

The changing and enduring ejido: a state and regional examination of Mexico's land tenure counter-reforms

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Abstract

Research on the counter-reforms to Article 27 of the Mexican constitution has been challenged to bridge micro- and macro-level data and illuminate a general refusal to privatize land. Here, a layered approach poses a few possible answers. Drawing on data for the state of Campeche, I relate how ejido members effectively expanded their landholdings via the counter-reforms. Drawing on data for the municipality of Calakmul in Campeche, including a survey of nine ejido's, I discuss how the combined actions of federal policies, local administrators, and ejido members reinforced the ejido's *de facto* mixed common and private property tenures. In all, I show that, despite global pressures toward privatized land, Mexican policy-makers and ejido members alike are ambivalent regarding a privatized ejido. Nonetheless, state policies have delimited the ejido sector, if not in terrain, in the number of people with land rights in any given ejido.

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Introduction

During the past two decades, countries throughout Latin America reversed course on questions of land distribution. Following neo-liberal models, policies aimed at privatizing common property landholdings became the norm. As Zoomers and van der Haar describe, this process is not just a regional one, but a global one: "Many donor organizations (e.g., United Nations, World Bank, Inter-America Development Bank) have abandoned their previous attitude of non-intervention" and are now actively involved in the promotion of new land laws, land titling, and registration projects (2000, p. 18). These activities affect an array of legal and economic phenomena. The question of land tenure impinges on (to name a few) rural subsistence, the structure and content of governance, and social contracts binding state and citizenry. Thus, in

exploring the impacts of these policy reversals, researchers must consider both the *de jure* aspects of land tenure as well as *de facto* regimes (Gibson et al., 2002). The latter often prove more revealing as global prescriptions encounter diverse localities.

By exploring the *de facto* regimes associated with the 1992 changes to Article 27 of Mexico's constitution, I use the concept of a 'layered' land tenure setting (Jansen and Roquas, 1998) to emphasize the importance of scale in shaping land tenure and land use policy. In particular, I consider how local, regional, state, and national decision-making in land tenure differ because actors in these diverse arenas hold different ideals and operate within distinct spheres of power (Lomnitz-Adler, 1992; Rubin, 1997). Formerly, Article 27 outlined the government's role as provider of land in the form of quasi-common property *ejidos* (Nigh, 2002). Although technically *ejidos* are managed by the landed farmers who make up the community, government authorities retained certain legal prerogatives by donating ejido land in usufruct right only. State authorities used this

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wedge to mandate farm practices and control an ejido's internal political structure (Cornelius and Myhre, 1998b; Otero, 1999). By ceasing 70 years of land distribution, the revised Article 27 promised to change this scenario. Crucially, these counter-reforms also made possible the privatization of Mexico's ejidos. Both the enormity of the project and the diverse communities affected have hindered a summary analysis of these changes (for regional and ejido level findings see Cornelius and Myhre, 1998a; de Janvry et al., 1997; Randall, 1996; Snyder and Torres, 1998). Some 15–20 million people may have been affected by the new policy.¹ Mexico's federal government cites 29,000 ejidos, with 3.5 million *ejidatarios*—people with vested rights in an ejido—and half of national territory as subject to the counter-reforms (Procuraduría Agraria, 1995; compare Cornelius and Myhre, 1998b, who describe half the nation's *arable* land as subject to the counter-reforms). In Campeche state, site of this research project, 43% of the state's territory is governed as ejido land under the jurisdiction of 381 communities (INEGI, 1994).

In reporting the impacts of Article 27 changes in Campeche and nine communities within the *municipio* (municipality or county) of Calakmul, I emphasize distinct patterns operating at state and local levels as well as different norms of policy implementation. This layered approach, I argue, is helpful in examining an enigma associated with the counter-reforms. Ejido members throughout Mexico largely failed to follow federal aspirations to privatize. By 1998, less than 2% of all ejidos had requested full privatization, while 4% had rejected the program completely (Jones, 2000, pp. 209–210). Stephen (1998) suggests this phenomenon may not have a universal explanation. The particular histories of individual ejidos, diverse experiences of state authority, along with the quality of interpersonal relations within any single community all contribute to particular land tenure processes (cf. Gibson et al., 2000). However, as I will show, because state authorities sometimes constructed areas as meriting particular kinds of policy implementation—'specifically, the refusal to privatize forests'—the individual quality of ejidos could be muted through regional policies. Thus, the counter-reform outcomes at regional and national levels may be explained by particular and competing notions of governance.

I begin by offering an overview of the counter-reforms. I then follow with a consideration of how these reforms transformed land bases at a state level as well as the local effects of counter-reforms in Calakmul. My data draws mainly on internal documents of the

Procuraduría Agraria (PA), the agency charged with implementing the counter-reforms.² I supplement this material with interviews conducted with three PA promoters working in Calakmul. One of these interviews took place in 1995, when the counter-reforms were just getting under way. The other two interviews took place in 2001. A total of two staffers are assigned to the Calakmul area and oversaw 63 legally recognized ejidos.³ Finally, along with a team of researchers, I questioned ejido authorities in nine communities as well as 150 individual *ejidatarios* on the effects of ejido counter-reforms.

Before addressing the reforms specifically, it is important to keep in mind a few factors which lend Calakmul its uniqueness. First, as a tropical frontier located near Mexico's borders with Belize and Guatemala, Calakmul has been open to colonization only since the 1960s. The 24,000 migrants living in the municipality continue to struggle with swidden farming in an inhospitable climate (Turner et al., 2003), personal histories entailing multiple moves, and a record of population instability (Ericson et al., 1999). Migrants' desire for land intersects with the ejido as a minimal point of agreement among people who otherwise see themselves as quite different. During the area's colonization, when government agents were often absent from the region, ejidos were able to formulate village policies with little state interference. Second, as home to Mexico's largest protected area for tropical ecosystems, the Calakmul Biosphere Reserve (municipality and reserve share the same name), since the late 1980s Calakmul has been subject to a variety of sustainable development programs and environmental protection initiatives (Haenn, 2002). Third, in the final days of 1996, Campeche authorities reinforced Calakmul's separate character by creating a municipality out of the reserve and surrounding lands, declaring this Mexico's first "ecological" municipality (*Diario de Yucatán*, December 31, 1996). As described further below, the county and the environmental character

²One document, entitled "Relación de Ejidos con Excedencia" and acquired in 2001, lists all ejidos in Campeche state along with their land size as indicated in their presidential resolutions, their extensions as measured after the ejidos joined PROCEDA, and the percent difference between the two figures. The second document offers specific information on Calakmul. Entitled "Programa de Certificación de Derechos y Titulación de Solares, Sistema de Interinstitucional de Seguimiento, Evaluación y Control, Avance Realizado," and dated April 24, 2001, the document contains a list of Calakmul ejidos and the number of certificates and titles expedited to date. State documentation regarding PROCEDA often contains important contradictions. Given the localized quality of data collection, I was unable to compare these data with that of other agencies (such as the National Agrarian Registry, the Agrarian Tribunal, or the offices of the Agrarian Reform).

³Another 24 municipal communities have not been recognized as either ejidal or private property. This count was made possible by information provided by Birgit Schmoock.

¹This figure is based on census data from the year 2000, which describes 25% of the Mexican population, or 24.6 million people, living in communities comprised of fewer than 2500 people (INEGI, 2001). The figure is corroborated in PROCEDA, 1995.

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