

(Un) governing the commons- the lost of governance in Mexican ejidos

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I. Ejido: an overview.

One of the great changes emanating from the Mexican Revolution (1910-1921) was the creation of multiple forms of land tenure. This occurred because of the demand of thousands of peasants who fought in the revolution to reclaim the lands that were monopolized by a small group of caciques. At the end of the armed movement, the post-revolutionary State established within the Political Constitution of 1917 three types of land tenure. The first form of tenure was private property. This modality, recurrent since the conquest of Mexico, continued after the Mexican revolution in favor of land producers who were mainly in the north of the country. However, tenure limits were established to avoid latifundium which had largely generated the displeasure and armed uprising of thousands of peasants. Secondly, communal land tenure was restored. Even though communal land had been eliminated since the reform laws in 1870, this type of land tenure was restored on behalf of indigenous communities who had resisted in continued with their traditions of collective management of the land. Third, the ejido became a truly outcome of the Mexican revolution mixing certain characteristics of the private property and communal possession. The ejido consisted in the granting of land by the State to a group of peasants who had partial control over the surface. The ejido was divided into lands of common use, individual plots and lands for human settlement. The peasant had his own parcel that worked individually, lands of work and collective enrichment and lands for the establishment of his home. These lands were administered under the ejido's Assembly, which served as the main decision-making body of the Ejido. This assembly voted for those who would be part of the ejido's Commissariat and the Vigilance Committee. The former with tasks of land administration and the latter as an oversight and monitoring body. One limitation for ejidatarios was the impossibility of making commercial transactions with their lands. Renting or selling their land was prohibited

by the law. Moreover, hiring people to work the land and abandonment of the land by the possessor were also forbidden. These limitations to the ejido gave to the State a strong control over this land tenure.

The ejido had two functions that were mutually contradictory. The first was of political representation for the campesinos. The ejido was the institution where campesinos were able to manage and organized the work on their lands. Through internal rules and democratic decision making ejidatarios determined the future of their lands. At the same time, peasant organization served as a vehicle for representing rural areas within the government, facilitating access to services and improving ejidatarios' social and economic condition. On the other hand, the ejido also served as a mechanism of political-social control over the rural areas. In the first place, the State controlled ejidos by being the only source of inputs for agricultural production. For most of the twentieth century, the only credit, fertilizer, and insurance agencies were State controlled. In addition, the State created the National Peasant Confederation (CNC), which became the only peasant organization with dialogue with the government. This limited the channels of political participations for ejidatarios. For all these reasons, the ejido became an instrument of political and social control over the peasants. This institutional framework made the rural sector one of the most important political-social support groups of the authoritarian government during the last century.

These two seemingly contradictory functions of the ejido continued working during a long period of the twentieth century. These contradictions, however, were fostered or limited by the State according to the political and economic needs of the government. For example, the ejido's golden age had its peak during the government of President Lazaro Cardenas where plenty of hectares were distributed to thousands of peasants. Under this period, the state created the institutional framework to strengthen and develop ejido lands.

On the other hand, a period characterized by ejidatarios' weakening occurred with President Miguel Alemán. He reduced land distribution and biased government support to big land owners of the north of the country. In addition, under this administration, private property obtained legal remedies to prevent governmental expropriation. Subsequent to this stage, a wave of peasant's mobilizations made the government of Luis Echeverria to increase

considerably its presence in the ejidos by distributing big amounts of land and increasing the institutional framework for rural development. During the eighties, the Mexican State was immersed into a international economic crisis and through a change of economic paradigm towards the free market. It is in this period when the institutional framework of rural control weakened. Since this period, the crisis in the relationship between the ejido and the State began.

These tensions between the State and the ejido led in the 1990s to a new Agrarian Law. During the administration of President Carlos Salinas de Gortari, a constitutional reform was carried out with two central objectives. The first was to free the ejido from the political control of the State. Under this logic, the ejidos' Assembly was restored with the maximum decision-making power within the ejido, making the ejido's Commissariat an administrative enforcement body. With this change, the control of the State on the ejido through the handling of the ejido's Commissariat collapsed. With the reform, it was sought that the ejido had greater autonomy before the State so that it could decide and carry out activities according to its context and needs and not as a consequence of the interests and needs of the government. In addition, the reform debilitated the political and social base of the PRI (Institutional Revolutionary Party), which was reflected by the fragmentation of the vote in rural areas towards opposition parties such as PAN (National Action Party) or PRD (Democratic Revolutionary Party). Finally, an important outcome of the reform was that the constitutional obligation of the President to distribute land was over. A second objective of the reform was to introduce ejido lands into the land market. After 1992 constitutional change, ejidatarios can participate in commercial transactions with their lands. Nowadays, ejidatarios are able to sell, rent or use their lands as a guarantee for obtaining loans or credits. Furthermore, the State opened the doors to private investment to replace the old governmental enterprises that provide services of credit, supply of inputs, etc. The 1992 reform changed completely the relationships between the State and the ejido, creating a new landscape for rural areas in Mexico.

Twenty-five years after the Constitutional Reform of 1992, the outcomes have been diverse. Regarding the political control of the State, the ejido has ceased to be a PRI control apparatus and has become an independent political actor as an autonomous decision-making body. The

political alternation in most of the states of the country, the configuration of a multiparty Senate and the alternation in the presidency demonstrate how the ejido, as the electoral base of the PRI, has lost its force. Moreover, the entitling of land has led ejidatarios to have security on their lands giving them more options for decisions related to commercial transactions.

An important outcome of the agrarian reform is the increase of the ejidos and the little amount of lands sold. According to information from RAN (National Agrarian Register), only 2.7 million hectares turning into parcel with full alienation rights (full domain of the land). In addition, the number of ejidos grew by a margin of 2%. These results demonstrate that the idea that the ejidos were to be sold once they entered the land market is not entirely true. On the contrary, the ejido has behaved towards collective administrations as a response to the free market forces.

Despite all these benefits, the main problems from the reform of 1992 is that the scheme of governability of the ejido has not been replaced by any other thing. Although the state no longer controls the decisions of the ejido, ejidatarios lack of an institutional framework that allows them to grow as ejido. For example, in the absence of a nexus between the government and the ejido, the ejidatarios have lost political representation in the decision-making of the State. This has been reflected in the last 20 years where the budget for the agricultural sector has reduced and controlled by big producers who have more influence in the Ministry of Agriculture. This lack of governance has expressed as well in many other ways. In the absence of authority, many actors have filled the vacuums of power left by the State. An example of this are the mining and energy companies that, in many cases, **ripped off hectares from ejidatarios hands**. Ejido's lands are purchased by these companies using false documentation or deceiving the ejidatarios to sell their land. In many cases, even these companies operate without having reached an agreement with the ejidatarios. In addition, the ecological damage that these companies cause to the Mexican territory is increasing.

Another actor who has benefited from the lack of governances is the organized crime. In 2007 President Felipe Calderón began the War on Drugs whose main strategy was to head off criminal gangs by killing or capturing the kingpins. This strategy led to a fragmentation of large cartels into hundreds of smaller but violent criminal groups. This also generated a territorial change in drug trafficking operations. Lacking the economic, gun power and

administrative strength to traffic drugs internationally, newly organized crime groups left large cities to settle in rural areas where the presence of the State is smaller and the possibility of commit crimes is greater. Faced with the force of criminals, the ejidos have been at the mercy of their criminal activities, ranging from drug cultivation, gasoline extraction, real estate development, illegal logging, etc. Notwithstanding the adverse panorama of ejidos, there are cases of success where ejidatarios have managed to organize themselves through collective action to control their lands. In the absence of State control, several ejidos in the country have created new forms of governance in order to seize opportunities brought by the reform and their own context.

II. The ejido project and rural governance

After 25 years of the Agrarian Law, it is indispensable to decode the main causes of loss of governance of the Mexican territory by examining the relationship between the State and the ejido. This will allow us to find the elements that weaken the governance of ejido lands. At the same time, this will shed light on the conditions necessary for successful community administration that have occurred in different cases in the country.

The project “El ejido y la gobernabilidad territorial rural” assess to discover the main outcomes of the 1992 reform on ejido’s governance. Moreover, the project tries to find the variables that could help ejidos to create self-forms of governances in order to get back the control of their lands. At the same time, this research tries to find out what sort of public policies could give back the State the control of its territory, taken by national and international corporations, caciques, organized crime, etc.

Part of the structure of the project is a survey that has made 200 interviews all over the Mexican Territory distributed in 20 agroecological zones. The methodology of the interviews consist in a questionnaire formed with topics related to ejido’s decision making process, relationship with the State, ecological and economic context, the outcomes left by land certification and their social and political environment. The places selected to do the survey are communities between the 50 and 100 thousand habitants that are 1 hour driving to a major city. Even though the goal was to reach communities of a populations below the 50 habitants, security measures were taken considering the environment of violence that surround rural areas in Mexico.

The current interviews were held from August to December 2016 doing between 20 and 35 interviews each month. In this document, we will refer to the survey made in communities in the norther part of the country. The information obtained of the interviews was product of visits to states like Coahuila, Chihuahua, Sonora and San Luis Potosí. We must highlight that ejidatarios were not pressured or influenced to respond the survey and that participants oscillate in range of ages, profession and gender.

III. Sonora

The ejidos of Baynorillo and Vicente Guerrero, located to the south of the state of Sonora, in the zone denominated of the Valley of the Yaqui-Mayo. When belonging to the Sonoran biogeographic provinces, there are favorable conditions for the cultivation of mainly wheat, a product that is exported mainly to France and the Africa. The northern part of the country is characterized by a large irrigation system. According to the agricultural statistics of the irrigation districts of the agricultural year 2008-2009, Sonora has 388,459 Ha of physical surface irrigated. These resources give to ejidatarios the facilities to produce in difficult weather conditions. Nevertheless, most of the productions is concentrated in few producers that have the resources increase their productivity and harvest high price crops.

An important outcome seen in the ejidos of Baynorillo and Vicente Guerrero was that ejido's lands have not been sold after the 1992 reform. Nevertheless, the main commercial transaction in both ejidos is the rent of land. The reasons why ejidatarios rent their lands are multi-factorial. First, the difficulty to access to credit, the increase on the price of inputs and the low food prices on crops such as corn, wheat and cotton. For all these reasons, ejidatarios rent their lands to big producers who can absorb the costs of production.

According to the interviews, many ejidatarios complained that the government has not a differentiated participation in the area. This means that public policy is the same for al ejidatarios regardless their needs and context. This does not help smaller and medium producers that have different necessities than bigger producers. For these reasons, public policies in the area benefit more some producers than others.

An outcome of the lack of policies towards small and medium producers has been the increase of land renting. The payment for the rent of each plot is around 10 thousand pesos per hectare, the reason why it is convenient for the ejidatarios to obtain money of the incomes without having to invest nothing more in their earth. If we consider that the average tenure of land in the zone is between 3 and 5 hectares the amount of money obtained by ejidatarios could reach 50 thousand pesos a year. Nevertheless, most of the time there is no contract to formalized the commercial transaction. In addition, due to a context of poverty within the ejidos, ejidatarios gave their lands to rent in a price below the real value. This happens in the ejido of Baynorrillo where the majority of ejidatarios are indigenous living un extreme poverty conditions. An interesting finding of the interviews is that the land-rent market has been monopolized by second or third generations of caciques whose lands where expropriate by the State in the seventies. Therefore, ejidos lands are going back to the landowners of the last century.

Even though the ejido of Vicente Guerrero suffers from the pressures of land wonders to rent their lands, the proximity to the local government has allowed them to be more informed on the real value of their lands. Furthermore, this ejido has participated in the creation of Rural Associations in order to strength their social capital and increase their productivity. However, due to a lack of government programs, the associations have not reached their goals of productivity in the last years.

Regarding the decision-making process, both ejidos see the Assembly as the main body of decision within the ejido. This has led ejidos to more accountable actions of the ejido's Commissariat. Nevertheless, this has not stopped intromission from landowners to manipulate the Assembly. Many people corrupt ejidatarios to make them vote in the Assembly to sell ejido's lands to particular persons or companies. The appropriation of lands by landowners has been a result of the absence of the State in the ejido. This lack of authority has permitted the concentration of lands by very few producers.

A surprisingly finding of the interviews was that the lack of authority has been seized by the organized crime. According to one of the interviewers, organized crime does money laundering with ejido's lands. Apparently, cartels rent ejido's lands above the real value and invest in machinery for harvesting. However, at the end of the year productivity is below the

historical rates. This is because there is only simulation on harvesting. This creates an illegal economy where ejidatarios are immersed due to the lack of opportunities and the presence of the State.

IV. San Luis Potosí

San Luis Potosí is a State in the center of Mexico in the area called as El Bajío. The agroecological zone that corresponds to San Luis Potosí is North Plateau and the ejidos visited were Puestecistos and El Refugio, both in the city of Rio Verde. One of the findings in this visit was how different ejido's governance could be even in ejidos of the same community.

El refugio is an ejido with high levels of citrus fruit production. One of the main advantages of this ejido is the irrigation system close to the lands. This gives to the ejidatarios the necessary resources to harvest orange and lemon. Moreover, internal governances was strong and cooperative among all ejidatarios. It should be highlighted that age average among all ejidatarios was above 60 years old. According to the interviews, the main element for cooperation within the ejido was that the high level of productivity of lands and the accountability and transparency mechanisms in their governance.

Regarding young generations, the ejido lacks young people who can work the land. The youngest generations look for opportunities in big cities and prefer other types of jobs than being an ejidatario. This could create a problem in future years when actual ejidatarios are too old for working their lands.

The main problem that ejidatarios of El Refugio had were misinformation on the market. Most of their products are sold to intermediaries that buy the products in a lower price than what could be sold in the market. The so called "coyotes" arrive to the ejido at the end of the harvest to recollect the fruit and sell in states of Mexico like Nuevo León or Jalisco. There are even cases where "coyotes" export the fruit to the United States. This lack of access to the market reduce ejidatarios profits. It is appreciable in the interviews that there are no policies from the government focused on the commercialization of ejidatarios' products. Therefore, the lack of information on the market make ejidatarios an easy prey for coyotes who will take advantage on that for their own benefit.

The other ejido, Puestecitos, had a very different situation than El Refugio. First, many of the ejidos lands were on a hill, making harvesting a difficult activity. Moreover, unlike the first ejido visited Puestecitos does not have irrigation systems for their lands. Therefore, the possibilities of harvesting anything are reduced. Most of the ejidatarios harvest grass for livestock farmers. An important difference with El Refugio is that Puestecitos has an important amount of ejidatarios living in the United States. Thus, the capacity of governance within the ejido is limited due the absence of quorum during the Assembly. In the context of low productivity, many ejidatarios have been seduced by developers that buy their lands for house construction.

An important actor with presence in the ejido was the organized crime. Cartels rented ejidatarios lands for harvesting marijuana. Criminal bands took advantage of the unworked lands of ejidatarios and started using them for their criminal operations. Through the interviews, ejidatarios mentioned as well other types of activities that criminals do within ejido's lands. For example, cartels menace ejidatarios to sell their lands to private investors designated by the organized crime. In this way, cartels work as developers by forcing the ejidatarios to sell their lands to privates. Through the visit to the community we were told that many ejido's commissariat have died for resisting the pressure of cartels.

V. Chihuahua

This is a state situated in the north of Mexico and belongs to the north plateau agroecological region. It must be said that during this visit the communities to visit were changed due to the environment of high violence in the state. Therefore, the ejidos visited were closer to the capital. These ejidos were Tabalaopa and Rancheria Juárez, both settled on the periphery of the city.

Both ejidos represent an interesting development of ejidos surrounded by high levels of urbanization. Agriculture is not anymore, the main activity of both ejidos. Nevertheless, some ejidatarios still produce farm products for selling but especially for self-consumption. These ejidos have become sort of urban agencies that sell and rent their lands for the urban development of the city. Either house construction or bridge and highways development, these ejidos have strong governances to control the process of the urbanization within the ejido.

Ejidatarios of both ejidos have benefited on selling their lands but in a measured and informed way. The negative experiences of surrounding ejidos gave Tabalaoapo and Ranchería Juárez the knowledge to contain the greatest menace of ejidos in Chihuahua: the developers.

Construction companies and developers try to buy ejidatarios' lands below the market price of the land. The misinformation and the difficult economic situation of many ejidatarios could lead to the extinction of the ejido without any benefit for the ejidatarios. However, the ejidos visited had well governance mechanisms. For example, in order to incentive participation in the Assembly the ejidatarios agreed to give a symbolic amount of money to every participant. Moreover, the ejidatarios who didn't participate did not have the right to receive any benefits from the sale of the lands.

The case of Rancheria Juarez ejido was more surprising. Many of the ejidatarios were young generations of ejidatarios with college degrees. This younger generations would use their knowledge to benefit the ejido. A group of lawyers and architects developed urban planning which was presented to the local government in order to insert ejido's land into the urbanization process but through a friendly way to the city and the ejidatarios. Governance in these ejidos is strong and has let the ejidos to develop. Social and human capital were key factors to seized the opportunities offered by their context. The urbanization process was not necessarily the doom for ejidos but on the contrary, an opportunity for ejidatarios growth.

VI. Coahuila

In the state of Coahuila, the ejidos visited were "El Olivo", "La Libertad", "Corralitos" and "San Esteban de Egipto" All four have an Ejidal Commissary who is elected every three years. The election process is given by the assembly through a free and secret vote. This process has been seen in all the ejidos visited in Coahuila but in the rest of the states as well.

Although there have never been any problems in the election of the Ejidal Commissar, in the ejidos of El Olivo, Corralitos and San Esteban de Egipto, very few ejidatarios attend the meetings, the is product of the sale of lands, which reduced the number of ejidatarios.

Regarding the process of production, ejidatarios from all the ejidos visited work their lands individually rather than collectively. However, according to the interviewers in past decades the ejidos used to work the land as a collectivity. Nevertheless, the introduction of land certification made land work more individual due to the land rights obtained by each ejidatario. This has disabled ejidatarios organization on production and commercialization of their products. Actually, ejidatarios work and sell their products by their own.

Disassociation within the ejidos has fostered the sale of lands within the ejido. Moreover, the aging of most of ejidatarios makes difficult the use of land for ejidatarios production. Younger generations migrate to other places where they can get better jobs. Added to this phenomenon is the expansion of the "urban spot" on the ejido. The nees of urbanization has absorbed ejidos lands into the city of Torreon expansion through real state companies

An important economic actor in most of the ejidos visited is the milk company Lala. This company has a monopoly of lands bought to ejidatarios. Moreover, many ejidatarios are part of a production chain where they supply of inputs to intermediaries that sell products to Lala. For example, many ejidatarios sell maize and sorghum to livestock farmers that produce milk to the company. Even though the presence of an important company brings jobs to ejidatarios, their position in the production chain doesn't allow them to obtain more benefits.

Due to the low rentability of their lands, most of the ejidatarios work in other activities to complete the household income. Most of the jobs acquired by ejidatarios are in factories in the city. Moreover, ejidatarios lack of credits or policies oriented to production. Due to their limited producer's conditions, many ejidatarios do not qualified for public policies oriented to productivity. Furthermore, there is a lack of association or organization within and among ejidos of the region.

VII. Conclusions

In all the ejidos visited we found a vaccum of authority left after during the period after the Constitutional reform of 1992. In most of the cases the ejidos have not been able to produce a new institutional framework to substitie the rules of the past. On the contrary, other actors

outside the ejido have fulfilled the gap either commercial intermediaries, organized crime, transnational companies, etc. Nevertheless, there are certain similarities that could lead the project to find what elements foster governance within the ejido. First, the presence of any level of government within the community is extremely important for strengthening ejido's governance. In most of the ejidos with few or none presence of the State other actors seized the lack of authority and instore their own governance. This was the case of the organized crime in Sonora and San Luis Potosí or intermediaries in Coahuila or Chihuahua.

Second, the type of land is important on how the ejidatarios organized. The quality of the land and its closeness to major cities determine the type of organization of the ejido. It is very important for ejidatarios to recognize the value of their land regarding the context and environment. For example, ejidos in Chihuahua recognized the value of their lands under a context of high urbanization. With this information, they could organize and use their lands for their own benefit impeding the abrupt entrance of real estate companies and developers. This was not the case in many ejidos of Coahuila where they insisted in cultivating in space where demand for agricultural products is low.

Third, the absence or difficulty to access governmental or private services increases the probability for external actors to control the ejido. In many cases, the impossibility for ejidatarios to obtain credits, commercial information, inputs, etc., opens the door for the entrance of external actors to interfere in internal ejidos' life. On other hand, ejidos with more support either from the government or private companies have more control over their lands.

These conclusions are not complete but are good first approach on ejidos governance all around the country. During the last six months, we could see the lack of authority not only of ejidos but of part of the Mexican territory. This vacuum of power has been fulfilled by actors such as the organized crime who has control over the ejidos and entire communities. Furthermore, there are many characteristics in common that all ejidos share and that could lead us to a theoretical framework to understand how to strengthen governance within the ejidos and how the State can overtake control over its lost territory.