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## PROCEDE: A failed programme to reduce poverty and inequalities in Mexico

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# **PROCEDE: a failed programme to reduce poverty and inequalities in Mexico**

Ana de Ita\*

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**Abstract:** This paper analyses the land tenure reform that took place in Mexico in 1992 and its PROCEDE programme (*Ejido* Rights Certification Programme). It considers the counter-agrarian reform's objectives, the context in which it was proposed, and the different actors involved. It delves into the main points of debate, the mechanisms used to finally get the reform approved. Although this reform was not part of an explicit policy to reduce ethnic inequalities, its proponents argued that it would reduce the poverty of peasants and indigenous people. Almost 30 years after this reform was enacted, it is necessary to analyse its results. We consider how the subsequent political landscape influenced the evolution of PROCEDE, the agrarian structure changes, the collective ownership of land, and the political situation of the *ejidos* and communities in the new scenario.

**Key words:** land tenure, agrarian structure, collective ownership of land, counter-agrarian reform, poverty of peasants and indigenous people

**JEL classification:** Q1, Q15, Q18

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## 1 Introduction

Reforms of agrarian laws have brought changes to the power structure of societies organized around land. In early twentieth-century Mexico, the demand for agrarian reform was a determining factor of the Mexican Revolution, and the importance of the participation by the peasantry in that social movement is beyond dispute. Although the *Plan de Ayala* promulgated by the Zapatistas was never realized and Zapata was assassinated in 1919, the peasant force behind the Revolution did materialize in the agrarian distribution guaranteed by Article 27 of the 1917 Constitution. Indeed, without that measure, pacifying the country would have proven impossible. Article 27 was therefore a key result of the 1910–20 Revolution when thousands of indigenous people and peasants took up arms to demand land and freedom.

With varying levels of intensity, which reflected variations in the correlation of forces, over an 80-year period, the Mexican State distributed 103 million hectares of land: 52 per cent of the nation's 196 million hectares of land, including 50.6 per cent of its agricultural land and almost 60 per cent of its forests. These land grants favoured 3.5 million indigenous people and peasants creating the 29,983 ejidos and agrarian communities that constitute the country's social sector (INEGI 1991a, 1991b).

This extensive agrarian distribution—a result of the social struggles that marked the Revolution—continued almost to the end of the century, until 1992 when the counter-reform of Article 27 took place (Secretaría de Gobernación 1992). By changing the law, the State sought to modernize an agrarian structure based on collective ownership of the land in ejidos and agrarian communities. The stated goal was to engage the land fully in market relations. To effect the privatization and individualization of land property, the government promoted a programme called the 'Certification of Ejidal Rights and Deeding of Lots' (*Programa de Certificación de Derechos Ejidales y Titulación de Solares*), known by its initials PROCED (Presidencia de la República 1993).

The designers of PROCED justified the reform by arguing that modernizing the countryside would improve the living conditions of peasants and indigenous people, reduce levels of poverty and marginalization, and foster productive initiatives including associations with private agents. However, peasants and, principally, indigenous people rejected the individualization and privatization of their land because they strongly believed that destroying collective property in land would weaken them and present risks that they were unwilling to take. The indigenous peoples, who conceived land culturally as a collective good, were the most vehement opponents of the agrarian counter-reform.

In this paper, we analyse Mexico's 1992 agrarian reform policy—characterized as an agrarian counter-reform—as a key part of Mexico's policies for modernizing the countryside. The policy was justified by the pretext that it would improve the living conditions of peasants and indigenous peoples by granting them individual rights to private property of land and fomenting market participation. We briefly review the importance of Article 27 prior to the reform, then analyse the context in which the reform was effected. We also explain the different positions of the political actors involved who supported or opposed the reform. Finally, we present a balance of results with respect to the reduction of ethnic inequalities for peasants and the indigenous peoples.

## 2 Background

The indigenous societies of modern-day Mexico were conquered by the Spanish in the sixteenth century. For political and economic reasons, Spain abolished slavery, stopped exterminating the indigenous peoples, and imposed a colonial system which lasted for 300 years and favoured the interests of the dominant classes. That colonial regime established relations of inequality, dependence, and economic exploitation between metropolis and colony. Tribute and forced labour were the mechanisms the Spanish applied to appropriate the economic surpluses of indigenous communities and undermine the economic base of their ancient class structures. The indigenous peoples, mired in a situation of social inferiority, emerged as the peasant base of a new class structure as ethnic relations were transformed into class relations; that is, the 'Indians' who had constituted subaltern ethnic groups in colonial times became a subaltern class of poor peasants in independent Mexico (Stavenhagen 1969).

These class relations led to the disintegration of many indigenous communities as their members were integrated into a *mestizo* society. Throughout the twentieth century, policies that targeted indigenous peoples—the so-called *indigenismo*—sought to assimilate indigenous societies into the national culture by incorporating them as simple peasants.

The agrarian reform designed two forms of land redistribution. The first consisted in restoring lands that had been wrested from indigenous agrarian communities by the liberal privatization laws in the nineteenth century, although the indigenous communities had to prove they were the original owners by presenting documents called 'primordial titles'. These lands were restored as communal property. The second was the ejido—land that was granted to peasants who lacked or had insufficient land. It allowed collective access through forming ejidos. Due to the torturous bureaucratic procedures required to prove original possession of their territories, many indigenous communities obtained land in the form of ejidos.

Despite the different conceptions of agrarian reform, most of Mexico's post-revolutionary governments sought to shirk responsibility for redistributing land, to make only marginal, poor-quality land available, or delay processing requests to avoid having to comply with the constitutional right of peasants and indigenous peoples to own land.

The ejido allowed led to the destruction of the *latifundista* system and gave rise to the redistribution of wealth and property. The stability, governability, and development of Mexico in the twentieth century were sustained by that reform [which] allowed the construction of a predominantly urban and industrial country, with a significant services sector (Warman 2003: 2).

The landowning bourgeoisie strongly opposed agrarian redistribution because it threatened their large estates. They employed a variety of means to keep their properties from being disturbed: they used legal means and promoted agrarian *amparos*—a legal recourse designed to protect individuals' rights—as well as certificates to stop their properties from being affected. Besides taking advantage of their political relations with state and national governments, they resorted to illegal measures such as hiring white guards as repressive private armed militia. Landowner organizations were formed to protect and preserve private property in land and guarantee security.

For almost eight decades, agrarian distribution retained its character as a constitutional mandate. In the ejidal and communal land tenure regimes, the population nucleus is considered to be the collective owner of the land. The rights of ejidatarios to agrarian property were historically inalienable, imprescriptible, non-transferable, and not subject to embargo.

At some points in time, peasants conquered lands; at others, they had to defend their conquests. In contrast to other Latin American countries, throughout the twentieth century, Mexico was distinguished by having an agrarian redistribution that allowed over half of its national territory to pass into the hands of ejidos and agrarian communities.

As the struggle for land has deep roots in Mexico, successive post-revolutionary governments were obliged to continue implementing agrarian reform. But, linked to that policy, the State forged a corporate relationship with peasants—including the indigenous peoples—by organizing official peasant unions which controlled access to land and other services such as credit, and functioned as a control apparatus while also promoting the political ambitions of peasant leaders. The National Confederation of Peasants (*Confederación Nacional Campesina* (CNC)) was the largest, most powerful peasant union because of its links to the governing Institutional Revolutionary Party (*Partido Revolucionario Institucional* (PRI)). Despite that relationship, some peasant movements showed their opposition to agrarian policy and formed independent, autonomous organizations. Thus the State was unable to fully subordinate peasants' interest to power through the corporate relationship:

The massive, general demand for land marked the route of the fundamental peasant struggles in the 1970s, but those years also saw the emergence of significant movements [whose] priority was to appropriate the productive process. This became the dominant axis of rural mobilizations in the 1980s through organizational products that exerted enormous influence in rural areas and in defining public policies for the agricultural sector (Moguel et al. 1992: 9).

We can state that, despite the corporate model of control of the rural sector, before Article 27 was modified, there was a vigorous peasant movement which gained momentum and succeeded, in a short time, in developing political independence from the State. The 1992 change to the agrarian law was a turning point in the relationship between the State and the peasant movement.

### **3 Rural and indigenous poverty**

Making a clear, quantifiable distinction between Mexico's peasant and indigenous populations is unfeasible because they share so many characteristics, apart from belonging to an indigenous people. Hence, differentiating between peasants and the indigenous peoples refers only to their historical and cultural antecedents and identity because most of the nation's indigenous peoples are also peasants. Our approach to this issue therefore uses official statistical data to give the reader a clearer idea of the categories of people who were impacted by the new agrarian laws.

In the 1990s, when the agrarian counter-reform was enacted, Mexico's rural population<sup>1</sup> was around 23.3 million, 29 per cent of the total population (INEGI 1990). Over one-third consisted of indigenous peoples, who totalled 8.6 million<sup>2</sup> (Instituto Nacional Indigenista, Consejo Nacional de Población 1997), or 10.6 per cent of the total. The counter-reform of Article 27 was directed at this population, which at that time owned over half of the national territory, over 103 million

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<sup>1</sup> Defined officially as those who live in communities with fewer than 2,500 inhabitants.

<sup>2</sup> The indigenous population estimated by the National Indigenist Institute (*Instituto Nacional Indigenista* (INI)) and National Population Council (*Consejo Nacional de Población* (CONAPO)) considers people living in households where the head of the family, or their spouse, speaks an indigenous language.

hectares (INEGI 2007). Estimates suggest that over 23 million hectares were held by indigenous people (Procuraduría Agraria 2007).

In 1992, the Gini index registered 52.6 per cent, reflecting the level of inequality in the country. In Mexico, poverty and extreme poverty have historically had a rural face. Measured by access to food, in 1992, poverty affected 21.4 per cent of the nation's population but 34 per cent of rural people—some 11.8 million inhabitants. Poverty measured as the lack of income to acquire food, education and health affected 30 per cent of the general population but 44 per cent of rural people, while the lack of income to acquire food, health, education, clothing, housing, and transportation impacted 53 per cent of all Mexicans but 67 per cent of rural people. By 2010, poverty in its different expressions had declined slightly but continued to impact the rural sector more heavily than the urban sector (Table 1).

Table 1: Mexico: evolution of urban and rural poverty: 1992–2010

Year	Poverty percentages			Number of people		
	Food	Food, health, education	Food, health, education, clothing, housing, transportation	Food	Food, health, education	Food, health, education, clothing, housing, transportation
<b>National</b>						
1992	21.4	29.7	53.1	18,579,252	25,772,159	46,138,837
2010	18.8	26.6	51.1	21,535,243	30,493,420	58,519,936
<b>Urban</b>						
1992	13	20.1	44.3	6,800,734	10,510,336	23,140,866
2010	12.5	19.9	45.3	8,975,498	14,260,555	32,414,760
<b>Rural</b>						
1992	34	44.1	66.5	11,778,518	15,261,823	22,997,951
2010	29.2	37.8	60.7	12,559,745	16,232,865	26,105,176

Source: CONEVAL estimations based on ENIGH from 1992 to 2012.

Clearly, the rural population had poverty levels well above the national average, but within that sector the indigenous people suffered even greater deprivation. Based on the 2010 Population Census, CONEVAL (2014) reported that there were some 18.1 million indigenous people, equivalent to 16 per cent of Mexico's population. They lived mainly in small rural localities with fewer than 2,500 inhabitants, few services, and limited infrastructure, and worked primarily in agriculture, although there was also a tertiary sector. Schooling levels were low: 64 per cent had basic education, 14 per cent had attended high school, and 12 per cent had been to university. Indigenous people continued to work until an advanced age because they had no social security system. Being indigenous, therefore, is associated with greater precariousness. Three out of four people who speak an indigenous language, and seven out of ten members of indigenous households, live in poverty (Consejo Nacional de Evaluación 2014: 20).

## 4 The context

The 1988 presidential elections witnessed an intense peasant mobilization that challenged longstanding relations with the State, its political party PRI, and the official peasant movement.

Numerous national and regional groups supported the leftist candidacy of Cuauhtémoc Cárdenas—son of ex-president Lázaro Cárdenas a principal promoter of the original agrarian reform in 1934–40—against Carlos Salinas de Gortari, the PRI candidate.

Rural agitation materialized in forums that brought together both official and autonomous peasant organizations, academics, and government officials to analyse the situation in the countryside and plan rural reforms.

In November 1988, 10 independent, autonomous peasant organizations called a meeting on the subject of ‘Rural Problems and Peasant Unity’, leading to the signing of an Accord for Unified Action (*Convenio de Acción Unitaria* (CAU)). That document set out demands for land, for increasing peasants’ production and productivity, and the territorial demands of indigenous peoples. In January 1989, Salinas de Gortari’s government responded to these autonomous organization initiatives by creating the Permanent Agrarian Congress (*Congreso Agrario Permanente* (CAP)), which secured the participation of official organizations like the CNC and some that had signed the CAU. The only organizations to abstain were the National Coordinator, Plan de Ayala (*Coordinadora Nacional Plan de Ayala* (CNPA)), Democratic Peasant Front of Chihuahua (*Frente Democrático Campesino de Chihuahua* (FDCCh)), and the National Council of Indian Peoples (*Consejo Nacional de Pueblos Indios*).

The CAP succeeded in breaking up attempts at autonomous and independent organization and provided the legitimacy that the government, which had just emerged from an electoral fraud, needed in order to carry out the planned changes.

In strategic [terms] this constituted the first step in the confabulation of a part of the agrarian leadership with the government, a connivance conceived to effect a rural turn of enormous proportions, a ‘reform of the reform’ that culminated four years later with the changes to Article 27 of the Constitution. (Bartra 2012: 205)

The constitution of the CAP as an umbrella organization and the participation of most of the national organizations,<sup>3</sup> including independent ones, was related to the possibility of maintaining spaces for negotiation and management, under the assumption that it would allow them to influence the government’s agrarian policy. But the announcement of the reforms to Article 27 revealed the CAP’s limitations in creating consensus and proposing unitary policies, which had been its two most significant achievements (Hernández 1992a).

Something similar occurred with the efforts of independent indigenous organizations which emerged in the 1970s and promoted the Global Campaign of 500 Years of Resistance throughout the 1980s. In 1990, a second forum of indigenous organizations created the Mexican Council of 500 Years of Resistance and issued a call to the First National Assembly of Indigenous Peoples and Organizations, where the National Indigenous Peoples’ Front (*Frente Nacional de Pueblos Indios* (FRENAPI)) was formed. Its agenda called for:

...the right to autonomy and self-determination [...] cultural identity [...] land and natural resources [...] to freely determine the internal political condition of

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<sup>3</sup> Twelve peasant organizations participated in the CAP: the *Confederación Nacional Campesina* (CNC); the *Central Campesina Independiente* (CCI); the *Confederación Agrarista Mexicana* (CAM); the *Unión General de Obreros y Campesinos de México* (UGOCM); the *Alianza Campesina del Noroeste* (Alcano); the *Unión Nacional de Organizaciones Regionales Campesinas Autónomas* (UNORCA); the *Central Campesina Cardenista* (CCC); the *Unión Nacional de Trabajadores Agrícolas* (UNTA); the *Coalición de Organizaciones Democráticas Urbanas y Campesinas* (CODUC); the *Central Independiente de Obreros Agrícolas y Campesinos* (CIOAC); the *Movimiento de los 400 Pueblos*; and the *Unión General Obrera Campesina y Popular* (UGOCP).



communities in accordance with traditional forms of organization, [and] the predominance of traditional customary indigenous law. (Bartra and Otero 2008: 415)

But on the orders of President Salinas, the CNC created a Permanent Indigenous Congress (*Congreso Indígena Permanente* (CIP)) that utilized State resources to dismantle independent indigenous organizations.

At the same time, the Salinas government, simulating support for the rights of the Indian peoples, recognized Convention 169 of the International Labour Organization (ILO) 1989 and proposed constitutional reform of Article 4 related to indigenous culture.

Numerous indigenous organizations mobilized in various cities during the commemorations of the 500 Years of Resistance. In Chiapas, thousands of indigenous people occupied San Cristobal de Las Casas with military discipline and tore down the statue of the Spanish conqueror Diego de Mazariegos. This event involved the National Independent Peasant Alliance, Emiliano Zapata (*Alianza Nacional Campesino Independiente Emiliano Zapata* (ANCIEZ)), the political and social arm of the Zapatista National Liberation Army (*Ejército Zapatista de Liberación Nacional* (EZLN)) which operated clandestinely (Trujillo 2020) and took up arms in 1994.

The Salinas government (1989–94), a firm proponent of neoliberal economics, proposed to modernize the countryside as a basic element of a new, open, economic model, the corollary of which was to implement the North American Free Trade Agreement (NAFTA) in 1994, altering Mexico's place in the world economy and changing its internal political structure considerably. During the first two years of that government, radical changes in economic policy (structural adjustment, economic opening, privatization of State enterprises) pushed peasants and rural producers in general into a vertiginous crisis that spurred a series of massive mobilizations. The rules of the game in rural Mexico changed overnight, leaving peasants without any options. Officials cancelled the import duties and permits that had long protected their harvests of basic cereals, resulting in domestic markets suddenly being flooded with imports. The National Popular Subsistence Company (*Compañía Nacional de Subsistencias Populares* (CONASUPO)), which up until then had regulated the prices of basic crops and collected producers' harvests, suspended its operations. The Rural Bank (BANRURAL) stopped authorizing loans for peasants who lacked the necessary productive potential, forcing many into arrears. The State agency which had insured agricultural operations vanished, and crop prices guaranteed through subsidies were eliminated. State companies which distributed fertilizers, for example, were privatized but did not pass into the hands of producers. State investment shrank. The NAFTA accord was still being negotiated but it was to become the lock that closed the door on attempts to reverse the reforms.

The mid-1990s brought a series of regional mobilizations organized by producers of sorghum, soy, rice, and other basic crops whose cereal markets had been lost to imports. Other mobilizations were held by sugarcane producers who protested against the low price of their product. In September and October 1990, UNORCA called for a national march beginning at different regions: the northwest, the Bajío, the Huastecas, and Chiapas. The demonstrators had many demands, such as closing the border to imports, raising prices, imposing import duties, renewing subsidies, resolving the problem of receivership, punishing the murderers of peasant leaders, sanctioning repression, and ending the long delays in redistributing land. Some organizations belonging to the CAP joined the march, especially those which did not belong to the official party (PRI), such as the CIOAC, UGOCP, and Alcano, as well as some that were part of the CNC (Hernández 1991). Although government forces blocked the grand march in Querétaro before it could reach Mexico City, these nationwide mobilizations forced the State to adopt compensatory policies to prevent the widespread destruction of a peasantry threatened by the neoliberal model.

This march was followed by hunger strikes in the state of Sinaloa by peasant leaders who demanded compensation for their soy crops because the opening-up of the market had brought chaos. Demonstrations also occurred in El Bajío against transnational companies which refused to purchase local sorghum harvests after the disappearance of CONASUPO (de Ita 1991)

The National Programme for Modernizing the Countryside 1990–94, (*Programa Nacional de Modernización del Campo 1990-1994*) (SARH 1990) was presented after ten public forums were held in different regions to analyse problems in rural areas with the participation of peasant organizations, rural producers, and government officials. Reform of the agrarian law was on the table from the first event held in Chiapas in January 1990, where the government announced its intention to simultaneously give certainty to land tenure and strengthen producer organizations (SARH 1990). Certainty of land tenure was a key demand of private landowners, who sought to protect themselves from the State's right to expropriate lands and establish ejidos.

The programme identified several obstacles to modernization: excessive State intervention in the agricultural economy, which inhibited the social strength of producers and their organizations; insecure land tenure, which meant low levels of investment and decapitalized the countryside; unprofitable smallholdings; insufficient credits; and the problem of overdue loans. It also set out the problems of the State companies that the government planned to privatize and emphasized the low productivity of rural workers due to decapitalization of the agricultural sector. It did not, however, mention one important cause of that decapitalization process: the fact that for decades the State had systematically victimized this sector by extracting surpluses to support industrialization through exchange terms which always favoured the industrial sector.

In November 1991, as part of the neoliberal programme for rural modernization, the government announced its initiative to reform Article 27. This move was essential for propelling the drastic changes that were already occurring in rural areas and which, taken together, meant a profound 'depeasantization'. One promoter of the counter-reform argued:

The small size of arable land per family unit, its fragmentation, the insufficient quality of land, and the high economic risk of agricultural activities have led the current administration to consider that of the 4 million agricultural operations in the country only one million can be viable as commercial enterprises. (Warman 2003: 6)

Such official declarations align with the findings of many authors, such as Appendinni (1995), Bartra (1995), Carton de Grammont (1995), and Hernández (1994b) and state that Mexico's peasants were deemed to be simply redundant in the new neoliberal model and that the policies had been conceived explicitly to reduce their numbers and insert those who could sustain themselves by working the land firmly into market relations.

## **5 The agrarian counter-reform**

The concept of agrarian reform has historically referred to a process of modifying the structure of property through a series of policies and legislative measures to prevent the concentration of land in a few hands. While the neoliberal designers of the changes to Article 27 in 1992 insisted on calling it 'agrarian reform', it was actually an agrarian counter-reform whose goals were to reconcentrate land through market forces, convert social property into private property, cancel land distribution, and free up the lands of ejidatarios and communal owners so they could enter the market fully, rather than just marginally. The counter-reform was thus one element of a series

of legislative and policy measures enacted to eliminate the specificity of social property and endow it with the characteristics of private property, and to remove land from the social sector and promote its participation in the market.

Although the policy was not conceived explicitly to attack poverty or reduce ethnic inequalities, it clearly targeted the most vulnerable rural and indigenous populations. Its designers justified the measures by stating that their goals were to improve the precarious living conditions of these people by enabling them to sell, rent, or mortgage their lands, or to associate with private investors to launch new businesses, improve agricultural productivity, and escape from poverty.

The counter-reform represents the breakdown of a social structure and the transition to a new agrarian structure as it promoted the concentration of land through the reduction of smallholdings and the creation of larger and more profitable production units through economies of scale. In addition, it promoted a dynamic land market by allowing the sale and renting of land. The purpose of the agrarian counter-reform was to allow, and even promote, the privatization of ejido land which had previously been inalienable. It sought to increase incentives for private investment and encouraged land and labour markets in rural areas (Cornelius and Mhyre 1998: 2–4). These changes did not in any way ensure the improvement of the living conditions of the peasants and indigenous people because they only benefited private investors and marginalized the collective owners of land, impeding them from sustaining themselves as peasants.

The reform initiative triggered intense debate even within the government because the ejido had long been the cornerstone of State policy in rural Mexico (Gordillo 1992). Peasant organizations initially rejected it. The CAP expressed its opposition in a statement by its coordinator: ‘... the presidential initiative represented an agrarian counter-reform’ (Hernández 1992a: 257). Even the national organizations such as UNORCA, which had been formed to take control of productive processes and were chosen as the social subject of Salinas’s policies, demanded that it be debated. However, peasant leaders soon attempted to moderate the thorniest points and sought to negotiate its acceptance, even though the peasant bases were mobilizing against it.

As the counter-reform was a key part of the rural modernization project, it was clear that it would be approved with or without the support of peasant organizations.

UNORCA, an independent organization which identified itself as autonomous but still maintained good relations with the Salinas government, managed to include in the counter-reform some measures that, in the long run, proved key to protecting the ejido. It demanded the participation of 75 per cent of ejidatarios in land decisions such as adopting full ownership; providing common lands to commercial joint ventures; ending the ejido regime; and cancelling or implementing the exploitation of communal lands (Secretaría de la Reforma Agraria 1992). UNORCA further proposed that land grabbing by individual ejidatarios should be prevented and succeeded in limiting ejidatario ownership to a maximum of 5 per cent of ejido land.

The government then announced its ‘ten points for freedom and justice in the countryside’ (*Diez puntos para la libertad y la justicia en el campo*, Presidencia de la República 1991), a document which was directed mainly at leaders of the peasant organizations in the CAP. Forced to accept UNORCA’s conditions to ensure approval of its initiative, the government proceeded to set up a nine billion peso fund for the countryside, promised to resolve the arrears problem, and created a National Fund for Social Enterprises to facilitate the capitalization of infrastructure projects proposed by some of the peasant organizations. In the view of the peasant organizations that accepted the counter-reform, the increased resources for the countryside would make it possible to create an agrarian ‘second floor’. However, despite the government making agreements with

the leaders of various organizations, the peasant bases that had rejected the initiative continued their mobilizations for two more months.

The peasant movement's opposition to the agrarian counter-reform was led by twelve unofficial peasant organizations that formed the National Peasant Resistance Movement (*Movimiento Nacional de Resistencia Campesina*, MONARCA).<sup>4</sup> This group drafted the *Plan de Anenecuilco*, (MONARCA 1991), which defended social land tenure threatened by the constitutional changes and rejected the neoliberal policy that will be crowned with the signing of NAFTA. Their plan was signed by organizations that belonged to CAP (UGOCP, UNTA, Alcano, CIOAC, CODUC, FDCCh) and others that operated outside it (such as the CNPA, CNPI, the Democratic Peasant Union (*Unión Campesina Democrática* (UCD)), and the Workers', Peasants' and Students' Coalition of the Isthmus (*Coalición Obrera Campesina Estudiantil del Istmo* (COCEI)). This plan called on peasants and their organizations to reject the counter-reform and launch a nationwide resistance movement (Bartra 2012; Hernández 1992b; Moguel 1992). Official organizations like the CNC did not participate in the plan, nor did UNORCA, which gathered the organizations identified as autonomous.

The coalition that developed the *Plan de Anenecuilco* organized several demonstrations which culminated in a peasant mobilization that marched on Mexico City simultaneously from Chihuahua, Zacatecas, Durango, Nayarit, Sinaloa, Hidalgo, the state of Mexico, Morelos, Guerrero, Veracruz, Oaxaca, and Chiapas. But the Salinas government succeeded in isolating the organizations involved, aided by a powerful media consortium which took a stance against the demonstrations (Bartra 2012).

To counteract resistance, the government also called on national peasant organizations to sign a 'Peasant Manifesto' which supported its initiative. Faced with pressure from the presidency and fearing that the government would close the door and cancel their dialogue and resources, the organizations' leaders chose to turn their backs on their peasant bases. The Manifesto was signed by all the organizations in the CAP, even the independent ones, and by the CNPA, which was not a member. One of UNORCA's leaders signed the Manifesto against the stated position of its regional organizations, while others who attended the ceremony snuck out to avoid their signatures legitimizing the counter-reform.

The signing of the Manifesto precipitated internal fractures within the peasant organizations. Many suffered schisms between members who supported it and those who were opposed to it. Others dismissed their leaders or called them to account. The coordinator of the CAP presented a document which criticized the reform, but national peasant organizations in general were unable, or unwilling, to create a strong political movement that could have made them interlocutors with the State and wider society. Instead, they opted to accept the new agrarian rules. Most of these leaders paid the price by being ousted or losing their legitimacy.

The changes to Article 27 were approved by the legislators of two parties: the PRI and the National Action Party (*Partido Acción Nacional* (PAN)), the latter of which was characterized by a firm, longstanding anti-agrarian position which expressed and represented the interests of the landowning bourgeoisie. The only dissenting votes were cast by the recently created Party of the Democratic Revolution (*Partido de la Revolución Democrática* (PRD)), which was linked to peasants in the *cardenista* tradition (Bartra 2012: 206). The agrarian counter-reform finally came into effect on 6 January 1992.

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<sup>4</sup> A movement formed by UGOCP, UNTA, CODUC, CNPA, CNPI, UCD, Alcano, CIOAC, FDCCh, and COCEI.

## 6 The indigenous movement and its opposition to the privatization of land

Since colonial times, Mexico's agrarian history has been marked by dispossessions, and land has therefore long been a fundamental claim of indigenous peoples. The peasants' demand for land and their opposition to the 1992 agrarian counter-reform, which ended the possibility of them obtaining land, was one of the pillars of the Chiapas rebellion. While the leaders of the peasant organizations accepted the counter-reform, the peasants and indigenous people themselves rejected it and, at the end of President Salinas's six-year term (1994), they increased their mobilizations in different regions of the country until they led to the Zapatista rebellion in Chiapas.

The peasant-indigenous uprising in Chiapas linked around the EZLN stripped the government of the banners of Zapatismo in which it had sought to shroud its reforms. In just a few days, the EZLN created a new political-ideological reference in the national context, but especially in the countryside: the banners of Zapatismo were associated with continuing agrarian distribution and ending the *latifundios*, tightly interwoven with the dignified survival of rural society [...] they had nothing whatsoever to do with the reforms to [Article] 27 of the Constitution. (Hernández 1994b: 138)

On 1 January 1994, the EZLN took over five municipalities in the highlands and jungles of Chiapas and proclaimed its 'Declaration from the Lacandona Jungle' (*Declaración de la Selva Lacandona*) in which it claimed to be an indigenous force, stating that it was the product of 500 years of struggle. The EZLN emerged from the self-organization of the indigenous communities of the north, the highlands and the jungle of Chiapas.

For several years, armed peasants and indigenous peoples there [...] had acted as peasant self-defense forces against white guards and landowners (*finqueros*), [but] decided to form a regular army when the Salinas reforms to Article 27 of the Constitution cancelled agrarian distribution [...] in addition to their demands for political democracy and autonomy for indigenous communities, the reforms to [Article] 27 emerged as a central issue of their discourse (Hernández 1994b: 31).

The EZLN's first actions included recovering lands held by private owners and distributing them to peasants and indigenous people who had none. The geography of the Zapatista regions of Chiapas changed profoundly as privately held ranches became the collective possessions of several indigenous organizations.

One of the Zapatistas' demands in the San Andrés *Sacamch'en* accords with the federal government was the installation of an Agrarian Round which would determine a fair solution to agrarian conflicts (Reyes et al. 1998).

...Zapatismo gave the indigenous struggle a national dimension, unified many of its currents, helped systematize its experiences and proposals, forced the State to commit to broad constitutional reforms, modified the terms of its relations with the rest of non-Indian society, and facilitated the construction of a relatively stable organizational platform. (Hernández 2000: 64)

The fact that many peasant organizations had accepted the counter-reform precluded any future confluence of the peasant and indigenous movements. By 1994, the indigenous movement had become the main organizational movement in rural Mexico and had changed its fundamental

demand for land into the defence of all indigenous territories, understood as *habitat*. The demand for territory is clearly linked to the demand for self-determination or autonomy.

## 7 The actors and their arguments

Hernández (1992a) characterized the two main and opposing positions as ‘privatizers and ejidalistas’. The former supported the counter-reform with a rural modernization approach that excluded peasants, and the latter argued in favour of the ejido and the community remaining as social property, supported by State participation and regulation: ‘The final draft of the proposal tilted the balance towards the privatizers, though it had to incorporate nuances and ideas from the other sides expressed in the cabinet’ (Hernández 1992a: 257).

### 7.1 Privatizers

Hernández (1992a) characterizes the views of this group of actors as those who considered the President’s decisions to correspond to an economic trend announced at the end of the 1970s, from which there was no turning back. The group included the designers of agrarian policy, the World Bank, the agrarian bourgeoisie with its organizations like the National Agricultural Council (*Consejo Nacional Agropecuario* (CAN)) and National Ranchers’ Confederation (*Confederación Nacional Ganadera* (CNG)), and leaders of official peasant unions such as the CNC.

Arturo Warman, Secretary for Agrarian Reform, and Gustavo Gordillo, Under-Secretary for Agriculture, were recognized as the spokespersons for the Salinas government’s position, although both had previously acted as advisers to peasant organizations such as UNORCA. Warman’s arguments emphasized the poverty of ejidatarios with smallholdings whose production was insufficient to satisfy their families’ needs. Ejidal plots could not be rented, sold, or mortgaged, the ejidatarios themselves had to cultivate them or risk losing them, and could only bequeath them to a direct successor. Ejidos and communities were therefore subordinated to the State. Indeed, only the State’s agrarian agencies could call ejidatarios to internal assemblies. Warman concluded that agrarian reform had not managed to improve the welfare of the population and that the individuals it had reached were living in extreme poverty (Warman 2003).

Gordillo also supported the agrarian counter-reform. In his view, the new legislative initiative would reduce, or eliminate, the State’s broad intervention in peasants’ organizations, thereby easing political control and fostering autonomy:

The ejido is both a control apparatus and an organ of peasant representation [...] to the extent that it gains greater control over the productive and commercialization process, the ejido consolidates itself as an organ of peasant representation. To the extent that it is subject to external decision-making bodies, it functions more as a control apparatus. (Gordillo 1992: 4)

Referring to rural reform, Gordillo proposed ‘developing freer agriculture with greater market functioning and complementary State intervention, (...) promoting contract agriculture and (...) associations of farmers with private production agents to create economies of scale’ (Gordillo 1992: 3). He further accepted and promoted several proposals by the World Bank, such as the granting of certificates of agrarian rights to all ejidatarios and fomenting private investment in rural areas. These proposals were controversial and did not meet with the consensus of the peasants or their organizations. This idea of modernizing peasant agriculture based on markets, in partnership

with private capital and without the regulatory intervention of the State, was the basis for his promotion of the government's proposed agrarian counter-reform.

The World Bank, meanwhile, promoted a so-called 'market agrarian reform' with security of land tenure at its core. This was considered to be the most important way to increase incentives to invest, increase productivity, and improve producers' incomes (Appendinni 2002). The World Bank's security of land tenure refers to capitalist tenure security, based on private, individual titles of land. In 1990, the World Bank produced an agricultural policy paper (Heath 1990) which recommended eliminating the differences between private and ejidal land ownership, with an emphasis on security of land tenure, and advocated individualizing the collective functions of the ejido.

There was support for the counter-reform not only from the official peasant organizations but also from some autonomous organizations such as UNORCA as well as organizations representing the agrarian bourgeoisie, private businessmen, and the right-wing party. The CNA, which represented private agricultural businessmen against the land invasions and the agrarian distribution that threatened their properties, praised the reform to Article 27, as did the PAN, a right-wing conservative party which believed that the agrarian counter-reform went further than its party's proposals.

## **7.2 Ejidalistas**

This position was represented mainly by independent peasant organizations, the peasant bases, indigenous peoples and their independent organizations, academics who were specialists in rural topics, journalists, and analysts of agrarian issues, all of whom proposed transforming the ejido internally. In their view, as the counter-reform was designed to privatize land, it posed a serious threat to peasants and indigenous people who practised subsistence agriculture. In this view, the pact between rural society and the State expressed in the original Article 27 had been violated, and the ejido as an instrument of economic organization had been condemned to death.

The agrarian counter-reform was not inevitable as there were other, more rational forms of development, and the rural social sector had already demonstrated that it had enough strength and capacity to foment 'an alternative development' that would avoid the evils of rent, extensive predatory production, [and] excessive, unbounded exploitation. (Moguel 1992: 9)

According to Bartra (2012), an adviser to several peasant organizations and expert on agrarian topics, the counter-reform was ratified thanks to the role played by peasant organizations which pursued 'autonomy' by trying to take control of productive processes. Bartra found it inconceivable that these 'pro-autonomy' organizations were linked to Salinas's technocratic government which promoted a radical neoliberal reform. He argued that the 'pro-autonomy' organizations erred in perceiving the counter-reform as an opportunity to achieve their goal of autonomy because the neoliberal modernizers were so radically anti-peasant.

Luis Hernández, an anthropologist, journalist, independent political analyst, and adviser to various peasant and indigenous organizations, observed that:

...the abandonment of the functions of the State in the neoliberal model, in a context of profound inequality in the concentration of wealth and resources in the countryside, will allow the vacuums left by the State to be filled by capital. So instead of strengthening peasants, the counter-reform will lead to the privatization of the countryside. Most Mexican peasants will continue to be pauperized, while

the peasant organizations that are best positioned productively will have to compete with private growers and transnational agroindustries at a great financial and commercial disadvantage. (Hernández 1990: 126)

According to Hernández, the counter-reform marked a trend towards the disappearance of the ejido as the axis of social production and of second-level ejidal organizations like Ejidal Unions and Rural Associations of Collective Interest (Hernández 1994a).

Despite the rules for electing ejidal authorities having changed and the presence of Agrarian Reform officials no longer being required, allowing well-organized ejidos to control the Ejidal Commissariat outside of *cacicazgos*, Hernández (1994a) warns that in others with less organization, the Commissariat will end up being controlled by new economic agents who are interested in doing business with the ejido. Thus, ejidal democracy is not guaranteed, even though the rules of operation have changed.

Moguel (1992), Hernández (1994a), and Bartra (2012) all emphasize, albeit in different ways, that the peasant and indigenous bases across Mexico manifested their opposition to the changes to Article 27, clearly demonstrating that they considered the modifications to be a counter-reform, even though their leaders supported the policy. What was evident to those in both camps (those who approved of the reform and those who rejected it as a counter-reform) was that the constitutional changes to Article 27 constituted major surgery.

## 8 Balance

At the peak of neoliberalism in Mexico, the designers of agrarian policies justified the counter-reform of Article 27 by arguing that it would solve the principal problems that had plagued the countryside: smallholdings, scarce investment, lack of credit, migration, poverty, decapitalization of production units, and deterioration of natural resources.

Today, almost thirty years after the agrarian counter reform was installed, we can analyse whether the goals of its designers have been met and the current conditions of the ejidos and agrarian communities. A first approach can be to compare data from the 1991 Ejidal Census, taken just before the counter-reform was enacted, and from the latest data in the 2007 Ejidal Census (INEGI 1991a, 2007).

### 8.1 The response of *ejidos* and communities to PROCEDURE

The counter-reform to Article 27 was followed by a programme (PROCEDURE) which defined property rights in ejidos and agrarian communities for millions of peasants, and provided them with titles to those rights. PROCEDURE was launched in 1993 as an instrument to regularize agrarian rights and issue individual property certificates. However, for the indigenous people and peasants, the 1992 agrarian counter-reform marked the end of a social pact with the State which had been derived from a revolution that had cost a million lives. Their refusal to participate in PROCEDURE became the manifestation of the rejection of a reform imposed from above without consensus. Salinas's successor in the presidency—Ernesto Zedillo (1995–2000)—promised to conclude the agrarian certification process by the end of his mandate, but this did not happen until six years later when Vicente Fox's term ended in 2006 (de Ita 2015, 2019).

PROCEDURE was conceived and implemented as a voluntary programme, but local and regional authorities soon began to demand that ejidatarios and indigenous peoples present PROCEDURE



certificates to be able to proceed with various transactions, including applying for subsidies and loans. These pressures intensified towards the end of Fox's presidency because of his commitment to finalizing the voluntary certification programme.

From its inception, PROCEDE was seen as a touchstone for the ejidos and communities which, by refusing to participate in the programme, asserted their autonomy. As time passed, however, some began to use the programme as an easy way to resolve longstanding bureaucratic problems with basic documents, while others opted to be certified fearing that the State's threats might become real, and a few took advantage of the new conditions to sell or rent their lands. A collective decision to participate in PROCEDE did not entail a future decision to privatize or disintegrate the ejido, as that could only occur once the process of issuing titles was completed.

PROCEDE ended with a decree issued on 31 December 2006. However, after 14 years of operation it had failed to certify all of the country's agrarian nuclei. The government's pressure tactics had led to the certification of 28,757 ejidos and agrarian communities, equivalent to 91.2 per cent of the total, and had transferred rights to 3,431,752 peasants on 88.6 million hectares of land, 83.6 per cent of the total surface area of the social sector. (Registro Agrario Nacional 2007).

A first significant fact is that, of the total of 31,518 agrarian nuclei (INEGI 2007) 2,761 did not participate, so 17.4 million hectares—around 16 per cent of the total area of social property—remained uncertified. The ejidatarios and members of agrarian communities living on these lands held firm, of their own volition, in rejecting the programme, despite intense government pressure. These lands are distributed across all the states of the republic, but the largest concentration is in Oaxaca, where the large indigenous population and high percentage of social property leads us to suppose that the 4.79 million hectares of uncertified land—over half of the social property there—primarily reflect an unyielding nuclei of various indigenous peoples who, by their own decision, steadfastly maintained their lands as social property, many of them under communal regimens.

Oaxaca was followed by Chiapas with 1.56 million hectares, equivalent to 35 per cent of the total area of social property there, while in the state of Guerrero, some 1.12 million hectares (22 per cent of the total) remained uncertified (de Ita 2019).

In most cases, the over 17 million uncertified hectares are manifestations of decisions to reject PROCEDE and of collective decisions to preserve the social nature of land ownership. As the figures above indicate, the highest concentrations (43 per cent) occurred in three states with large proportions of indigenous population.

Successive governments implemented certification programmes similar to PROCEDE (FANAR, RAJA) in an effort to conclude the nationwide certification process, but, according to the Registro Agrario Nacional (2020), in late 2020, despite 28 years of attempts to certify all social property in Mexico, 1,302 ejidos and 417 communities remained uncertified. These cases constitute 5 per cent of the agrarian nuclei and 7 per cent of the surface area of the social sector.

## **8.2 Decisions by peasants and indigenous peoples to preserve social ownership**

Many of the ejidos and communities which did certify, also took steps to preserve the social characteristics of their land ownership. In the ejidos and communities, it is the assembly that defines land use. The parcelled area is the area assigned to each of the ejidatarios for their individual use. This is the property which can be alienated under the terms of the counter-reform. The common land, in contrast, constitutes the economic base of community life and remains unseizable, imprescriptible, and inalienable. Of the 88.6 million certified hectares, 62.4 million (70.4 per cent) were registered as common land, while 25.9 million hectares were certified as

parcelled land. Therefore, although the vast majority of ejidos and communities participated in PROCEDER, contrary to the designers' expectations, ejidatarios and communities ratified their decisions to maintain a large proportion of their land—over 70 per cent—as collective ownership in order to ensure that they would continue to be imprescriptible, inalienable, and exempt from embargo (de Ita 2019).

While this decision was made by each of the ejidos and communities, they coincided in their defence of the land as collective ownership. As a result, over half of Mexico's land remains in their hands as social property. In 2020, 99.7 million hectares, equivalent to 51 per cent of the national territory, still belonged to peasants and indigenous people in the form of ejidos or agrarian communities (Registro Agrario Nacional 2020).

Social ownership of land has proven to be a barrier to the spread of monocropping and has impeded or blocked the implementation of megaprojects planned by the extractive and energy sectors. Therefore, in 1992, parallel to the counter-reform of Article 27, the government promoted and congress approved a new mining law which gave its activities priority over all other uses of land, thereby directly threatening the possession of ejidos and agrarian communities. Then, in 2014, the State reformed the laws governing hydrocarbons and the electricity industry, further weakening social property and giving business a huge advantage in promoting investment by classifying its activities as 'preferential'. Today, many ejidos, agrarian communities, and indigenous people are taking measures to defend their territories and natural resources which are threatened by megaprojects and extractive and energy projects.

### **8.3 The social redistribution of land**

As we have seen, the State's redistribution of land ended with the counter-reform, but ejidatarios and comuneros undertook their own social redistribution of land by granting agrarian rights to 2.1 million people (Robles 2008). In just 15 years, 60 per cent of the agrarian subjects who had obtained rights during the 80 years of agrarian reform obtained access to land. Most of these new agrarian subjects adopted the legal figure of holders. There were no records of such holders in 1991, but by 2007 there were 1.4 million, and the majority (1.1 million) had individual plots. Today there are more persons with agrarian rights on the same surface area, a reality that clearly contradicts the counter-reform's goals of reducing smallholdings and creating economies of scale. In 1991, the average plot size was 7.9 hectares. By 2007, that figure had decreased to just 5.9 hectares (INEGI 1991, 2007).

In that period, however, the organization of ejidos and communities weakened, making it more difficult to create economies of scale. Before the counter-reform, most of the government's programmes targeted at ejidos and communities considered as social subjects. During Salinas's presidency, in contrast, the PRONASOL social solidarity programme was aimed at committees made up of affinal groups rather than the ejido as a whole. Later, social programmes designed to combat poverty (PROGRESA, PROSPERA) were aimed at individuals.

### **8.4 Land sales**

The desamortization of ejidal lands to allow them to participate in markets was another key objective of the counter-reform. Up until 2007, almost 6,000 ejidos (19 per cent) had opted for full domain, but almost 21,000 (67 per cent) reported sales of lands, 60 per cent of which were to other ejidatarios and 28 per cent to individuals unrelated to the ejido. Only 10,500 ejidos did not report any purchase/sale of land. Despite these transactions, only 3 million hectares, just 2.85 per cent of ejidal and communal lands, ceased to be social property as a result of being sold.

## **8.5 Rural poverty**

Since the implementation of NAFTA in 1994, rural incomes have decreased. Virtually the entire rural population has been impoverished, accompanied by an ever-increasing concentration of income in the upper decile. By the end of the agricultural liberalization process in 2008, when NAFTA's transition period expired, Mexican farmers in the five lowest income deciles emerged as net income losers, having suffered reductions of around 7 per cent in the first decile and 22 per cent in the third (Puyana and Romero 2009).

## **8.6 Migration and the permanence of young people**

Around 18,500 ejidos (59 per cent) have reported that young people have remained, but only about 10,000 have reported that these young people were active in agriculture or forestry. On the other 8,000 or so ejidos, the young population was reported as not being economically active. Almost 13,000 ejidos and communities (41 per cent) reported that young people had not stayed in the ejido, as the majority had emigrated to the United States. Migration is a fact of life in many regions of Mexico because young people in rural communities have few opportunities for employment.

## **8.7 Remittances and the criminal economy**

Mexico's agricultural policies provide substantial support to commercial farmers, but they have virtually no benefits for peasants as subsistence producers. More than ever, rural families now depend on remittances sent back by members who emigrate to the USA, whether legally or illegally. Migration has increased—despite intensified border controls—in all of the country's municipalities, but especially in those where agriculture was the most important economic activity. Clearly, remittances have come to compensate for the loss of agricultural income (Puyana and Romero 2009).

Many rural households have developed survival strategies to satisfy their basic subsistence needs, such as increasing production of staple crops or seeking non-agricultural work in the informal sector or maquiladoras. But, because there are limited opportunities even for precarious jobs, recruitment of young people into the criminal economy has also increased. Violence has grown alarmingly in rural Mexico, as has the consumption of synthetic drugs, often associated with day-labour in crops grown for export.

## **8.8 Capitalization of the countryside**

In the 25-year period from 1993 to 2018, the gross domestic product (GDP) of agriculture grew at a mean annual rate of 1.9 per cent, well below the 2.4 per cent of growth in the economy as a whole. These low rates were the result of liberalization and economic opening. For Mexico, NAFTA created a significant change in crop patterns because 71 per cent of arable land had been used to produce grains and oilseeds which rarely offered any comparative advantages with respect to the USA and Canada, whereas only 8 per cent of land was used to produce fruit and vegetables, crops in which Mexico did have a certain level of competitiveness. But peasants cannot produce fruit and vegetables for export because of the huge investments required. Domestic production of basic grains was systematically decapitalized because it had no protection from imports and no compensatory policies were put in place.

In 1990, labour productivity in the agricultural sector was considered to be very low, contributing only 7.8 per cent of GDP but absorbing 25.4 per cent of the employed population. By 2018, the employed population in the agricultural sector had reduced to 12.7 per cent, but the sector further decreased its contribution to GDP, at only 3.2 per cent.

The idea that the reforms would promote private investment in the countryside was never realistic, nor did it improve financing of the sector.

After 15 years of counter-reform, the ejidos claimed that their two principal problems were lack of access to credit and water—two basic inputs for agricultural production.

Census data allow us to confirm that there has been technological regression in the ejido agricultural economy, contrary to the State's proposals for capitalizing and modernizing the agricultural sector.

## 9 Conclusions

The agrarian counter-reform has not succeeded in revitalizing the ejido and community economy through private investment and market participation. Quite on the contrary, the ejido's position as a productive unit has been weakened by the loss of infrastructure, capital, subsidies, investment, inputs, and organizational possibilities, and, in most cases, it has been unable to absorb young people into productive activities.

Since the structural reforms and the reform of Article 27 of the Constitution, the independent and autonomous peasant movement, integrated into large national peasant centres, has lost its strength and its role as an interlocutor with the State and society.

At the same time, the indigenous movement, linked around the EZLN, emerged as a social subject in the countryside which made very significant advances, like the San Andrés Accords, the integration in 1996 of the National Indigenous Congress (*Congreso Nacional Indígena, CNI*), and by placing before the State its indigenous agenda, in which its initial claims for land extended to broader demands to guarantee the territorial rights of indigenous peoples. Indigenous peoples consider territory to be native land, and habitat, recovering the ancestral connection between land, water and forest, including the natural and cultural assets which it comprises. Linked to territory, the main demand of the indigenous movement is the claim for autonomy as self-determination.

Today, it is the indigenous movement that is defending its territories against the megaprojects and the extractive and energy projects which are seeking to impose their own terms. Although territory is a broader concept and reality than land, the indigenous peoples of Mexico defend their territories on the basis of collective ownership of their lands. The agrarian counter-reform which sought to individualize their rights has been systematically opposed by indigenous communities and peoples and by the peasant grassroots.

Despite the war unleashed by the Mexican State against indigenous peoples and peasants, who it considered to be obstacles to modernity and to the promotion of capitalist investments, the indigenous and peasant movement continues its resistance, disputing the future of the country.

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