infrastructure, urban equipment, we have subways, we have access to a number of resources that are socialized and paid for socially.

We, the owners of the apartment, do not pay for it. Maybe we never make improvements to our apartment, but in ten years our apartment is worth more because of its location in the city. So, I believe that we have to think about a redistributive property system and I believe that this multiple rights system puts limits to the owners. What do we have the right to and what do we not have the right to? What do we have the right to and what is our obligation? What do we have to give back to the state so that the state can improve the conditions? What can we do so that the population with less resources has better access to the city and does not always live in the periphery in such critical conditions as they always do? So, it seems to me that this is the learning process.

Rather than changing the ejido regime, I believe that we should take the collective property model, which has multiple rights, and modify it or use it for urban property. So, I think that my idea is, it is better that... the private property system with full rights has limitations because it is exclusive. And the other system of multiple combined rights, you could give the possibilities of the criticism that it has had, and that is that people cannot recover their investment, and I believe that if we have a mixed system, it could be possible. So, I think that the learning is, on the contrary, not to put more limits, but to open other models. I believe that it does not have to be one or the other. I think they can be combined.

Hanna Hilbrandt: It is interesting because, well, here in Switzerland, we have, well, not the same debates, no, because we do not know so much about ejido property, but from the ideas that you put on the table, I think that we have to discuss similar things or we are already discussing similar things. But well, ejido is rarely mentioned in these debates about property when they are in the English language, and it is not so well known. Are there other Latin American forms of similar land ownership? Are there debates in the Latin America that what would be interesting for a more global debate?

Clara Salazar: Yes, I believe that the ejido is a surname of collective property, which was given particularly in Mexico, in a context in which it was necessary to create a model of collective property and how to carry out an agrarian distribution. Let us say that it is the model of agrarian distribution. However, in Colombia, for example,

there are the indigenous reserves that also have their own regulations. Then, I believe that in Chile there are also, there are the lands owned by the... I do not remember the name, but they are also a type of indigenous reserves. In Argentina, there are also several forms of tenure, which is state land, which also exists here, private property, sharecropping, commodatum, concession. There are different forms.

So, I do believe that there are different forms, because property is a social relation, let us say, just as there is private property where one acquires certain rights, there is collective property where one acquires certain rights and not others. So, I believe that there has been a defense for the lands of the poorest population that in Latin America has been identified by the rural population first and more deeply in the indigenous population, which has been excluded. So, yes, there are several, there are communal lands also in Peru, for example, I do not know in detail how it is resolved, but there are communal lands in Peru. In Brazil, notice that no..., I was researching and in Brazil they have tried many times to carry out an agrarian reform, but it has not been achieved. But, for example, in the case of Colombia, there are indigenous reserves. But it is also interesting to know that, in the case of Colombia, and I imagine that in many countries, there is land that we still do not know who owns it. There is land, yes, in the case of Colombia, for example, there is land that is in areas that have been appropriated or that have been plundered, that are mines or that are areas in the jungle, and that do not have title deeds. So, do they belong to the state, and the state claims them? There is still no such... there is a lack of registration. I don't know if in your countries there is, but we have a problem, and that is that with the change of the 27th Constitution all the ejido land was measured. But we do not know who owns the other 50 or 48 percent of the land. We do not know how much is private property and how much is state property. And that count has not been done.

So, we do not really know who owns these lands. If it is small property, if they have documents, like, in the case of the ejidos, it exists. It has already been done, it has already been measured, the conflicts have been resolved. It has been measured how much belongs to the ejido and how much belongs to the other. When there were conflicts and some said: "It belongs to me", it was measured and we know exactly how much, but we do not know what happens with the 48 percent of the other. So, we don't have... we do have a public registry for property, but in reality, there is no count. So, there may be state land, for example, where people came, colonized, settled and nobody realized that this land belonged to the state. The state did not know that it was theirs, nobody watched over it, and then there is also a black box where nobody knows who it belongs to.

I am not saying that everything is like that, but we have the idea that private property is always well registered in public records. We assume that it is someone's property, but not necessarily the national territories have that level of knowledge about the totality of the national territory. So, I believe that in the case of Colombia it is very strong, especially because this lack of data and inequality generated all the political conflicts we have had. The dispossession of land from the rural population, when there was all the conflict and the whole issue between the guerrilla and the



paramilitary, and then, the people of the rural areas were left out. In fact, the property registry is almost from the last century, there has not always been a property registry, people used to arrive and colonize.

And then, we do not know very well how, what part of it, what form of tenure it has or ownership it assumes. A lot is not known, and there is no census. As there is a census of ejido property in Mexico, there is no census of private property or State property.

Hanna Hilbrandt: Thank you very much, Clara. This was really very interesting, I learned a lot. Thank you.

Clara Salazar: Thank you. Thank you.