

## **The Hidden Land Practices of Standardized Plots in Mexico**

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### **Introduction**

In his book *Seeing as a State*, James Scott (1998) analyzes the way State officials have created standardized categories to simplify slices of social activity intended to be governed. Standards are tools for handing and making legible the tangled web of social relationships. The metaphor used by Scott for describing the process of standardization is that of beekeeping. “In premodern times the gathering of honey was a difficult affair. Even if bees were housed in straw hives, harvesting honey usually meant driving off the bees and often destroying the colony. The arrangements of brood chambers and honey cells followed complex patterns that varied from hive to hive, patterns that did not allow for neat extraction. The modern beehive, in contrast, is designed to solve the beekeeper’s problem...the wax cells are arranged neatly in vertical frames, nine or ten to a box that enable the easy extraction of honey...” This metaphor makes clear that State standards to represent reality are not just maps that depict more or less precise social reality but are effective tools for making legible and re-organizing social activity.

The same author, in another of his multi-cited books *Weapons of the Weak. Everyday Forms of Peasant Resistance*, (1985) argues that to face authoritarian imposition coming from the State and oligarchy, laymen belonging to the weaker political and economic sectors of society, such as the peasants in postcolonial countries, have deployed different strategies of resistance embedded in the logic of everyday life and politics.

Scott stresses the analysis of everyday politics that involves people embracing, complying with, adjusting and contesting norms and rules regarding authority over the production or allocation of resources. Anthropologists interested in these activities must observe the subtle expressions and acts that are rarely organized or direct. Key to understanding what we may identify as everyday political activities”, is that it is done by people who probably do not regard their actions as political. (Kerklieviet, 2009: 232)

Between the stress made on the analysis of how subaltern groups resist, appropriate or help construct social policy, and the emphasis put on the way, State rule is accomplished there is an analytical gap that must be addressed.

In this presentation, following the invitation made by the panel organizers, I will examine the neo-liberal land-titling program launched by Mexican government in the late 1990s. During the period 1996-2006 over one billion US\$ was invested in these programs in Latin American and Caribbean regions (Barnes, Greening and Barthel, 2007). My argument is that land-titling programs sponsored by organizations such as the World Bank and the Food and Agriculture Organization (FAO) were an attempt to standardize the varied and complex property relationships that peasant and indigenous peoples have traditionally maintained under communal land tenure. I would like to analyze the processes by which common people, in my case indigenous peasants, have refashioned, in their everyday lives, State standards of land-tenure legibility.

In Mexico, where the 20<sup>th</sup> century rural landscape has been dominated by a corporative state-protected form of land-tenure, the land-titling program launched in 1993 was the first phase of an implied project aimed to privatize these lands. The *ejido*, a communal form of land-tenure that gives a right to use land to all members of an *ejido* community, has historically allowed the co-existence of an array of property relations related to land. The constitutional amendment of the property clause in 1992 legislating *ejido* land-tenure and the land-titling program launched in 1993 attempted to legalize some of these relations while nullifying others.

I will briefly outline some general ideas about the *ejido* and its importance in Mexican agrarian structure in order to examine the way peasant populations have responded to the land-titling program of the late 1990s in Yucatan.

### **The post revolutionary ejido: the reification of the colonial regime communal land-tenure**

In Mexico, the *ejido* was introduced as a specific form of land-tenure at the beginning of the 20<sup>th</sup> century. It was one of the most important outcomes of the Mexican Revolution (1919-1920) and involved the expropriation of large landholdings that were in turn handed over to the landless rural population who became formally organized in *ejidos*.

The *ejido* is a hybrid form of land-tenure in that it conflates communal and individual rights to the land. The law allowed for the individual possession of an *ejido* plot, while on the other hand it tied the use of the *ejido* plot to many social rules. The *ejido* was created with the principal idea of recovering and preserving the Indian villages' traditional communal land-tenure, legally recognized by the Colonial legislation of the 16<sup>th</sup> and 18<sup>th</sup> centuries. In order to do so, the government established Article 27 in the 1917 Mexican Constitution that cedes ownership of land to a social corporation: namely the *ejido*. The post-revolutionary government, which was mainly liberal, created a form of collective land-tenure with the objective of protecting Indian village land that had presumably been dismembered and alienated during the 19<sup>th</sup> century, when liberal legislation enforced its privatization (Kouri, 2002). Common land-tenure and the restrictions over land transfer was a way to avoid the possibility of dispossession. So according to the Agrarian law, *ejido* land was meant to provide a subsistence basis for peasant families and should not become an economic commodity. *Ejidatarios* (the members of the *ejido*) only received "use rights" to the land and not property rights. *Ejidatarios* were not allowed to sell, rent or abandon their plots. Conversely, each of them could receive the right to one plot that could be inherited to one heir. This last mandate made *ejido* land-tenure very similar to private landownership (Nuijten, 2003).

Besides the tension between individual possession and social rules, which in some cases can lead to conflict, the registration of *ejido* land was inadequate. Although agrarian procedures existed for the division of the land into individual plots, the registration of *ejidatarios* in relation to a specific plot of land was never carried out. In the great majority of *ejidos*, after the land been received, it was internally divided among the *ejidatarios*, without a map or formal registration of the plots ever being made.

Today, *ejido property* is part of what is legally called "social property," and together with private and public property, comprises up the bulk of the Mexican agrarian regime. In 2010, 52% of Mexican territory was social property, 59% being rural tenure.

*Ejido* land-tenure as a communal form of land-tenure has allowed multiple modes of land appropriation to coexist. In many regions the arable land was not divided into individual plots but was managed as blocks or sectors that were rotated among *ejidatarios*. The permanent appropriation of individual parcels was unpractical in most part of *ejidos* where

soil quality did not allowed intensive cultivation. In Yucatan, indigenous peasants have traditionally sowed what was known as *rumbo*. The *rumbo* was a bounded but not fixed unit of cultivable land. It was not a determined agrarian measure, but an extension of land considered sufficient to provide a regular harvest, in order for a family to have maize during a year. The size of the *rumbo* changed yearly, even seasonally, according to the size of a family, soil quality, and weather patterns. After *ejido* allocation the *rumbo* persisted as a way of organizing and appropriating *ejido* land in contrast to the plot division established by agrarian law.

### **PROCEDE program**

In 1992, President Salinas de Gortari passed a reform of Article 27 of the Mexican constitution that allowed for the privatization of *ejido* land under certain circumstances. The 1992 Reform articulated a new land policy in Mexico, one that was designed to catalyze the formation of a new economic and social dynamic based on free market principles. To implement the 1992 Reform, the government created the Program for Certification of *Ejidal* Rights (PROCEDE) through which *ejidatarios* could delineate individual and communal lands, create plots and obtain individual certificates. The stated objectives of PROCEDE were to provide tenure security and certainty to the land rights held by communities (PA, 2007). This would be done by measuring and certifying communal and individual land rights in communities that accepted the program, which in turn would create the legal channels to formalize the transformation of collective to individual property (M.Digiano, *Et. al.* 2008). The idea behind the PROCEDE program, underpinning the discourse contained in different official documents, is that productivity is not compatible with communally held lands. In such argumentation the processes of parcelization, the division of common lands into individual and standardized plots, was taken for granted. Parcelization promised to distill a whole series of opaque, illegible and contextual practices into a simple grid of state comprehension, in the process further facilitating capitalist development.

Official regulations for PROCEDE implementation established no restrictions or guidelines to certify plots, and it was assumed they were the same plots—in area and extension—formally given to *ejidatarios* in the original, official documentation that gave legal

existence to the *ejido*. In those documents the engineer in charge of each *ejido* allocation had calculated the standard size for each individual plot ideally granted to every member of the *ejido*. The calculation considered the soil quality, the productive system, the number of beneficiaries and the *ejido* extension. As I already mentioned the standardized plot was a mere abstraction created in a bureaucratic office in Mexico City that was never verified on the ground. PROCEDE was intended to legalize and fix the *de facto* individual appropriation *ejidatarios* had made with *ejido* lands through time. But it was bureaucratic wishful thinking to believe that the real plots on the ground would correspond to the standardized plots specified on paper.

Nonetheless, the division of *ejido* communal lands had had their own particular logic, as *ejidatarios* had parceled the land according to the changing requirements of productive techniques and organization, as well as demographic pressures. Social relations, unequal and contingent, also played an important role in determining how land would be distributed and used.

### **Parcelization Process: Peasant resistance to State standardization**

In this third section I will examine the way parceling was put into practice with Yucatan's *ejidos*. My objective is to reveal the criteria behind the process and its outcomes.

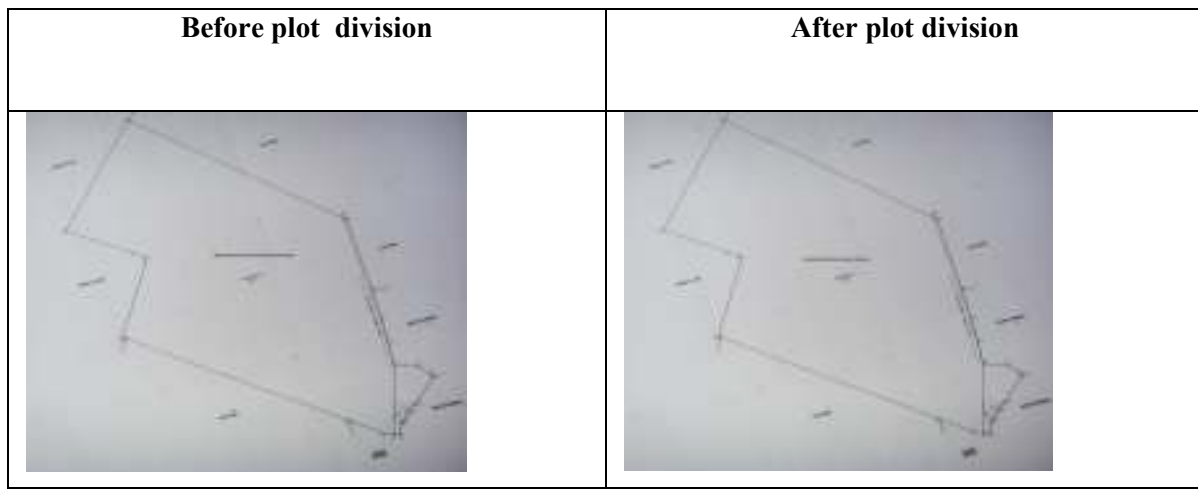
In Yucatan only 19% of *ejidos* accepted to divide their communal lands into plots. Anthropologists have interpreted the refusal to parcel their lands as indigenous resistance to privatization. More concretely, it was seen as the Maya population's defense of flexible property relations associated with maize cultivation. From this point of view, and according to agrarian officials, those *ejidos* that were parceled implicitly accepted the individualization of communal lands and the disintegration of the *ejido*. Ethnographic observation in some of those *ejidos* reveals that despite the alleged success of the land-titling program, the division of communal lands into individual parcels was resisted in a subtle way.

Among the *ejidos* that accepted to parcel up communal lands are Chunchumil, San José Czal and Tzucacab.

Let's see what kind of division they accepted:

The Chunchumil *ejido* has an extension of 4271 hectares and 213 *ejidatarios*. In 2000 with the PROCEDE Program acceptance, the *ejido* decided to divide the most part of its common lands. However instead of dividing the land into individual plots of the same size each, *ejidatarios* chose to divide the land in two “collective plots.” Plot number one of 1500 hectares, and Plot 2, with 2500 hectares, each of them assigned to all 213 *ejidatarios*.

**Figure.Chunchumilejido before and after PROCEDEparcelization**



San José Czal is an *ejido* of 4642 hectares and 358 *ejidatarios*. With the PROCEDE program, *ejidatarios* divided 3900 hectares to create 105 collective plots of different sizes and 176 individual plots. *Ejidatarios* also preserved 528 hectares of *ejido* common lands that are open to all *ejidatarios*.

Figure. Ejido san José Czal After PROCEDE.



The answer that *ejidatarios* from Chunchumil and San José Czal gave to PROCEDE'S parcelization revealed that common land division and its certification in plots did not inevitably lead to individualization. Nor did it entail the reconfiguration of *ejido* property relations into a uniform grid of private property. *Ejidatarios* were able to offer a shrewd response by creating vast collective parcels with use rights to all members of the community. According to the agrarian law, in the case of a collective plot, all co-owners have equal rights that are exercised on mutual agreement (article 35, Rules for the rights certification of *ejidos*).

Figure 3. Tzucacab ejido after PROCEDE



Tzucacab ejido is a good example to make a way into the varied criteria that guided the division of *ejido* common lands. In 1998 after the PROCEDE program, Tzucacab's 8588 hectares of common lands were completely divided into plots and distributed to the 388 *ejidatarios* that compose the *ejido*. The result was 394 plots, 26 of them being collective and of different sizes ranging from 0.88 to 300 hectares. The number of beneficiaries also varied considerably, from two co-owners to 23.

To an external observer, including the officials that worked in the agrarian registry, the logic behind the irregularity in size and distribution of collective parcels is a mystery. Why are there parcels measuring less than a hectare assigned to more than 20 *ejidatarios*? Considering the number of plots and the size of them, why was parcelization not equal for all *ejidatarios*? In order to understand the criteria that guided common land division in Tzucacab, fieldwork was necessary.

According to the PROCEDE officer's testimony, at his arrival to the ejido in 1994, Tzucacab *ejido* lands were already divided and cultivated by families, groups or individuals of *ejidatarios* who had locally recognized use rights over different extensions of the



communal lands. Soil quality, type of production and power relations were factors that determined the access to land.

In one *ejido* sector there was an extension of no more than 80 hectares where maize was intensively cultivated in semi-collective work by groups of 8 to 10 *ejidatarios*. There were also two units of citrus production that consisted of 20 individual plots of 2 hectares each. In another sector of the *ejido* there were groups of related *ejidatarios* (father, brothers, sons and cousins) that had cattle (no more than 10 animals per *ejidatarios*) grazing in an area with no fixed limits that varied according to the number of cattle. There was also a group of *ejidatarios* who cultivated maize using the slash-and-burn technique. The slash-and-burn *rumbos*, that I have already mentioned, were used and possessed by *ejidatarios* who change plots every two or three years so the forest can renew itself on the old field. In Tzucacab there were also some *ejidatarios* beekeepers who needed to navigate all around the *ejido* in order to collect the honey from their beehives.

In total there were 17 sectors that were in possession by groups of no more than 23 *ejidatarios* that practiced combined productive systems.

The PROCEDE official remembers having worked with the *ejidatarios* to divide common lands over a period of 4 years. During this time a team of surveyors went all over *ejido* lands to establish land division. According to official documents the standard plot for Tzucacab was 24 hectares, a calculation made in 1932 when the *ejido* was created, and at that time they considered 2 hectares for each *ejidatario* in order to cultivate maize under the slash-and-burn technique, rotating the land every 12 years.

In the late 1960s some agricultural projects had arrived to Tzucacab providing credit, technical assistance and subsidized agriculture inputs to groups or productive societies of *ejidatarios*, compelling them, thereafter, to work together in fixed collective plots. In 1997, when the PROCEDE program arrived to Tzucacab, the more productive *ejido* lands were permanently possessed by those *ejidatarios* that had once belong to one of these productive societies financed by government rural development programs. However, the appropriation made by some *ejidatarios* of *ejido* lands was seen by most *ejidatarios* as contingent, not fixed in any document and subject to changing social relations.

Even if most of the 328 *ejidatarios* accepted the PROCEDE common lands division and the idea of a fixed, individual plot, there were many that refused. Among the *ejidatarios* that

did not want an individual plot there were those who feared that property relations would be forever written in stone. One farmer argued of the risk of dividing land of such variable quality, and that in the long run this could lead to a disadvantage. A key problem in dividing the land was how to assign the fixed and individualized plots in an impartial way, given that every created plot had so many different characteristics, such as the proximity to a road or a well, the quality of the soil, the density of the vegetation, etcetera. The only solution was the creation of a collective plot. For some Tuzcacab *ejidatarios*, the dictates of transparency of the map and the plot were in contradiction with the determinants of daily life. The logic that organized land as a patchwork of permanent parcels, scientifically surveyed and neatly mapped, was illogical in that the legal reality of a plot now bore no necessary or inherent relation to the reality of how land was used.

The option of a collective plot was unprecedented in Yucatan, but it was a good solution to preserve the flexibility of common lands with the advantages of a certified plot.

The first collective plot in Tuzcacab was collective plot number 192, composed of 295 hectares given to 10 co-owners. In this plot the *ejidatarios* continued to grow intensive maize in a plot of 20 hectares equally divided and individually worked. It also allowed *ejidatarios* the cultivation of slash-and-burn maize, and cattle grazing in the rest of the collective plot. Another *ejidatario* group decided to create a collective plot where no *ejidatario* had a fixed plot assigned. Each year they would dispense the 5 sectors of best quality soil to be worked by *ejidatarios* through a raffle.

A different group of *ejidatarios* decided to make an internal division of the collective plot, by leaving half of it as “communal land” and assigning the rest to the co-owners in individual plots of the same size. There were also some miniscule collective plots assigned to 20 co-owners where a well was located.

The collective plot was an alternative given by *ejidatarios* in order to escape from the inflexible standards of a fixed individual plot.

The PROCEDE officers divided land following the logic of fair distribution and not of productive efficiency as implied by the program designers. However, the outcome of Tuzcacab communal lands division and distribution in individual and collective plots was not as fair as it was alleged by the *ejidatarios*.

When I examine the list of *ejidatarios* and the quantity of land received by each, I noticed that there are some people who received more than 20 hectares, while others received less than 15. There are also some *ejidatarios* with more than one plot certificate while others with no certificate. Those with more land are people who belonged to a production society dating back to 1970, and who managed to control larger extensions of *ejido* land. Land inequality among *ejidatarios* has become accentuated after the PROCEDE program, when some *ejidatarios* sold their individual plot. A few *ejidatarios* with cattle and capital have been able to become the owners of more than 80 hectares in the *ejido*.

The way land division was put into practice in Tuzcacab reveals a closed and poorly organized peasant resistance against property fixation. However, even if *ejidatarios* had managed to adapt to their own logics the PROCEDE program, the process of communal land division has had its consequences. As much as villagers were able to modify the terms of the division to account for local context, what they could not alter was the process of reification. By fixing property as decontextualized permanent parcels, the government's division of land maintained a static view of the world, inscribed and codified in a bureaucratic map. But places change over time. The sale of certified plots now offers more security to those *ejidatarios* with cattle that have hoarded some of the best land of the *ejido*, while dispossessing other *ejidatarios* that cultivated slash-and-burn maize.

### **A final note about PROCEDE in Yucatan**

Government surveyors were not passive extensions of objective instruments. They came to the field with their own politics, persuasions and interests. In Yucatan, they were part of the reason for the *ejidatarios* refusal to submit to *ejido* common lands division. The key role played by them became evident while interviewing five surveyors who worked in the region where Tzucacab is located.

Two interpretations about the main goal of PROCEDE were expressed by surveyors: for three of them, the main goal of the land-titling program was to promote the legal division of the *ejido* communal lands, that is, to promote a change in the property relations within *ejidos*. While for the two other, the program was only intended to legalize what was already done. Beyond this conceptual divergence, all the surveyors agreed that the goals were too lofty for the capacity of the state delegations where they worked, and the workload too

demanding. During 1994 and 1999, the boom years of the program, between 100 and 111 *ejidos* were certified.

The annual goals of the program (number of certified *ejidos*) were established by higher level officials who made "political commitments" about the program. As an example, one surveyor explained: "[The boss established] that 50 *ejidos* must be certified during this year, which was a very high goal... it was then that we [the surveyors] realized that the process was much faster if an *ejido* decided not to divide their communal lands, since it was only needed to establish limits and the paper work was done... but if parceling was accepted it took longer... we had to wait to open roads, and take measurements, all of which took time, but if crop planting or the rainy season started... then they (the *ejidatarios*) would not work and our surveying would stop for 15 days... the *ejidatarios* did things on their own time" (Surveyor 1, residence in November 2010). According to this version, the same agrarian officials disrupted the ultimate goals of the program: "In other states of the Republic, the expectations of the agrarian attorney were different... here (in Yucatán) we realized that the tradition in *ejidos* was common land tenure. Then, the most convenient was common use... so that the Ministry of Agrarian Reform could meet his goals... but this now, has its consequences, because many *ejidos* now want to do the parceling. If this program had been explained so that that *ejidatarios* could understand its benefits, then parceling would had been a success..."(Agrarian visitor 3, Merida residence in November 2010).

After 6 years of PROCEDE completion, a great number of *ejidos* is parceling at a high cost, without benefiting from any government program. Nevertheless, there is education about the potential in resource management offered by the parceling, which is now implemented. Collective parceling is an option to divide and certify without dissolving the *ejido* community, while maintaining flexibility in the property relations of peasant and indigenous communities.

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