The concentration of land ownership in Latin America: An approach to current problems

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CENTRO DE INVESTIGACIONES SOCIOLÓGICAS, ECONÓMICAS, POLÍTICAS Y ANTROPOLÓGICAS
PONTIFICIA UNIVERSIDAD CATÓLICA DEL PERÚ
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INTERNATIONAL LAND COALITION

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A global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, knowledge sharing and capacity building.

Our Vision

Secure and equitable access to and control over land reduces poverty and contributes to identity, dignity and inclusion.

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The Center for Sociological, Economic, Political and Anthropological Research (CISEPA) was founded in 1966, aimed at carrying out both basic and applied research. It was an initiative of the Academic Departments of Social Sciences and Economics and the School of Social Sciences of the Pontifical Catholic University of Peru.

Cover illustration: © Aldo di Domenico 2011

ISBN 978-92-95093-53-9

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Prepared by:
Elisa Wiener Bravo

January 2011

Acknowledgements

The research project of the Commercial Pressures on Land Initiative was coordinated in the ILC secretariat by Michael Taylor, with the support of Andrea Fiorenza. Ward Anseeuw of CIRAD provided technical support to all studies and the project was based on a conceptual framework developed by Michel Merlet and Clara Jamart of Agter. A large number of members and partners of ILC and independent specialists have contributed to the research, analysis and documentation of the project.

ILC wishes to thank the following donors, whose support made possible the research under the Commercial Pressures on Land Initiative:

Canadian International Development Agency
Agence canadienne de développement international

Ministry of Foreign Affairs

IFAD
Enabling poor rural people to overcome poverty

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development and Cooperation SDC

The views expressed herein can in no way be taken to reflect the official opinion of these donors. ILC Secretariat would appreciate receiving copies of any publication using this study as a source at info@landcoalition.org.

Foreword

The International Land Coalition (ILC) was established by civil society and multilateral organisations who were convinced that secure access to land and natural resources is central to the ability of women and men to get out of, and stay out of, hunger and poverty.

In 2008, at the same time as the food price crisis pushed the number of hungry over the one billion mark, members of ILC launched a global research project to better understand the implications of the growing wave of international large-scale investments in land. Small-scale producers have always faced competition for the land on which their livelihoods depend. It is evident, however, that changes in demand for food, energy and natural resources, alongside liberalisation of trade regimes, are making the competition for land increasingly global and increasingly unequal.

Starting with a scoping study by ILC member Agter, the Commercial Pressures on Land research project has brought together more than 30 partners, ranging from NGOs in affected regions whose perspectives and voices are closest to most affected land users, to international research institutes whose contribution provides a global analysis on selected key themes. The study process enabled organisations with little previous experience in undertaking such research projects, but with much to contribute, to participate in the global study and have their voices heard. Support to the planning and writing of each study was provided by ILC member CIRAD.

ILC believes that in an era of increasingly globalised land use and governance, it is more important than ever that the voices and interests of all stakeholders – and in particular local land users - are represented in the search for solutions to achieve equitable and secure access to land.

This report is one of the 28 being published as a part of the global study. The full list of studies, and information on other initiatives by ILC relating to Commercial Pressures on Land, is available for download on the International Land Coalition website at www.landcoalition.org/cplstudies.

I extend my thanks to all organisations that have been a part of this unique research project. We will continue to work for opportunities for these studies, and the diverse perspectives they represent, to contribute to informed decision-making. The implications of choices on how land and natural resources should be used, and for whom, are stark. In an increasingly resource-constrained and polarised world, choices made today on land tenure and ownership will shape the economies, societies and opportunities of tomorrow's generations, and thus need to be carefully considered.

Madiodio Niasse

Director, International Land Coalition Secretariat

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List of acronyms

AA	Anglo American
ADM	Archer Daniels Midland
AIDESEP	Inter-Ethnic Association for the Development of the Peruvian Amazon
ALASRU	Latin American Association of Rural Sociology
ATPA	Andean Trade Preference Act
ATPDEA	Andean Trade Promotion and Drug Eradication Act
ATTAC	Association in Support of a Tax on Speculative Financial Transactions as an Aid to the Citizenry (Argentina)
AVSF	Agronomists and Veterinarians without Borders
CAN	Andean Community of Nations
CCU	Uruguayan Cooperative Center
CECCAM	Center for Studies Favoring Change in Mexico's Countryside
CENCOSUD	South American Malls (Chile)
CENOC	Nicaraguan Center of Citizen Opinion
CEPES	Peruvian Social Studies Center
CISEPA-PUCP	Center for Sociological, Economic, Political, and Anthropological Research at the Pontificia Catholic University of Peru
CIA	Central Intelligence Agency (United States)
CLACSO	Latin American Social Studies Council
CONASUPO	National Company of Popular Provisions (Mexico)
DL	Law Decree
DS	Supreme Decree
EU	European Union
FAO	Food and Agriculture Organization (United Nations)
FIAN	FoodFirst Information and Action Network
FISYP	Social and Political Research Foundation (Argentina)
FTA	Free trade agreement
FOSA	Forestadora Oriental Sociedad Anónima (Uruguay)
IBGE	Brazilian Institute of Geography and Statistics
ICRAF	International Center for Agroforestry Research

IDB	Inter-American Development Bank
IERAC	Ecuadoran Institute of Agrarian Reform and Colonization
ILC	International Land Coalition
ILO	International Labor Organization
INCRA	National Institute for Colonization and Agrarian Reform (Brazil)
INDA	Institute of Agrarian Development (Ecuador)
INRENA	National Institute of Natural Resources (Peru)
ISTA	Salvadoran Institute for Agrarian Transformation
MERCOSUR	Common Market of the South
MINAG	Ministry of Agriculture (Peru)
NAEF-UFPA	Family Agriculture Unit-Federal University of Pará
NAFTA	North American Free Trade Agreement
OSAL	Social Observatory of Latin America
PAC	Productive agrarian cooperatives (Peru)
PDS	Sustainable Development Project (Brazil)
PETT	Special Project for Land Titling and Rural Land Registry (Peru)
PRAT	Project of Regularization and Administration of Rural Lands (Ecuador)
PROBIOCOM	Program for the Promotion of the Utilization of Biofuels (Peru)
PROCEDE	Program for the Certification of Ejido Rights and the Titling of Urban Lots (Mexico)
REDES	Social Ecology Network
SAIS	Social interest agricultural companies (Peru)
SER	Sugar Energy and Rum Corporation
SIPAE	System for Researching the Agrarian Problem in Ecuador
SP	Settlement Project (Brazil)
UMSA	Upper University of San Andrés

Executive summary

This study offers an initial approach to the problems posed by the concentration of land ownership in Latin America, referring specifically to the recent processes in Mexico, Central America, and the Andean countries. To that end, a double perspective has been adopted: the twin trends produced by the economy and politics throughout the continent as well as national cases with their historic and social particularities.

The presentation is divided into four sequential sections. In the first section, we present the context of this process, recalling the changes that occurred in land ownership during the 20th century and highlighting the existence of two clearly differentiated stages: firstly, the concentration in large estates generally associated with the production of raw materials for export; secondly, more or less radical agrarian reforms that were accompanied by modernization projects targeting traditional structures. The result is the relative democratization of ownership.

In the second section, we cover the trends of neoliberal standardization arising from the Washington Consensus that were disseminated and applied at the end of the 20th century and imposed from the beginning of the 21st century. These trends have been expressed in the adoption of new institutional frameworks (constitutional changes, modifications of agrarian regulations, State reform) and the opening of national economies by means of free trade agreements tied to macroeconomic policy conditionality.

The third section identifies the consequences of these changes for agrarian ownership. Thus, it can be seen that a new concentration is underway with different ends: new agricultural activities, generally the cultivation of non-traditional products for export; the cultivation of inputs for biofuel; mining and exploitation of hydrocarbons, which tend to displace agricultural activities in the areas where they function; and extensive exploitation of forests.

The fourth section illustrates the modalities of concentration and their effects, through case studies of Peru, Nicaragua, Brazil, and Uruguay. This detailed look provides us with a better understanding of problems such as the displacement of indigenous populations; contradictions such as those related to mining on communal territories; alternatives such as State regulations regarding environmental management; and successful experiences such as the resistance of one branch of production in the face of the state of emergency experienced by others. Hence, Latin American reality is multi-faceted and complex, and as such it is difficult to make generalizations about it.

Finally, we present brief reflections on the future of ongoing trends and the possible contradictions of predicting between transnational interests and national well-being on the continent.

Introduction

> "It has been a long time now since we realized that our hopes for developing our country, improving the situation of our people, and expanding the opportunities within their reach depended to a significant degree on that important national resource. The history of the contribution that oil has made to our national prosperity is as pitiful as that of the crumbs that we have been permitted to take from the table of the old company …. Wherever it may operate in the future, the old company will never do so again in Iran. Neither through a trusteeship nor a contract will we cede to foreigners our right to exploit our own oil resources."
>
> Muhammad Mossadegh, former Prime Minister of Iran, speech at the UN in 1953 (cited in Kinzer 2005)

The first decade of this century has been a period of consolidation of new large-scale land ownership in Latin America. The path leading to the current situation was opened by the economic structural adjustment and application of the neoliberal programs that followed and were progressively consolidated in the various countries starting in the mid-1980s. After two decades of applying these programs, the new positioning of Latin American states vis-à-vis the international market has shaped a different reality in rural zones in this part of the world and has given this period a particular characteristic that distinguishes it from the social and economic context on the continent prior to the agrarian reforms of the middle of the 20th century. Nevertheless, if it is considered that for centuries the land problem in Latin America has been a constant and one of the central issues for understanding the reality of the continent, it is important to reflect on the conditions which resulted in the current process of land concentration, its characteristics, and what is new or old in this historic change.

The current land problem is reminiscent of the period of the banana plantations in Central America, Colombia, Ecuador, and the Caribbean, with immense estates (*latifundios*) operated by individual companies, illustrated so well in Latin American literature; the movable fences of the Cerro de Pasco Corporation in the mountains of Peru, whose cattle ranching division devoured community lands with the support of the police; and the agro-industrial complexes on the Peruvian coast that strangle small farmers for lack of water. From a certain perspective, for some authors (Bravo 2007) today's problems are an expression of the persistence of the North–South relationship of domination that emerged from the Spanish Conquest. Similar to other regions where the European *conquistadors* discovered natural riches such as minerals and oil, Latin America was conceived as a territory for supplying raw materials, a place to "extract" resources. From the period of colonial exploitation up to the installation of European and United States enclaves during the republican period, Latin American territory continued to be seen in the same way by foreign as well as Latin American governments, which facilitated resource exploitation by foreign companies.

In general, five elements that were characteristic of the problems preceding the agrarian reforms executed in Latin America continue to exist or have reappeared: (1) the investment of foreign companies in pursuit of resource extraction; (2) export of raw materials with no industrial processing; (3) pressure on communal and *campesino* land resulting in the displacement of the original occupants; (4) the lack of regulations or controls over the companies' methods of appropriating lands granted in concession; and (5) the concentration of economic power in certain small groups. However, these elements play out today in a different environment and have varying dimensions in each country. For Eguren (2009), a substantial difference lies in the fact that in the context of globalization and the opening of markets, nations "internalize" the rules of the game determined by bilateral commercial agreements, which causes them to adapt and adjust their policies to the parameters established for exporting and the free market. This does not only mean that it is a liberal State that has retracted in the face of the market, but rather a functional one that regulates and controls in order to comply with the rules of the game established by the market.

It is difficult to refer to Latin America as a unit, since it is a subcontinent with many internal differences. Nonetheless, we will try to respond to a few questions that remain constants. What are the characteristics of new large-scale land ownership in Latin America? Firstly, we would have to ask who the large landowners are. During recent decades, the economic recovery in some countries such as Brazil, Argentina, and Chile within the framework of globalization and the free market economy has reconfigured the map of power relations in the region. Today, large investments do not come only from the developed North, but also from countries within the region itself such as Brazil, Argentina, Chile, and also, to a lesser degree, others such as Peru, Colombia, and Venezuela.

A second characteristic is the types of resource on which this new land ownership model is based. There are four types of capital investment: one targeting food-related agribusiness; another targeting forestry and based on plantations for the production of timber and its derivatives, such as paper; a third focused on mineral and hydrocarbon extraction; and the fourth linked to agribusinesses cultivating biofuels in monoculture plantations. International demand for these resources has been supported in recent decades by free trade agreements (FTAs) that have been established, or are in the process of being developed, between several Latin American states and the United States, Canada, Europe, Asian countries, and others. These agreements encourage the free market of land and promote exportation and monoculture cultivation. In general terms, national economies continue to function within a primary exporter model because international markets continue to demand this type of resource.

Several years ago, in reaction to affirmation of the end of the oil period, a new source of energy emerged as a substitute: biofuels. The possibility of generating energy based on agriculture (sugar, corn, canola) has fostered the formation of what could be the new "plantations" of the 21st century. Likewise, the installation of so-called agribusinesses on large tracts of land dedicated to the cultivation of monocultures of soy and palm, and the growth of areas geared towards the planting of pines and eucalyptus for the production of timber and cellulose, are today a part and parcel of the landscape of Latin American agriculture.

The third characteristic of the current phenomenon is the importance of the regulatory frameworks that different nations have been creating, with more or less emphasis, since the end of the last century in order to open the door to foreign investment and to grant part of their territories in concession. In other words, the existence of new rules of the game in keeping with a globalized world or, in reality, determined by the market and the FTAs, as well as a context in which the rule of law, international regulations, and new technology should allow for a greater degree of respect for local populations, their rights, workforce, and environment. However, the current situation reflects the existing contradictions and limits between the economic model applied and the achievement of real rural development.

To paraphrase the Peruvian scholar José Carlos Mariátegui, the land problem in certain countries of Latin America continues to be essentially the problem of indigenous peoples. The conflicts that communities have with companies have perhaps never resonated as greatly as they do today on the world stage. It is the indigenous peoples' lands that have been most violently violated by the emergence and operation of mining concessions, agribusiness, and mega-projects. Even when in recent decades formal international recognition of these peoples' rights has been achieved, many states have continued without regulating and fully applying the existing conventions.[1] In some cases, governments themselves have countered the rights of these peoples with the supposed interests of national development and have defended companies to the detriment of the lives of native American peoples.

The process of reclaiming ethnic identity that is occurring in various countries on the continent has gone hand-in-hand with the application of the neoliberal program. The history of indigenous organization is different in each Latin American country; in some cases, their identity has an older origin, whereas in others it is a process that was begun recently. Nonetheless, in all cases the neoliberal offensive during recent decades has led to the strengthening and visibility of indigenous organizations and to much greater mobilization and opposition on the part of the population in the face of violations of their rights, principally the pressure that investments in their territories exert on the land. In

[1] In May 2010, the Law on the Right to Prior Consultation of Indigenous Peoples was enacted; this law regulates Convention 169 of the International Labor Organization (ILO) on indigenous and tribal peoples in independent countries. This was the first of its kind passed by a Latin American state.

those areas and/or countries where there is no indigenous population, small farmers are the most vulnerable actors; depending on their institutional and economic strength, they manage to a lesser or greater degree to resist and maintain their agricultural or cattle ranching activities.

In the present study, we tackle the problem of land concentration in various countries in Latin America, with the goal of contributing to the analysis regarding certain questions to which it is difficult to find definitive answers at this time, due to the fact that this issue has only recently begun to be treated systematically. Some of these questions are: how serious is the current problem in Latin America? What are the peculiarities of the different countries? What are the types of concentration of land ownership that can be found? Which actors are involved in this process? What are the impacts that this phenomenon produces?

In the first chapter we provide a general review of the agrarian reform processes that have taken place in parts of Latin America. In the second chapter, we discuss the new rules of the game (national and international), which began to be imposed towards the end of the 1980s and have been consolidated in recent years. To that end, we set out the legislative frameworks that protect the type of economic development proposed by the different countries. In the third chapter, we focus on some trends that mark the new process of land concentration on the continent according to different methods of land appropriation. In the fourth chapter, we provide in-depth discussions of some case studies supported by the International Land Coalition (ILC) in Latin American countries, specifically in Nicaragua, Peru, Brazil, and Uruguay, which chart the different situations in which the phenomenon of the concentration of land ownership is produced. This approach will help to illustrate the peculiarities and similarities of various Latin American realities.

We hope that a more diligent study of each case can demonstrate what lies behind the economic growth that the various countries in this part of the world are experiencing. In other words, at the expense of what and of whom are the emerging economies of Latin America achieving a better position in the political and economic world order? It is advantageous to place the discussion of the issue of extensive rural ownership within this framework and also in terms of the visions held in the past and currently by successive Latin American governments regarding their territories and the type of development that they wish to see implemented in them.

All indications point to the fact that in the majority of our countries, fences continue to appear overnight and the terms of exchange protected by Latin American states remain asymmetrical and disadvantageous for peoples in this part of the world.

1 The context prior to neoliberal reforms in Latin America

Territorial demarcation and the agrarian structure left by centuries of Spanish conquest in Latin America evolved, before or after and with greater or lesser intensity, into the application of agrarian reforms whose goals were to redistribute land, reduce social tensions, and modernize the development of rural areas through the incorporation of the rural population into the market and exchanges with the cities. A significant portion of political power in the 19th century and the first decades of the 20th century was maintained by holding and exploiting land; for that reason, confronting this also meant changing the hierarchical, exclusive order of the pre-industrial, *latifundio*-based republics.

After the subcontinent's independence processes, colonial power was replaced with the power of land-owning oligarchies that concentrated the majority and the best of the land. In the Southern Cone, the liberators and their liberal laws ended up leaving indigenous ownership unprotected and granting significant power to the local Creoles. However, as early as 1815, the first agrarian reform was enacted in the region headed by José Artigas, in what is today the territory of Uruguay, part of Argentina, and southern Brazil. Even in the midst of the wars of independence, Artigas managed to establish an agrarian code for one year which ordered that lands in the hands of "bad Europeans and worse Americans" be expropriated and handed over to the "poor patriots," among whom the Indians had the greatest right (Galeano 1971: 154).

Nonetheless, it was the great Mexican agrarian reform of 1910 that set the first precedent in the region regarding the need to reorganize land ownership as a point of departure for transforming our countries. This reform was the result of a revolutionary process and it could only be asserted through a long war. The Mexican process left a footprint that was followed by the Bolivian Revolution of 1952 and the Cuban Revolution of 1959. Until the 1960s, agrarian reform was at the heart of revolutionary programs in Latin America, even though, little by little, more moderate reform movements began to reclaim it in less radical terms.

The subcontinent's revolutionary processes and the changes that were proposed for rural areas were seen as being opposed to the direct interests of the United States, to the extent that they challenged that country's influence and affected the concrete interests of its companies. During the 1950s, "Uncle Sam" deployed a large number of interventions in its Latin American "backyard" and in the entire periphery christened the "Third World," making use of the newly formed United States Central Intelligence Agency (CIA) and utilizing so-called "gunboat diplomacy." After the coup d'état carried out against

Iranian Prime Minister Muhammad Mossadegh in 1953, due to his decision to nationalize that country's oil, the next target was Guatemala, whose recently elected President, Jacobo Arbenz, had launched an agrarian reform in 1952 which directly affected US companies such as United Fruit Company.

After 1961, with the creation of the Alliance for Progress, the United States promoted agrarian reforms in the majority of the countries in the region, with the goal of stopping the advance of social mobilization around land that was taking place in many countries. In this way it sought to control the way in which social change was being produced and to cushion the situation of conflict that went against its economic interests in the region. In that context, agrarian reforms were instituted in the majority of Andean countries such as Colombia, Venezuela, Ecuador, Chile, and Peru, with the last two experiencing the greatest impact (Table 1).

Table 1: Agrarian reforms in Latin America

Country	Starting year
Uruguay	1815
Mexico	1910
Bolivia	1953
Cuba	1959
Guatemala	1952
Colombia	1961
Venezuela	1960
Chile	1964–1973
Ecuador	1964
Peru	1969
Nicaragua	1979
El Salvador	1980

We present below a summary of the situation that existed prior to these reforms and their consequences.

Mexico

In Mexico, agrarian reform created within the context of the revolution transformed Mexican society and its power structure. Until 1910, approximately 11,000 large ranches (*haciendas*) controlled 57% of national territory, while 15 million *campesinos*, around 95% of rural families, had no land. The agrarian reform, which was set out in the 1917 Constitution (Article 27), established the nation's ownership of land and created a new agrarian structure based on three types of ownership: indigenous communities, *ejidos* (communal lands), and small private ownership. Indigenous communities' rights to their ancestral territories were recognized, while *ejidos* were created by the reform and established on lands expropriated from *latifundios* (De Ita 2003). By means of these two methods, landless *campesinos* were able to access this resource in a process that lasted several decades but which, with its limitations, led to sections of the population living in a situation marked by precarious tenancy (Mackinlay and De la Fuente 1996).

De Ita (2003) notes some of the characteristics of these forms of ownership in Mexico:

- The Constitution limited access of small private ownership to the use of irrigated land, forest ownership, and cattle tenancy.
- Lands belonging to *ejidos* and communities was collectively owned, non-transferable, unseizable, and inalienable, and its use was governed by its own rules.

On a related note, the Forest Law of 1926 declared the exploitation of communal forests to be inalienable and restricted their extraction to *ejido* cooperatives. The distribution of lands and forests was expanded in the 1930s by the Lázaro Cárdenas government. This reduced private ownership and increased the number of *ejidos* benefitting, and thereby ensured that the rights introduced in 1917 were realized. However, consolidating these changes took a long time and, in the case of forest exploitation, despite the *ejido* members' rights, concessions and prohibitions limited their real use on the part of owners. It was only in 1986 that the new Forestry Law rescinded the concessions, recognized communities' rights to use their forests, and prohibited stumpage fees (*rentismo*) in forests.

By 1971, with the Federal Agrarian Reform Law, the power of the *ejidos* as social structures was consolidated by granting them, among other things, their own legal personality and therefore deeming them to be rights-holders in the eyes of the State in economic and productive terms (De Ita 2003: 5). Up to 1992, the process of land distribution and the new social organization recognized by the State that had occurred during virtually the whole of the 20th century had resulted in the existence of approximately 28,000 *ejidos* and 2,000 communities (Mackinlay and De la Fuente 1996). That was the situation in the countryside when new legislation was introduced and a new context established in the 1990s.

Central America

In Central America, a predominantly agricultural territory, the agrarian structure which existed prior to the reforms was very different from one country to the next. Nonetheless, they shared some characteristics to a greater or lesser degree: most importantly, the existence of a landed oligarchy linked to the dominant power of the United States. In Guatemala, Honduras, El Salvador, and Nicaragua, the agrarian reforms that were carried out affected the interests of the United States in terms of land and deposits of raw materials. In this context, reformist processes were marked by conflict and their advance was continuously threatened. This meant that they could not mature sufficiently before being stopped and undone.

In the cases of Guatemala and Honduras, the agrarian structure that existed from the end of the 19th century up to the middle of the 20th century was characterized by the significant presence of US companies dedicated to the exploitation of extensive fruit plantations, mainly bananas. The largest company was United Fruit Company, whose plantations reached all the way to South America. In Guatemala, the company held 5.6% of agricultural land and the principal roads. In all, 62% of that country's arable land belonged to foreign companies dedicated to agro-exports. Ninety percent of the population were indigenous people with very small, low-producing plots, a situation that forced them to take jobs on the plantations. The revolutionary process of 1942 brought with it the new 1947 Constitution, which laid the foundation for the realization of a new agrarian reform by declaring the "…. social function of ownership, the express prohibition of the transfer of national, *ejido*, and community lands, the forced expropriation of ownership for the needs of the common good, and the prohibition of *latifundios*" (Rodríguez Baena 2008).

However, it was only with the Jacobo Arbenz government that the agrarian reform process was begun, through Decree 900, which benefitted 100,000 families and is estimated to have affected 1,051,693 *manzanas* of land (a *manzana* is equivalent to 0.7 hectares). In practice, its application lasted only one year due to the fall of the government resulting from the coup d'état brought about by the United States in 1954. While during the short period of time that these measures lasted the structure of land tenure was changed, approximately 70% of the expropriated lands were returned to their owners during the first months of the new *de facto* government (Nicaraguan Center of Citizen Opinion [CENOC] 2005: 36-37).

In Honduras, agrarian reform was carried out in 1961, some time after the Guatemalan reforms. As a result, between 1973 and 1977, 120,000 hectares were distributed and in the course of three decades 409,000 hectares were appropriated. Nonetheless, the agrarian reform was not able to counteract the process of land concentration that continues to be consolidated up to the present day (FoodFirst Information and Action Network [FIAN] 2000).

In contrast to Guatemala, where ownership of coffee and fruit plantations by large export companies was a key characteristic, in Nicaragua there was no concentration of this magnitude and medium- and small-scale farming took priority. Nevertheless, after coffee and cotton production peaked in the 1970s, the tracts of land dedicated to these crops increased considerably, resulting in significant land concentration in the hands of families belonging to the oligarchy, which also controlled political power, represented by the Somoza family. The struggle for land in Nicaragua was framed by the struggle for national sovereignty, which culminated in the Sandinista Revolution of 1979. With the triumph of the revolution, the Area of Popular Ownership was created with 20% of the country's arable lands, which were expropriated from the Somoza family (González 2009). In 1981 the Agrarian Reform Law was enacted, which would progressively change the agrarian structure by reducing private ownership in order to give precedence to cooperatives and small farmers (CENOC 2005: 47).

In El Salvador, the history of land ownership has been marked by coffee cultivation. After production of that crop peaked at the end of the 19th century, the Salvadoran oligarchy of the period concentrated land ownership and dispossessed *campesino* and indigenous peoples of their ancestral lands. During the first half of the 20th century, the alliance between the military government and the United States went hand-in-hand with landed power linked to coffee cultivation. In 1971, the Agricultural Census identified the persistence of an unequal distribution of productive land in the country, with 0.3% of owners owning real estate of more than 200 hectares, which represented 28.2% of the total land area, while 92.5% of owners had real estate of less than 10 hectares, representing 27.1% of the country's total surface area.

In the face of this situation, and in the midst of the country's civil war, agrarian reform was enacted in 1980. The reform, in what became known as its first phase, involved the seizure of properties greater than 500 hectares and the establishment of limits to ownership at 245 hectares. This affected 15% of the country's agricultural land, resulting in its transfer, both on individual and collective bases, to families and the formation of cooperatives (Salvadoran Institute for Agrarian Transformation [ISTA] 2005: 8).

In general, in Central America these reforms modified agrarian structures to a certain degree, but were characterized by being interrupted processes that did not lead to real land redistribution. Changes in the international context, the crisis of certain crops such as coffee, and wars were among the factors that resulted in the creation of a fragmented agrarian structure based on the *minifundio* (smallholding), with *campesinos* left in a state of poverty and enjoying little security over their lands. The peace processes in Guatemala and El Salvador during the 1990s introduced new contexts and, with them, new land distribution processes. In Nicaragua, the end of the revolution and the "return to democracy" provoked an agrarian counter-reform that would stop the process initiated by the Sandinista Front for National Liberation. Finally, the signing of the FTA between Central America and the Caribbean and the United States established a new legal framework adapted to globalization, which would produce new demands for products and new rules of the game between the region and the international market.

The Andean countries

During this period, agrarian reality in the Andean countries, determined by their mountainous and high-altitude territories, added other characteristics to the land problem. While the more tropical countries of Ecuador and Colombia were focused principally on the export of fruit from large plantations similar to those in Central America, in Peru, Bolivia, and Chile, with varying emphasis, resource exploitation mostly involved cattle ranching, agriculture, and mineral extraction. The system of large ranches (*haciendas*) that was consolidated after independence through the seizure of communal lands in Peru and Bolivia was also a method of social domination and exploitation of indigenous peoples.

In that sense, the Bolivian Revolution of 1952 not only sought to disrupt land ownership, but also the existing system of servitude (Urioste and Kay 2006). However, the objective of the agrarian reform, as in other countries, was not to restore indigenous ownership and recognize the rights of those communities, but rather principally to modernize the traditional economy that was based on the *latifundio*. This approach was reflected in the Agrarian Reform Law of 1953 and determined that communities would not be established as owners, but only as holders of land. After the reform, titling procedures remained incomplete and generated insecurity in land holding.

Even so, agrarian reform transformed the rural reality which prior to the revolution was characterized by massive land concentration. As noted by Urioste and Kay: "…[I]n 1950, 0.72% of the properties, or 615 of the *haciendas*, measuring an average of 26,400 hectares controlled almost half of the ownership of the lands, while 60% of the properties of less than five hectares only represented 0.23% of the lands having owners" (2006). Even though the reform benefitted a large part of the indigenous population, the foundation was also laid for a new agrarian structure determined by differences in ownership between the country's eastern and western sectors. In the east, a new large-scale ownership model was developed based on medium-size and large *haciendas* whose owners were not indigenous people, but rather migrants from various parts of Bolivia. In the west, indigenous ownership was expanded in a context of great scarcity and pressure on land (Urioste and Kay 2006).

In Peru, the agrarian reform that was carried out by the military government of Juan Velasco Alvarado in 1969 was one of the most radical in Latin America. Additionally, it served as the preamble to a new legal framework that was established with the new 1979 Constitution, which provided a protective framework for land ownership to *campesino* communities and prohibited *latifundios* and ownership by commercial corporations

(Eguren 2006). In practice, this agrarian reform expropriated eight million hectares from the majority of the *haciendas* from both the coast and the mountains. Productive agrarian cooperatives (PACS) were created in the coastal region and social interest agricultural companies (SAIS) in the mountains.

The failure of these institutions to modernize and develop the countryside resulted from their dismantling and restructuring, a process that lasted throughout the 1980s and produced the progressive redistribution of their lands to small farmers and *campesino* communities. Towards the beginning of the 1990s, the agrarian structure was characterized by the majority presence of small landowners; at-risk establishments did not go beyond 20% of the total land area (Eguren 2006), and there were 5,680 *campesino* communities (Burneo 2007). With the 1979 Constitution promulgated at the end of the military regime, the protection provided by the State to *campesino* communities was made clear in setting out that, among other aspects, their lands were inalienable, unseizable, and non-transferable.

Nonetheless, even with the existing protection framework, by the end of the 1980s measures began to be taken that sought to limit the reach of the reform and to favor large land ownership for the long term. Out of that approach emerged Supreme Decree (DS) 029-88-AG, which expanded the limit on ownership from 150 to 450 hectares for coastal lands requiring irrigation and for projects of rural settlement in the forest and on the edge of the forest. The Decree also permitted concessions to be granted to any company on uncultivated coastal lands. These actions would serve as the guideline for liberal reforms that would be introduced at the beginning of the next decade.

In Chile, the start of the agrarian reform process with the enactment of Law 15.020 in 1961 was a response to the boost provided by the Alliance for Progress. As noted by Gómez (2007), its consolidation came about through the enactment of Law 16.625 on *campesino* unionization and Law 16.640 on agrarian reform, as well as a constitutional reform that permitted the expropriation of large agricultural tracts. The majority of the expropriations were carried out under Salvador Allende's government as an application of the Unidad Popular party's platform and in the midst of a social dynamic that tended to boil over when *campesino* organizations began to appropriate for themselves lands they felt belonged to them. The old *latifundio* structure collapsed; the industrial-financial bourgeoisie reacted violently to this threat and committed itself as a bloc to the 1973 coup d'état and the repression that followed. The military dictatorship that began on September 11, 1973 defined the measures and social initiatives of the overthrown government to be attempts against ownership and order, and forced their reversal by means of force, little by little adding modernizing liberal legislation. This policy favored an increase in crops for export, which were the mainstay of the new large capitalist ownership framework that formed a substantial part of the success of the so-called "Chilean model."

The situation in Ecuador during the 1950s was not very different from that experienced by its neighbors. As Jordán notes, "…in 1954, 0.4% of all agrarian operations concentrated

45.1% of the surface area, while 73.1% of the operations of that time utilized 7.2% of the surface area" (2003: 285). Likewise, 4.4% of agricultural owners held 43.8% of the irrigated surface area and 36.9% were owners of 2.3% of land with little irrigation. As Jordán also indicates, the aim of the agrarian reform carried out in 1964 was to solve the problem of pressure on land in areas of high population density. With this objective, the Law on Agrarian Reform and Colonization was enacted as a way to obtain land and to expand the agricultural frontier; however, the changes that were introduced were not able to shake the power of the large landowners. In the following years, it would be clear that the effect of the agrarian reform was, on the one hand, to transform large *haciendas* into large capitalist production units and, on the other, to create a pocket of *minifundios* in the countryside by favoring access to land for a considerable number of persons (Zapatta et al. 2008). This unjust situation would be maintained even after the neoliberal measures of the following decade, similar to most Latin American countries.

The lack of continuity of Latin American agrarian reforms carried out between the 1950s and 1970s was principally due to changes in government leadership and policies, behind which there were abrupt interruptions, such as coups d'état or civil wars, or "democratic" shifts toward anti-reformist governments whose discourses gained strength with the economic crisis and the harshness of the structural adjustment imposed by multilateral organizations which sought to promote foreign investment, the land market, and other types of relationship between the State and society.

2 From the 1990s to today: the new rules of the game

In the 1990s, Latin American governments reoriented their agrarian policies and enacted new laws, which sought to encourage the land market as a solution to the agricultural problem. These new institutional frameworks formed part of the boost that the United States sought for opening markets in Southern countries and were set out in the FTAs that have been gradually signed from that decade until the present day. It is not very precise to say that the states that emerged from neoliberal reform in Latin America withdrew in response to an economy that was left in the hands of the market. Rather, it would have to be added that, after two decades of structural adjustment, states have been functional and active in the formulation of public policies oriented towards covering the supply and demand of particular resources in the international market, in keeping with trade agreements.

The era of globalization opened the door to foreign investment and legitimized it. The investments that decades before were carried out by means of invasions, coups d'état, and indigenous exploitation under servile regimes of domination occur today under the protection of trade agreements and the legal regulations that facilitate them. Agrarian reforms were part of the construction of national Latin American states that viewed the land problem as one of the principal social schisms, even with their limitations; nonetheless, the reforms were interrupted and reversed with the goal of applying a new model in keeping with the new era of globalization. Its establishment had different origins. In Central America, models evolved virtually as components of the peace accords that followed wars and were sponsored by the United States in countries such as Guatemala, El Salvador, and, in a different fashion, Nicaragua, where changes resulted from the electoral defeat of the Sandinistas at the start of the 1990s after a prolonged counter-revolutionary conflict.

In the Southern Cone, the establishment of the model also had pronounced elements of violence, especially in the cases of Chile, Argentina, and Uruguay, where neoliberalism followed the coups d'état that clearly were executed in order to eliminate the possibility of a "communist victory" (which in Chile meant defeating a government and a long democratic tradition and installing the extremely harsh dictatorship of General Augusto Pinochet, which neoliberal intellectuals deemed to be "necessary"). In particular, 'Pinochetism' was the origin of the "most successful" neoliberalism of the subcontinent and, in many countries, economic and political elites adopted as their objective to "do as Chile does." On a related note, in the Peruvian case there was also a significant amount of force involved in consolidation of the model, and President Alberto Fujimori made use of his own coup d'état to ensure the conditions for its application.

Democratically or not, the model was imposed on the majority of countries in Latin America and the new legal framework that was created opened the door to foreign investment and prepared the countries to receive the new international demand for resources and investment, which the United States as well as Europe later on would seek to satisfy in this part of the world. In some countries this process of opening impacted the strengthening of national capital, such as in the case of Chile, while in others it meant the virtual concession of national resources to foreign capital, such as in the Peruvian case.

Below we will see with greater detail how these processes developed.

The new institutional frameworks

Constitutional changes and their repercussions on land ownership

The new neoliberal orientation delimited the role of the State as an agent for distributing and protecting land, oriented towards solving the problem of access of the most needy *campesino* populations and emphasizing collective and individual ownership models where land redistribution was concerned. This predominant State function, which characterized the agrarian reforms of previous decades, would be performed by the market in the new neoliberal model (Urioste and Kay 2006). In this sense, individual ownership would be prioritized and access to land determined by the laws of the market.

The Mexican (1917) and Peruvian (1979) Constitutions were the result in good measure of the transformations that produced the agrarian reforms that were carried out: the former by a revolution and the latter by a military revolutionary government. While both processes have a considerable temporal distance, the overthrow that those national constitutions defended occurred virtually simultaneously with the neoliberal reforms of the 1990s. In 1992, changes were introduced in Mexico regarding *ejido* ownership of land, and in Peru the 1993 liberal constitution left the lands of *campesino* communities unprotected.

The Mexican Constitution of 1917 had been the most advanced and to some degree was a model for reformist policies in other countries. However, by the 1990s the agrarian structure based on the *ejido* became an obstacle to encouraging foreign investment and to the modernization and productivity of rural areas. The reform of agrarian law in Mexico has perhaps been one of the most radical by introducing new neoliberal parameters – so much so that, in its time, business sectors which had asked the State for flexibility saw their expectations exceeded and their power weakened, even to the point of bankruptcy (Mackinlay 2006). In 1992, Article 27 of the Constitution, which had provided the most important framework for agrarian reform, was itself reformed. As noted by De Ita (2003), this change marked the end of agrarian redistribution, laid the foundation for the privatization of *ejidos* and communities, and opened the door to the appropriation of national territory by national and international commercial corporations. The new regulations set the stage for the signing of the North American Free Trade Agreement (NAFTA) in 1993, which would make Mexico the first country to put into practice a trade agreement of this kind.

The changes to Article 27 established that *ejido* lands would cease to be inalienable; put an end to redistribution (reform) by the State; positioned *ejido* members (*ejidatarios*) to have access to individual ownership titles; established that those who had obtained an ownership title could use their lands to benefit outside agents, but only when complying with the authorization of two-thirds of the general assembly; permitted the sale or rent of communal-use lands; and finally, eliminated the *ejido* directorate's role as an intermediary in obtaining credit. Thus, the new regulations promoted individual private property, and communal property was dismantled in order to encourage these new owners to autonomously manage their lands and to associate with foreign investors in the *ejidos*. The indigenous communities maintained their status within the communal models which prohibited the alienation of their lands; however, it was established that they had the right to change the new *ejido* regime if they so chose (De Ita 2003).

The changes introduced in Mexico were similar to those in Peru in terms of *campesino* communities. The Fujimori government convened the so-called Democratic Constituent Congress after the self-coup in a scenario of clear political domination and tasked it with the development of the current Constitution, which was approved in a dubious referendum in 1993. This new Constitution that emerged from the civil-military government in 1992, with barely enough makeup provided by the later "transition," sought to give coherence to policies that had been in the process of being defined since the end of the 1980s, with the goal of escaping the slump the country was in, regaining international credit, and attracting investment. In this sense, the new Constitution represented a step backwards in human rights for *campesino* communities. The protection policies that the State had maintained in some fashion since 1920 collapsed. After 1993, communal land was converted into a freely available good, should the community members so decide.

In Chile, the 1981 Constitution sought to protect measures taken by the new dictatorial regime. Even though big landholders where part of the group that supported the Pinochet government, the restitution of ownership was not on the scale that would have been expected. The 1980s were a period of privatization in that country, and the new Constitution provided a framework favoring both national and international private investment, promoting and safeguarding it. By 1990, when other countries were initiating counter-reforms, the Chilean model had already become institutionalized. Even though the Peruvian and Chilean constitutions were products of coups d'état, the governments that took power after the restoration of democracy did not touch the institutional frameworks that had permitted application of the economic model linked to the dictatorial governments in each country; on the contrary, they continue to function for the policies that are applied today. Modifying them would entail affecting economic powers that have been established for more than three decades.

Agrarian legislation: the land market and the clearing of barriers to ownership (*saneamiento*)

One of the principal instruments favoring the land market has been the clearing away of barriers to ownership (*saneamiento*). On a foundation of the promotion of private ownership, this instrument constitutes one of the most important for providing ownership security and, in the context of the market, provides an incentive for investment. Without a doubt reform processes, above all in the Central American countries, left inconclusive the legislation for the new distribution of ownership. In that sense, the projects promoted by the World Bank for titling lands were placed in the context of a real need which, nonetheless, had different meanings in each country. Below we briefly recount the changes that have occurred in the agrarian legislation of some Latin American countries.

In Mexico, beginning with new legislation, the Program for the Certification of *Ejido* Rights and the Titling of Urban Lots (PROCEDE) was promoted with the objective of providing legal security to land by granting certificates of individual ownership. In 2003, 65.7% of the nation's land was certified, but with a very different reach depending on the region (De Ita 2003). Nonetheless, the goal of promoting the development of a more modern agricultural sector through this titling process, with *campesinos* being entrepreneurs and eligible for credit, reverted to a situation of survival, a land market aimed at resolving emergency situations, and an indebted *campesino* sector (Bartra 2003).

The reduction of the State's role in a reality such as the Mexican one, in which its intervention had been historically important in the protection of land and other resources, had a very strong impact. The State ceased supporting the agricultural activity of *campesinos* and small farmers. Thus, between 1982 and 2001, agricultural investment was reduced from 95.5% of public spending to 73.3%, while the total volume of agricultural credit dropped by 64.4% (Quintana 2003). Another example of the withdrawal of the State was the disappearance in 1998 of the National Company of Popular Provisions (CONASUPO), which had been in charge of regulating the production and consumption of basic grains. This act eliminated limits on the importation of all types of agricultural product (Mackinlay 2006).

The Water Law of 1992, similar to the other measures, eliminated the social principle that was previously in force under the Agrarian Reform Law. In this case, regulation permitted private companies to participate in the generation of electricity and authorized the granting of concessions for hydraulic works lasting longer than 50 years to private companies. This essentially sought to secure consumption for the urban-industrial sector, relegating to second place use of this resource for lands requiring irrigation and the *ejidos* (Mackinlay and De la Fuente 1996: 79).

The titling of plots of land in Peru was also part of the reforms initiated in the 1990s. In 1992, the Special Project for Land Titling and Rural Land Registry (PETT) was created in order to regularize the plots of land that the State had allocated during the agrarian reforms. During the 1990s, 100,000 individual ownership titles were granted (Del Castillo

2003: 280). Nevertheless, within *campesino* communities, the titling of land plots was marginal. Even so, conflicts continue between communities regarding boundaries.

Another important innovation in Peru was the enactment in 1995 of Law 26505, the Law on Private Investment in the Development of Economic Activities on Lands within National Territory and *Campesino* and Native Communities (the Land Law), which made it easier for *campesino* and indigenous communities to obtain individual titles to their lands and, eventually, transfer them to third parties through purchase agreements or as bank guarantees. In 1997, Law 26845, the Law on Titling Coastal *Campesino* Community Lands, was passed with an eye to favoring the private use of coastal lands requiring irrigation. That agricultural region was much more important for agribusiness than the High Andes with its natural pastures or the inter-Andean valleys in the mountains, which are mostly small and highly populated. This regulation was geared towards facilitating a new land concentration on the coast, while the process in the mountains and forest will inevitably be much slower.

In Peru the unique characteristics of each region must be taken into account. Currently these are: (1) a successful agro-exporting coast with a significant history of this type of production during the pre-reform period, which has represented the horizon that different governments have sought to reach since the 1990s; (2) a mountainous region that has always been mineral-rich and whose resources are currently being increasingly exploited; and (3) an Amazon region full of timber, gas, and oil. These factors of interest have demonstrated that they mobilize investments faster than land market mechanisms; however, the legal framework is no less important as a guarantee of the new ownership that is being created. In each region, it is the resources demanded by the market that determine the method of land appropriation by new sources of capital.

In Ecuador the situation has not been very different except that, despite the proliferation of the *minifundio*, large-scale land ownership was not dismantled as a consequence of the agrarian reform of the 1960s. The Agrarian Development Law of 1994 repealed the previous legislation and created a new framework that was favorable to the opening of the market: it promoted the land market, eliminated restrictions on the transfer of rural property, granted guarantees to medium- and large-size ownership of land, and authorized the division of communal lands and their transfer to third parties via the market. On the institutional level, the Ecuadoran Institute of Agrarian Reform and Colonization (IERAC) was abolished and replaced with the Institute of Agrarian Development (INDA). One of the principal instruments favoring the reform was, as in other cases, the so-called process of "clearing" land ownership (*saneamiento*) by creating the Project of Regularization and Administration of Rural Lands (PRAT), through which the State would attempt to resolve the new problems generated by pressure on land (Zapatta et al. 2008: 20).

The formalization of ownership encouraged by states has brought with it changes in the way that agrarian activity is perceived and has put the fate of small farmers and communities on the table. This is particularly sensitive in the case of Nicaragua, where the counter-reform initiated in 1990 by the government of Violeta Chamorro meant a reversal of the expropriations carried out under the Sandinista government. Additionally, the government did not regularize ownership of land that had been allocated. As will be seen below, the result has been the persistence up to the present day of overlapping registries for the same properties, as well as the fact that this conflict is taking place within indigenous territories.

Legislation favorable to afforestation

Besides the legislative changes in the agrarian sector as a whole, specific regulations have also been passed for the development of those sectors prioritized by the market. The case of Uruguay's forest legislation is an example of this.

In Uruguay, the agrarian structure has historically been based on large-scale ownership, principally cattle ranching, which has coexisted with small and medium plots of land used for the production of horticultural crops, dairy farming, and agriculture. The history of Uruguay is unique and differs from the other cases described thus far, mainly due to the absence of *campesino* and indigenous populations. Nonetheless, similar to the processes that have taken place in other countries, in 1959 a very limited agrarian reform was announced and implemented. This sought, among other goals, to establish a maximum size of rural property that could be owned and to prohibit rural exploitation by corporations. This measure was the only one that was achieved. It was not until 1999 that Law 17.124 eliminated this prohibition and permitted corporations to export and to be owners of land for agricultural use. In 2007 the prohibition was restored, but with exceptions that allowed companies dedicated to forestry plantations and monocultures of wheat and soy to operate (Tambler and Giudice 2010).

On a related note, in 1988 the Law of Forest Promotion 15.939 began to ease the way for the entrance of capital for the purpose of afforestation by granting various fiscal and credit-related benefits to forest plantations. Two more regulations that same year, 16.002 and 931/88, granted a subsidy of up to 30% of the value of plantations. Beginning in the 1990s, the Uruguayan cattle ranching sector began a transformation, with a reduction in the number of dairy farms and an increase in their average size. During the following decade, the timber industry began to consolidate itself on the foundation of the new forest planting with the presence of new transnational companies dedicated to cellulose production (Tambler and Giudice 2010).

Free trade agreements

The more or less logical sequence in the neoliberal transformation of Latin American economies began with adjustment (price correction "shock"), then moved on to neoliberal reforms (opening, privatization, greater flexibility, etc.), and concluded with the international trade agreements that, with the justification of guaranteeing markets for smaller countries, subjected them to inflexible (permanent) rules favoring the interests of international capital. In universal economic parlance, it is assumed that an FTA is an agreement of relative renunciation of sovereignty between two or more countries in order to facilitate an exchange that is advantageous to both, in relation to third parties. This is theoretical, because the rules that are "agreed to" are those that the strongest party imposes. In reality, this is an adaptation of small countries' regulations and plans to the interests of larger countries, in exchange for real or perceived advantages in the larger market.

The United States has been the great worldwide promoter of FTAs. They are different and to some degree have been contrasted with other integration processes that, in the face of asymmetrical agreements that leave possibilities of use up to the market, seek to strengthen production zones and create more homogeneous and complementary trade. This is the case with the European Union (EU), the Andean Community of Nations (CAN), the Common Market of the South (MERCOSUR), and others in which the initial imbalance between the parties is recognized and its gradual correction is proposed. Over time, however, the trend towards signing FTAs has prevailed, with nearly 100 signed worldwide to date. While the United States is a signatory to a significant number of these, it has not participated in others. At the end of the 1980s, the first FTA was signed between the United States and Canada, opening their respective markets and bringing their economies, which were already very close, even closer together. In 1994 NAFTA entered into force, integrating Mexico's less technologically developed economy into a huge market.

The effects of NAFTA have been criticised in Mexico due to the extreme dependence it has created in that country's economy with respect to the United States. The agreement's worst consequences have been felt in the recent international crisis, with one particularly tragic aspect being that of food sovereignty. The land of tortillas has suffered a profound agrarian counter-reform with the introduction of numerous commercial crops demanded by the United States market, such as fruits and vegetables, which have ended up replacing many foodstuffs, especially traditional Mexican corn. This new agricultural structure has been accompanied by changes in the system of ownership through an intense concentration of the best lands and the displacement of millions of *campesinos*, who have become immigrants to the United States.

As Quintana (2003) notes, from the signing of NAFTA, successive governments had a period of time to strengthen national production before all products had to become tariff-free by 2003, with the exception of corn, milk, and sugarcane, which would be tariff-free by 2008. Nonetheless, the policy of Mexico's federal government was to reduce by

65% its budget for rural areas. Meanwhile, the United States applied a subsidy policy favoring its own farmers and began to export low-quality products in an unbridled fashion. It also moved ahead with tax exemption, thereby to a significant degree failing to comply with the agreement.

The accelerated increase in imports of basic foodstuffs has led to Mexico purchasing externally 95% of the oilseeds it needs, 40% of the meat, 30% of the corn, and 50% of the rice. Likewise, the fruit and vegetable cultivating sector has been oriented towards exports, with an increase of 76% and 26%, respectively. As this author also points out, what is exported on the one hand must be imported on the other: imports of vegetable preserves have increased 77% and those of preserved and dehydrated fruit 300% (Quintana 2003).

Despite this, in 2000 Mexico signed an FTA with the EU, and since 2003 FTAs have been signed by the United States, the EU, Japan, and China with Chile, Central America, Peru, and Colombia (Table 2).

Table 2: Dates FTAs with Latin America were signed

Countries	With the United States	With the EU	With Japan	With China
Mexico	1994	2000		
Chile	2003	2003	2007	2005
Central America	2004	2010		
Peru	2006	2010	In process	2009
Colombia		2010		
MERCOSUR		In process		

The negotiations over the FTA between Peru and the United States concluded at the start of 2006, and the agreement was signed by President Alejandro Toledo. It was put into force by his successor, Alan García, on January 1, 2009 after some modifications demanded by the new Congressional majority in the United States. Given the prior inclusion of Peru in the Andean Trade Preference Act (ATPA) and the Andean Trade Promotion and Drug Eradication Act (ATPDEA) for preferential access to the United States market in exchange for reducing the amount of land dedicated to coca cultivation, the possibility of significantly increasing sales with zero tariffs was reduced. The fairest interpretation is that this agreement was conceived for the purpose of attracting foreign investment, opening wide the paths to natural resource exploitation and the possibilities of investment in land with an eye to exports.

While Mexico has become an importing country thanks to NAFTA, Peru has strengthened its exports, mainly of raw materials, minerals, agricultural products, and textiles. During the year before the signing of the agreement, an impressive number of decrees were passed thanks to powers granted by Congress to the Executive Branch, thereby generating a true revolution in ownership relationships and easing the way for foreign capital. As a result, communal lands, indigenous territories, and small-scale agrarian ownership have been weakened by a system that has privileged the entrance of capital, large-scale production, and export-oriented projects.

What happened in the province of Bagua in 2009, as a result of a long strike by Amazonian communities against a series of legislative decrees (DL) that included the forest in the economic opening process (DL 994, DL 1015, and DL 1073), was probably the most difficult and bloody moment in the fight against FTAs in all of Latin America. A never-specified number of victims (34 people were killed, including police officers, indigenous people, and settlers, whose bodies were collected and identified) shook the country and opened up a profound social rift. Faced with the possibility of defeat, the government retreated and repealed some of the decrees; nonetheless, there was a continuing sense that the conflict remained latent and unresolved. Many analysts opine that a type of "catastrophic tie" has been produced in which the indigenous people aspire and are preparing themselves to finish the repealing of legislation that affects them, while the government seeks a way to surprise everyone and return to the repealed decrees.

In a way of thinking that the Peruvian President has called "the syndrome of the dog in the manger" – an allusion to the bad use and waste of land and resources by communities, indigenous peoples, and small farmers, who he says could work better by means of large, mainly foreign, investments – it has become clear that the current government considers them an obstacle to achieving "the development of the nation," as were the *ejidos* and indigenous communities in Mexico nearly two decades ago. While before the signing of the FTA Peru was already a territory given in concession and in which government policies sought to favor foreign investment, with the new scenario presented by the agreement signed with the United States and the recent agreement signed with the EU, the perspective of achieving rural development with equity and land demarcation is not very encouraging. Moreover, the current government, dazzled by significant macroeconomic growth resulting from the increase in exports, cannot imagine another way to encourage rural development other than handing over the country's riches to the highest bidder.

Brazil, Argentina, Paraguay, and Uruguay, members of MERCOSUR, have their own dynamic determined by the presence of the two largest countries in the Southern Cone. Free trade agreements with other countries and foreign investors have been mainly bilateral. After years of truncated negotiations, in the last summit held with the EU in Madrid in May 2010, the possibility emerged once again of developing a trade agreement.

3 Trends and constants in the concentration of land ownership

Land concentration in different parts of the world is a contemporary reality that cannot be denied. The energy and food crisis in rich countries has created a new demand that corporations and states have sought to satisfy in territories of developing countries whose governments, in turn, welcome them. Additionally, a correlative of the financial crisis of 2008 has been larger investments in the agrarian sector because the land is a resource that (as noted by the group GRAIN) is capable of providing greater financial security for investments.[2]

According to another analysis, the search for biofuels and food has prioritized land in African countries, while Latin America has become the second most important region for this type of investment.[3] The solution that countries with "food insecurity" have found to deal with their problem has been to transfer the conflict for land and food to the countries of the South, thereby threatening the latter's food sovereignty. The opening of commercial borders permits a country to relocate its internal food production to another country and to an appropriate part of the land to satisfy the consumption of its citizenry.[4] In Latin America, the goal of these investments is not only related to food, but also includes the exploitation of minerals, hydrocarbons, and energy resources.

We should note some cases illustrative of this situation. For example, it has been pointed out that the System of Electrical Interconnection for Central America[5] was established not necessarily to solve a problem in these countries, but rather the energy problem of their huge neighbor in the North. Likewise, technical opinions indicate that the energy megaprojects that Brazil plans to develop in the Peruvian forest are not a response to a need for energy in that Andean country, but rather, for Brazil. Also, after Peruvian gas has been promoted as a project that would meet a very important internal demand, it will in fact be one more product for export.

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[2] See: http://www.grain.org/briefings/?id=214.

[3] In: http://farmlandgrab.org/12832.

[4] See: http://www.grain.org/briefings/?id=214.

[5] For more information, see: http://www.ecoportal.net/Contenido/Temas_Especiales/Energias/Represas_Hidroelectricas_en_MesoAmerica.

In Latin America, the new concentration of land is characterized by the presence of foreign investment – what some have called the "foreignization of the land" – and by national capital, some heirs of the landed oligarchy from the last century, and financial groups that have today joined the demand for food. "Foreignization of the land" refers not only to the presence of countries from other continents, but also to the new Latin American economic powers: first and foremost Brazil, but also Argentina and Chile, which by means of private investment play a significant part in the current pressure on land. According to the goal of land exploitation, the processes by which the majority of concentration occurs in Latin America can be identified. Four types of land concentration stand out: for agricultural purposes, principally for the production of food by agribusinesses; the production of biofuels; the development of extractive industries; and forest exploitation.

Land concentration for agricultural purposes

The food and financial crises have converted "agricultural lands into a new strategic asset,"[6] principally exploited by financial activity which has sheltered its capital in the widespread purchase of cultivable lands since the 2008 crisis. This new actor in the agricultural sector, with little experience therein, is a different investment model to that of the traditional agribusiness companies and plantations characteristic of the exploitation of land throughout much of Latin America. Additionally, there are investments between governments pursuing policy agendas related to the food problem that invest large sums in Latin American countries as a strategy for dealing with it. These are the three types of private agent currently promoting the concentration of land throughout the world.[7]

Table 3 shows a few features of foreign investment in Latin American countries in the past two years, according to GRAIN.

[6] See: http://www.grain.org/briefings/?id=214.

[7] See: http://www.grain.org/articles/?id=57.

Table 3: Actors involved in land accumulation in Latin America for agricultural purposes

Countries	Who are they?	Countries of destination	Types of production
China	Government, private sector	South America	Soy
	Suntime International Techno-Economic Cooperation	Cuba Mexico South America	Rice
Gulf Countries	Government to government	Brazil	Basic foods
India	Private sector	Argentina Uruguay Paraguay Brazil	Oilseeds, legumes, possibly cereals and ethanol
Japan	Mitsui	Brazil	Soy, corn
	Private sector	South America	
Saudi Arabia	Government, private sector		Food
South Korea	Government	Argentina	Cattle
United Arab Emirates	Government to government	South America	Food
Financial groups	Dexion Capital (United Kingdom)	Latin America	
	International Finance Corporation (World Bank)	Argentina Brazil Paraguay Uruguay	
	Louis Dreyfus (Holland) Calyx Agro (subsidiary of Louis Dreyfus)	Argentina Brazil Southern Cone	Soy, corn, cotton, possibly cattle

Sources: http://www.grain.org/m/?id=216 and http://www.grain.org/m/?id=266

The members of MERCOSUR represent the principal target of the large corporations and Asian countries. Argentina is the largest exporter of wheat and the second largest of corn.[8] Within its territory, similar to Brazil and to a lesser degree Paraguay, two of the largest multinational companies in the world grains market operate: Bunge, dedicated to the production of oilseeds, wheat, corn, soy, flour, oil, and biofuels, and Louis Dreyfus, which produces rice, oil, sugar, cotton, citrus fruit, and ethanol. It is hardly surprising that this area has a significant degree of land concentration. Paraguay is the country with the greatest concentration in Latin America, with a 0.94 Gini coefficient, followed by Brazil (0.86), Uruguay (0.84), and Panama (0.84).[9]

[8] See: http://www.pwc.com/es_AR/ar/agribusiness/assets/agronegocios-en-ar.pdf.

[9] See: www.landaction.org/gallery/ElProblemaDeLaTierraEnParaguay.doc.

The agrarian history of these countries has been different to that which has been experienced by other areas of the continent. In Argentina and Brazil, agriculture and cattle ranching based on the *latifundio* have been part of economic development. For that reason, in contrast with other countries, the countryside was modernized and became the lever that has seen Brazil emerge as a power wielding ever greater international influence, appearing before the world as a "mature democracy," in the words of President Luiz Inácio da Silva during a recent visit to Madrid, where he was received by Spain's leading political and business sectors. Thanks to Brazil's "political stability" and "economic strength," it was able to endure the battering of the recent crisis and become a magnet for attracting investment.[10]

However, that development and modernization have helped to maintain an agrarian structure based on the *latifundio*. The demand of landless *campesinos*, which existed before the biofuels boom became more acute with the increase in investment in monoculture plantations of soy, as well as the current demand for an agrarian reform that remains historically outstanding, is one of the most significant criticisms of the Brazilian government, which had committed itself to implementing it. The latest census of the Brazilian Institute of Geography and Statistics (IBGE) attests to this situation by reporting that 43% of Brazil's agricultural lands are part of *latifundios*.[11]

There are 34 owners currently in Peru who own 250,000 hectares. These are agricultural investments mostly located on the north coast, in the central-southern region of the country, and in part of the forest (Peruvian Social Studies Center [CEPES] 2009a). This growth in large-scale ownership reflects the change in land management that began with the Fujimori government and deepened in following years with the concession of huge parcels of land to "modern" investment groups, as new plots of land were incorporated into irrigation projects. Currently, more than three-quarters of the expanded agricultural frontier has been acquired by just 11 investors, the largest being the agro-industrial company Camposol, owner of 20% of these areas with a total of 9,179.52 hectares. It is the largest exporter of asparagus in the world and Peru's largest agro-exporting company (CEPES 2009a).

In 2007, 30% of the shares in the company were bought by Dyer-Coriat Holding, owned by the Dyer family of Peru, while the rest of the ownership has remained in the hands of 19 shareholders – Norwegians, Londoners, and a small group of Peruvians.[12] The company owns all of the fields in which asparagus is planted and cultivated;[13] it also cultivates fruit, pepper, and citrus, and occupies 22,000 hectares in the north of the country.[14] Although the land market has not been the principal path to concentration of ownership,

[10] See: http://www.elpais.com/especial/alianza-nueva-economia-global/pdf/extra-brasil.pdf.

[11] See: http://www.ipparaguay.com.py/index.php?id=cmp-noticias&n=9695.

[12] See: http://elcomercio.pe/edicionimpresa/Html/2007-10-19/Grupo_Dyer_adquiere_Camposol_p.html.

[13] See: http://www.camposol.com.pe/espanol/sp_inicio.html.

[14] See: http://www.camposol.com.pe/espanol/en_the_company_history.html.

this type of transaction has also been utilized by companies such as Camposol and financial investors such as the Romero Group.

Another means by which land has been acquired over the last two decades was through the privatization of sugar cooperatives that took place during the Fujimori government. Old *haciendas* that were expropriated by the State during the agrarian reform experienced an extended crisis due to a lack of capital to maintain large-scale agrarian, industrial, and commercial activity. As such, they entered a spiral of debt, insolvency, and internal conflicts, which drained them considerably. Some 120,000 hectares of the best coastal land were transferred, in a process characterized by great confusion and tension, into privately-managed companies with the arrival of diverse groups of investors; the experience of each was very different from the others (Table 4). Thus, by means of market financing and credit extended to the directorates of cooperatives, the Oviedo Group has been able to become a minority shareholder in two sugar complexes in Lambayeque, even though it had little commercial background. The Wong Group, originally dedicated to retail stores in Lima (it sold its brand name and supermarkets to the Chilean company South American Malls [CENCOSUD]), became the owner of Agroindustrial Paramonga to the north of the capital and has a shareholding in Andahuasi, also located within the department of Lima. The latter is the source of a serious dispute with another investor group (the Bustamante family).

Table 4: Privatization of agro-industrial sugar companies in Peru

Company	Location	Majority shareholder	Start year	Area (hectares)
Empresa Agroindustrial Tumán	Lambayeque	Oviedo Group	2007	11,800
Empresa Agroindustrial Pomalca	Lambayeque	Oviedo Group	2004	10,000
Industrial Pucalá	Lambayeque	Huancaruna Group	2007	6,500
Corporación Agrícola Úcupe*	Lambayeque	Huancaruna Group	2008	3,000
Complejo Agroindustrial Cartavio	La Libertad	Gloria Group	2007	11,000
Empresa Agroindustrial Casa Grande	La Libertad	Gloria Group	2006	29,383
Empresa Agroindustrial Chiquitoy**	La Libertad	Gloria Group	2006	3,200
Empresa Agroindustrial Sintuco**	La Libertad	Gloria Group	2007	1,414
Empresa Agroindustrial Laredo	La Libertad	Manuelita Group	1999	9,100
Agroindustrias San Jacinto	Áncash	Gloria Group	1996	16,000
Agroindustrial Paramonga	Lima	Wong Group	1997	10,000
Industrial Andahuasi	Lima	Wong Group - worker shareholders		7,200
Central Azucarera Churacapi-Pampa Blanca	Arequipa	Michell Group	1998	1,200
Total				119,797

Source: CEPES 2010

* In the period of agrarian reform, the Úcupe Corporation was an agrarian, not a sugar, cooperative.

** At the outset of the agrarian reform, these companies belonged to the Agrarian Production Cooperative (CAP) Cartavio, but they lost their plots of land due to internal struggles at the start of the 1990s (institutional information from Cartavio at www.complejocartavio.com.pe).

Lastly, we have the case of the Gloria corporation, a successful Peruvian dairy company which has been diversifying, particularly in the foodstuffs sector. After taking control of the largest agro-industrial complex in the country, Casa Grande, as well as two other sugar refineries (Cartavio and San Jacinto) located in the departments of La Libertad and Áncash in northern Peru, it has become not only the primary actor in the production of sugar, but also the principal accumulator of land, with more than 50,000 hectares in the country, which are also the most productive. As a result of the growth of the Gloria Group, which belongs to the Rodríguez Rodríguez family, a bill has been introduced in Congress that proposes limiting land tenure to 40,000 hectares, which is obviously geared towards curbing the expansion of this group.

One characteristic of the buying and selling of shares in sugar cooperatives and industries by new investors has been the large number of conflicts that have accompanied negotiations. The most serious case has been Pucalá, where struggles for ownership have left a total of 21 people dead since the 1990s (CEPES 2010). Also, the purchase of shares by the Wong Group in Andahuasi is an example of how a dispute with another investor over the ownership of a company can result in violent consequences: facilities taken over and/or harassed by adherents of one or other group, payrolls going unpaid, and confrontations lasting for months.

In Mexico, the current problem of the rural areas demonstrates the effects that the free market can have on a Latin American country. In Peru, for example, a process is still maturing that in Mexico has already produced results. In contrast with the Andean country, where the principal conflicts do not yet deal with food but rather with minerals and hydrocarbons, in Mexico it is precisely the issue of agriculture that has produced the greatest conflicts during the past two decades. After the changes at the outset of the 1990s and the signing of NAFTA, Mexican economic power linked to agriculture had to repair itself. Business sectors that could not compete in the national or international free markets were displaced by agro-industrial corporations. As has been noted: "…[T]he negotiation of the agreement was unfavorable to basic grains – corn, beans, wheat, rice, sorghum, soy, and barley – in which the majority of *campesino* farmers and many business farmers work, and has produced alarming results for the rural areas, provoking the bankruptcy of important segments of *campesino* society and of agricultural business-persons" (Mackinlay 2006: 3-4).

In this situation, and with the path opened up by the new legislation, those which have benefitted most have been the corporations, as they now have the right to exploit raw materials and to own land of up to 20,000 hectares. In other words, it is the agro-industrial groups and national and foreign grain-importing corporations which are in charge of directing agricultural development in the Mexican countryside. The emergence of this new correlation of forces in the agribusiness sphere was made possible thanks to the alliance between the Mexican elite – which bought the industry that produces corn flour used for making tortillas (*harina de nixtamal*) and part of CONASUPO – and large United States transnational corporations that produce and export grains, principally beans, corn, and cereals (Mackinlay 2006). Among them is Cargill, a United States company that is one of the largest corporations in the world in the production and marketing of grains. Cargill, Pilgrims (a poultry company), and the Mexican companies Minsa, Maseca, and Bachoco (another poultry company), control the food and agriculture sector (Table 5). Cargill alone accounts for 70% of the grain produced in the country.[15]

[15] See: http://www.landaction.org/spip/spip.php?article181.

Table 5: Corporations active in the Mexican grains sector

Corporation	Country of origin	Product
Cargill	United States	Grains, corn flour used for making tortillas (*harina de nixtamal*)
Louis Dreyfus Commodities	France	Grains
Archer Daniels Midland (ADM)	United States	Grains, oil
Maseca	Mexico	Grains, corn flour used for making tortillas (*harina de nixtamal*)
Minsa	Mexico	Grains, corn flour used for making tortillas (*harina de nixtamal*)
Arancia	Mexico	Grains

Created by author utilizing information from Mackinlay 2006

In 2007, the corn crisis raised the alarm about what was happening in the country. With the argument that the increase in the price of this product was due to the fact that the United States was directing half of its cultivation to the development of biofuels, the prices of corn flour used for making tortillas and produced by the large transnational companies such as Cargill suddenly rose. Soon it was discovered that the increase had been the result of the monopolistic accumulation of both the national harvest and the import slots for United States corn authorized by the federal government.[16]

The cry of "without corn there is no country" announced widespread discontent in the face of more than a decade of application of NAFTA, the results of which have been disheartening: rural unemployment, the abandonment of the countryside due to the displacement of the population, the exclusion of the *campesinos* who cannot compete with corporations without the support of the government, and an increase in migration to the United States. It is not surprising that the current rural crisis is also linked to the massive problem of narco-trafficking that is ongoing in Mexico today. The *campesinos'* inability to cultivate what they have grown historically, combined with the trend of abandoning the countryside and of employing a single type of production, serves as a breeding ground for the expansion of illicit crops on lands that were previously dedicated to corn: just the opposite of what is offered by the free market.

[16] See: http://www.peacewatch.ch/download/Chiapas/monitoring_2007/Analisis_Maiz.pdf.

Land concentration for biofuels

During the past decade, biofuels have become one of the principal demands of both the United States and Europe. Brazil is, without a doubt, the country that pioneered biofuels in Latin America and a world reference point in that field: mostly ethanol made from sugarcane, utilizing cutting-edge technology. Currently, the cultivation of sugarcane occupies 6.4 million hectares, and 7.6% of that is dedicated to ethanol.[17] For years, Brazil was in the vanguard and was the first country to export this resource; today it is only surpassed by the United States. The countries of MERCOSUR, due to their geography, have a high demand for energy that has led them to produce a new source of fuel. In Argentina, the National Biofuels Program was approved in 2005; it promotes domestic production and use of these resources. In contrast with Brazil, this country's principal source is the cultivation of corn, and in Uruguay soy dominates more and more.

The boom in biofuels mobilized the large corporations involved in agribusiness, and companies such as Cargill, Bunge, Dreyfus, and Archer Daniels Midland (ADM), mentioned above, joined the biofuels business. Currently, Cargill has a significant number of ethanol refineries in Brazil. After more than three decades of biofuels production, the current situation in the Brazilian countryside is a referent that should be taken into account by countries that are beginning to utilize this resource. Brazil and Mexico are perhaps the most illustrative cases for demonstrating the problem that appears to be expanding in Latin America in the wake of the biofuels boom and the opening of markets. In both cases, it is possible to observe the impact that particular measures, in one case the signing of NAFTA and in the other the increase in production of biofuels, have had on rural society.

In 2003, under directive 2003/30/CE, the Directive on Biofuels, the EU agreed that member countries would adopt measures so that fuel would progressively include a minimum proportion of biofuel. The goals it had committed to meet by 2005 were not reached and in 2007 it agreed that biofuels must make up at least 10% of the energy utilized for transport. One of the principal sources of biofuels for the EU is the Latin American market, particularly Guatemala, Nicaragua, and Panama.[18]

Nicaragua is the principal producer of ethanol in Central America and one of its most important markets is Europe. The largest producer in the country and the principal exporter in the subregion is the Pellas Group, owner via the Nicaragua Sugar Estates company of the San Antonio Sugar Refinery in Chichigalpa, which is dedicated mainly to the production of sugar and alcohol. Some years ago, this group formed the Sugar Energy and Rum Corporation (SER) in order to take charge of the exclusive production of energy and rum. The Pellas Group is the main supplier of ethanol not only for the European market, but also within Central America.

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[17] In: http://www.agrocombustibles.org/conceptos/HontyAgrocombCorp.html.

[18] See: www.cifca.org/Los_agrocombustibes_en_Centroamerica.doc.

In recent years, this group has sought to expand its production, and it intends to establish a sugar refinery in Olancho, Honduras on approximately 15,000 hectares of land[19] in order to increase its exports of ethanol to Europe, whose demand has increased in recent years. The production of sugarcane in this zone of Honduras would transform a region that is principally dedicated to the cultivation of corn, considered to be the food pantry of the country, and is one of the most productive valleys still in the hands of *campesinos* (CEPES 2009b). Regarding this investment, which was being negotiated prior to the overthrow of President Manuel Zelaya, some people warn that the amount of land that the company plans to accumulate would be much greater and would go up to 70,000 hectares.[20] Its impact would be very significant, above all on a country in which, before 1990, five out of every 10 *campesinos* did not have any land, while now that figure stands at seven out of 10 (CEPES 2009b). The expansion of new sugarcane plantations for ethanol has varying impacts on different countries. In Central America, these impacts include the consequent deforestation and soil degradation that comes with it and the impact on indigenous peoples. These are constants common to other cases on the continent.

Guatemala is another of the countries in which the production of biofuels has increased in the past decade. Development of the industry began with the cultivation of African palm promoted by the State and directed at small farmers in response to domestic demand for oil and to be able to substitute it for imported product. Later, the business passed into the hands of the traditionally powerful groups, old coffee and banana producers, who today produce biofuels that began with the African palm.[21] One of the companies entering this market is Palmas de Ixcan, a subsidiary of Green Earth Fuels from the United States, which plans to occupy 25,000 hectares under a modern production system that promotes the virtues and output of the palm for generating biodiesel, as compared with corn and soy.[22] The company planned to begin operations in 2010 but the impacts of its operations are still unknown, since some expect that the amount of land announced will in the end be larger.[23]

The growth of this energy resource has been promoted by the Guatemalan State in alliance with international organizations and private companies. In 2007, the Inter-American Development Bank (IDB) approved a USD 408,000 project for Guatemala to develop a national biofuels strategy.[24] The Guadalupe Sugar Refinery is one of the most significant ethanol producers in the country and it has extended its production to former bean, rice, and corn fields that have been leased by their owners. However, that has not

[19] See: http://www.periodicos-de-honduras.com/2007/03/28/grupo-pellas-tendra-ingenio-en-olancho/.

[20] See: http://www.sucre-ethique.org/Nicaragua-El-Grupo-Pellas-y-los.html.

[21] See: http://www.ecoportal.net/content/view/full/81637/.

[22] See: http://www.palixcan.com/index.php?showPage=71.

[23] In: http://www.palixcan.com/index.php?showPage=23&nwid=35.

[24] See: http://www.cifca.org/Los_agrocombustibes_en_Centroamerica.doc.

been the only form in which this company has accumulated land: a good portion of its plantations are located on indigenous territory. In 2008, families of the Keqchi indigenous community attempted to get back their lands from the Farm of Memories (*Finca de los Recuerdos*) that was in the company's possession. The company's response was to attack the population by shooting at them from helicopters. The families denounced this as an attack by paramilitaries in the employ of the company,[25] an old practice that other companies such as Chiquita, one of the largest fruit companies and the heir to United Fruit Company, have utilized in contexts such as Colombia.

If in the MERCOSUR countries energy needs depend on the geographical characteristics of the territory due to the lack of hydrofuel in some and hydraulic energy in others, the case of the Andean countries is different. In these, similar to actions taken in the face of the food crisis, neither policies nor businesses are aimed solely at resolving the scarcity of food, but rather corporate and financial economic interests are superimposed on the real need. In Peru, the State began promoting biofuels from sugarcane and palm oil in 2000. The goal of the 2000–2010 National Palm Oil Plan was to promote "clusters" in San Martín and Loreto of up to 50,000 hectares. Three years later, Law 28054 on the Promotion of the Biofuels Market permitted the encouragement of biofuels marketing on the basis of free competition. These incentives were completed in 2007 with the Program for the Promotion of the Utilization of Biofuels (PROBIOCOM) in order to promote investment in biofuels and disseminate its benefits (CEPES 2010).

The production of biofuels in Peru is carried out both on the coast, based on the cultivation of sugarcane, and in the forest where it is based on plantations of palm oil. In both regions, production is more extensive than in the mountains where the cultivation of canola – also for the purpose of energy – is still small by comparison. There are only two investors in this region: Pure Biofuels, which has purchased 60,000 hectares in the central mountains in the department of Lima for the production of biodiesel, and the Sierra Exportadora Program of the Ministry of Agriculture (MINAG), whose goal is to promote the planting of up to 200,000 hectares of canola in this region (CEPES 2010).

Seven national and international capital groups can be identified on the coast that own around 60,000 hectares for the cultivation of sugarcane destined for the production of biofuels; they have projected an expansion to 120,000 hectares. Some of these groups acquired these lands from sugar cooperatives: the Gloria Group intends to dedicate part of the 11,000 hectares of the Cartavio company to the production of ethanol; the Fiducia Cayaltí-Bioterra consortium plans to produce sugarcane on 5,500 hectares for energy purposes; the Oviedo Group will devote its sugarcane production on the Pomalca company's 10,000 hectares to producing ethanol; and lastly, the Huancaruna Group, which owns 6,500 hectares in the Pucalá company, will also focus its production on ethanol (CEPES 2010).

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[25] See: http://www.ecoportal.net/content/view/full/81637/.

In addition to these investments there are others of greater magnitude. Maple Energy, a United States company,

> "…acquired 10,684 hectares of uncultivated land with water rights in the Chira River valley in the department of Piura, for the cultivation of sugarcane for ethanol and the construction of its production plant…. Currently, it has a total of 13,500 hectares in the area and so it is therefore to be assumed that it purchased close to 3,000 hectares from the farmers in the valley" (CEPES 2010).

The problem is that the Peruvian State has granted the transnational company exclusive use of the Chira River's water, as stipulated in the concession contract:

> "…[T]he rights deriving from the water reserve will be for the project's exclusive use. Consequently, neither the seller nor the regional government have committed or will commit, have granted or will grant, have utilized or will utilize, for their own benefit or that of third parties, the rights to be charged against the water reserve, which are not for the benefit of the project."[26]

This means that the project has exclusive use to the river water for private purposes aimed at the cultivation of sugarcane for ethanol production. This makes Maple the administrator of the resource, protected by a resolution passed by the central government declaring that the water in the Chira River basin was exhausted in terms of granting new licenses (Ministerial Resolution 380-2007- AG).[27]

The Romero Group, backed by Peruvian capital, is another of the large ethanol producers in the country's coastal area. It has acquired 3,200 hectares of land from the Chira-Piura project and 3,800 additional hectares from local farmers for the same purpose of establishing the Caña Brava company (CEPES 2010). Without a doubt, Maple's control over the Chira River water directly affects Caña Brava's interests due to its presence in the same area, since it runs the risk of suffering a shortage of water. For that reason, it has added its voice to the protests against Maple's accumulation of resources.

Lastly, Heaven Petroleum Productions currently has a biodiesel production plant near Lima that utilizes 5,000 hectares of white pine from Nazca in the department of Ica. Another venture, a collaboration between the Peruvian company Miraflores Corporation and the UK company Altima Partners, has announced plans to plant sugarcane for ethanol production on 6,000–20,000 hectares in the department of Piura (CEPES 2010).

In the forest, the principal resource for the production of biofuels is palm oil. It is calculated that in Peru there are 21,200 hectares of palm oil plantations, of which 60% is under

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[26] Concession contract between Maple Energy and the Regional Government of Piura.

[27] See: http://www.diariolaprimeraperu.com/online/economia/garcia-firmo-contrato-de-entrega-de-rio-chira_64712.html.

production. This oil is not meant to meet the country's demand for food, but is rather mainly for the production of biodiesel. The priority given to this type of exploitation is worrying inasmuch as the forest has the potential for palm oil cultivation of approximately five million hectares, of which only 10% are areas without forest. This means that the expansion of this crop would considerably affect environmental conservation of the Peruvian Amazon (CEPES 2010).

Currently, three companies utilize around 52,829 hectares for palm cultivation. However, this could increase to 307,329 hectares if projects that have yet to be implemented are included (Table 6).

Table 6: Palm oil production projects for biodiesel in the Peruvian forest

Investor/company	Current size (hectares)	Projection (hectares)	Department
Pure Biofuels	14,000	14,000	Ucayali
Samoa Fiber	15,000	60,000	Loreto
Kausar Corporation		75,000	Loreto Ucayali San Martín
Romero Group	23,829	23,829	San Martín Loreto
Francisco Tello Perú		50,000	San Martín
LS Agrofuels / LS Biofuels		30,000	San Martín
Verdal-Groupe 22		50,000	San Martín
Onasor del Oriente		1,500	San Martín
Andahuasi-Selva		3,000	San Martín
Total	**52,829**	**307,329**	

Source: CEPES 2010

The presence of these companies has affected Amazonian indigenous populations, who are vulnerable because they do not have ownership titles for uncultivated lands that are part of their territories. As occurs in other countries, in this context negotiations with the companies become asymmetrical and as such, disadvantageous for the original peoples.

Land concentration for mining and hydrocarbon exploitation

Up to this point, we have focused our discussion on the problem on land concentration that is principally for the purpose of agribusiness. However, as was mentioned in passing earlier, the current land problem in Latin America has several facets, with one being the exploitation of minerals and hydrocarbons. Although the Andean countries have historically been the chosen arena for such exploitation, currently Central American countries such as Guatemala, Honduras, and Nicaragua are the targets of various companies investing in these resources for export purposes.

Peru is an interesting example of how a territory has been handed over bit by bit to large transnational companies linked to mining and oil. In 2008, 16.3 million hectares were held by mining companies, which is equivalent to 12.8% of the national territory (CEPES 2009a). Eleven of the transnational companies working on Peruvian territory are among the 20 biggest such companies in the world. One study on this issue carried out by CooperAcción (2008, cited in Burneo and Chaparro 2010) notes that since 1992 the area of mining claims has increased from four to 22 million hectares and half of them have been superimposed on *campesino* community lands. Social unrest related to the presence of mining companies has multiplied throughout the past decade for various reasons: the asymmetrical relationship between companies and communities; the lack of consultation regarding communities' desires for their territories; and a State that is openly favorable to foreign investment. These are elements of a cycle of unrest that appears to be repeating itself continuously.

Oil contracts are found principally in the Amazon region and as of 2007 covered a total of 44 million hectares. It is calculated that mining concessions and oil contracts represent 70% of the Amazon (CEPES 2009a). Mining- and hydrocarbon-related conflicts constitute 75.5% of the country's environmental conflicts (Human Rights Ombudsman's Office 2010).

In Central America, similar to the countries in South America, mining has begun to grow. Guatemala, Honduras, and Mexico are receiving capital mainly from Canada and the United States. In the case of Guatemala, the door to mineral extraction concessions was opened after the signing of the 1996 Peace Accords. One of the first and biggest companies that began operating in the country was Montana Exploradora, a subsidiary of Glamis Gold, one of the largest transnational companies of those with Canadian and United States capital,[28] which also exploits silver and gold in Honduras and, since 2000, in Argentina and Chile.[29] By 2004, Guatemala had 160 mining agreements for the exploita-

[28] See the documentary "*Sipakapa no se vende*" ("*Sipakapa qal k'o pirk'ey xik*," or "Sipakapa is Not for Sale"), available at: http://www.youtube.com/watch?v=L1N8l54zong.

[29] See: http://www.goldcorp.com/operations/.

tion primarily of nickel, gold, silver, and copper. In the years since then, various conflicts have emerged regarding land ownership as a result of mining companies establishing operations in different parts of the country. Common to all these conflicts is the fact that the lands belong to indigenous Mayan peoples, such as the Q'eqchi in the municipality of Estor, department of Izabal, and in San Marcos (Yagenova and García 2009).

The opposition of the Guatemalan *campesinos* to mining exploration is reminiscent of what has happened in Peru in relation to various mining projects such as Blanco River, with copper, and Tambogrande, with gold, in the north of the country, where the farmers mobilized strong resistance.

In the territories of San Miguel Ixtahuacán and Sipakapa in the department of San Marcos in Guatemala, there was a confrontation in 2005 between the Montana company and the population, opposed to the company's presence. One of the episodes in this confrontation was the holding of community consultations on whether or not to accept mining exploitation by the company; the result was a categorical "no" to mining. This was only the beginning of a conflict which is ongoing, due to the company's determination to exploit the silver and gold found in the subsoil of the Sipakapa territory.

Land concentration for forest exploitation

An interesting example of how land concentration comes about due to the expansion of forest plantations is found in Uruguay. In recent years, this country has experienced an intense process of land concentration resulting mainly from two sources: deforestation and monocultures. Let us briefly look at the process that has led to the current situation. The 1990s were particularly bad for the agricultural sector as a result of various factors: tariff reductions; the appreciation of the country's currency (the *peso*); the drop in prices of commodities (the principal products in the country's agro-exporting sector) in the international market; and foot-and-mouth disease in 2001. The result was significant indebtedness in the sector that was worsened by the 2002 financial crisis. Nonetheless, the crisis did not affect everyone equally. Agricultural export companies did not come out of it as battered as those that depended on the domestic market (Tambler and Giudice 2010).

The various bilateral agreements signed with European countries that are aimed at protecting investments are part of the policies that have led to the strength of the timber industry in Uruguay. Among them are the Agreement on the Reciprocal Promotion and Protection of Investments between the Kingdom of Spain and the Eastern Republic of Uruguay of April 1992; the Agreement Related to the Promotion and Protection of Investments signed in March 2002 by Uruguay and Finland; the Uruguay-Sweden Treaty on the Protection of Investments signed in December 1999; and the Uruguay-Portugal

Treaty for the Protection of Investments signed in November 1999 (Association in Support of a Tax on Speculative Financial Transactions as an Aid to the Citizenry [ATTAC] / Social and Political Research Foundation [FISYP] 2008). These treaties came about gradually in advance of afforestation for the purposes of the lumber and cellulose industries, by attracting major companies from Finland, Spain, Sweden, and Portugal with special treatment regarding tariffs, while accumulating large tracts of Uruguayan land and water.

From that moment on, a situation was generated that favored the introduction of new crops and new investors. While in 2000 dry-land agriculture occupied 373,000 hectares, during the 2008–2009 agricultural year this figure had risen to 1,400,000 hectares due to the cultivation of wheat and soy. The improvement in the financial situation, in contrast with what was happening in Argentina during those years, attracted investment from businesspeople from that neighboring country. They brought with them a new business and technology model which permitted them to compete in the market, as well as giving them the ability to pay higher rents to landowners that neither the cattle ranchers nor the dairy farmers could equal (Tambler and Giudice 2010).

In terms of forest plantations, the crisis of the 1990s faced by small- and medium-size national farmers led them to sell their lands to transnational companies whose demand had begun to increase. Starting in 2006, the timber industry began to expand significantly with the arrival of two transnational companies: Urupanel and Weyerhaeuser. By the end of 2007 this development would be followed by the cellulose industry, with the initiation of operations at the Botnia plant. By 2008 some results of this growth could already be seen: a total of approximately one million hectares planted (70% eucalyptus and 28% pine), of which 759,000 hectares were for industrial use, while 64% of the forests were in the hands of multinational companies (Tambler and Giudice 2010).

The Botnia company, of Finnish origin, is the third largest cellulose producer in the world. It is a paradigmatic case due to the recent conflict that broke out between Argentina and Uruguay over the construction of its processing plant on the Uruguay River. Both countries share the river and the plant impacted Argentina's tourist zone. This company, in turn, is owner along with two others of Forestadora Oriental Sociedad Anónima (FOSA), one of the biggest companies specializing in eucalyptus plantations that provide the raw material for cellulose. According to a report on the Botnia case (ATTAC / FYSIP 2008), three foreign companies currently own nearly half a million hectares – in other words, 3% of the 16 million hectares of land that exist in the country (Table 7).

Table 7: Land concentration for forest exploitation in Uruguay

Transnational company	Country of origin	Amount of land occupied (hectares)
Botnia	Finland	170,000
Ence	Spain	150,000
Estora Enso	Sweden-Finland	45,000

Created by author utilizing information from ATTAC / FISYP 2008

The plant built by Brother Bentos on the Uruguay River represented one of the largest investments by Finnish industry. Its importance, among other reasons, is related to the fact that its production costs represent half the costs of all the plants in Finland. The demand for wood for cellulose is increasing and, while today there are one million forested hectares, it is calculated that with the arrival of Estora Enso and Portucel, there will be up to three million hectares of pine and eucalyptus in the country. It is important to note here that the production of cellulose is destined for non-taxed exportation.

According to a report on the Botnia case drafted by the Social Ecology Network (REDES)–Friends of the Earth (2008), the principal consequences in rural areas of the concentration of land by transnational companies have been the expulsion of rural farmers towards urban centers; a reduction in small-scale ownership and impact on other types of producer, such as dairy farmers; significant environmental liabilities, with large tracts of land that are useful only for forestry; the impact on water use, since these plantations hoard this resource and leave rural families without a supply; labor insecurity, outsourcing of employment, and the low salaries paid by Botnia and FOSA; and the absence of sanitary environmental monitoring, among others.

4 The new large-scale ownership: case studies in Latin America

In this chapter we will illustrate some of the modalities of the concentration of land ownership that occur in Latin America and that have been discussed in the first section, using case studies from Brazil, Nicaragua, Uruguay, and Peru.[30] To the degree possible, we will analyze them in terms of three cross-cutting themes: the actors who are exerting pressure, on whom this pressure is exerted, and the type of activity carried out and its impact on the form of accessing land.

A brief contextualization of the case studies

The cases studied in Peru deal with two conflicts related to mining investment and exploitation promoted by the Peruvian State over the past two decades. This type of exploitation is one of the most relevant methods of land pressure, particularly in territories inhabited by indigenous peoples as well as by *campesino* communities in the forests and mountains. The mining boom has been particularly conflictive due above all to a legal framework that favors concessions prioritizing foreign investment and resource exploitation, while putting in second place the interests and participation of the population affected in decision-making regarding incursions into their territories.

Of the two case studies carried out in Peru, one focuses on the *campesino* community of Michiquillay,[31] in the district of La Encañada, province and department of Cajamarca. In recent decades, Cajamarca has become one of the most important departments in terms of mineral exploitation, particularly due to the fact that the Yanacocha mining company is located there, with the largest gold-mining project in Peru and the fourth largest in the world. In this case study, the population affected by the mine's presence is the *campesino*

[30] These studies are the result of the Research Contest on Land "Markets": New Competitions for and Pressures on the Land Resulting from the Development of Alternative Activities, convened in 2009 by ILC and carried out in Brazil, Nicaragua, Uruguay, and Peru. Three other case studies on land concentration in Peru were also carried out (CEPES 2010).

[31] The analysis of this case was done using Burneo and Chaparro 2010.

community of Michiquillay which, as will be seen, has gone through several negotiation processes with different companies interested in the extraction of copper and silver found in the communal subsoil.

The second study,[32] also carried out in Peru, focuses on the Amazon and deals with the case of the Afrodita company's concessions on territory belonging to the Wampis and Awajum peoples in the province of Condorcanqui in the department of Amazonas. The company, associated with the Canadian company Dorato Resources, has a 5,100-hectare concession for mining exploration for the purposes of extracting gold, copper, and uranium.

Both studies are interesting in that they illustrate the different strategies used by *campesino* communities in the mountains on one hand and by indigenous communities in the Amazon on the other to defend their lands and the environment in which they live. In Peru, the process of indigenous self-identification by Andean and Amazonian peoples has been different in each case. Although it could be said that currently indigenous demands for recognition are being incorporated more extensively in both regions, *campesino* community-based identification still predominates in the mountains. In this sense, Amazonian organizations have carried more weight in social movements linked to the defense of the land under the banner of a demand for recognition of their ethnic identity as indigenous peoples than have *campesino* organizations in the Andean region. The two studies demonstrate the different strategies used by the populations affected by the mining presence vis-à-vis the State in unequal, and frequently disadvantageous, negotiation processes that in some cases have demanded significant mobilizations with the goal of defending their territory.

The case study carried out in Nicaragua tackles the problem experienced by the Chorotega[33] indigenous people in the northern and central Pacific regions, in the departments of Nueva Segovia and Madriz. This territory has traditionally been an area dedicated to coffee cultivation and currently, together with Estelí, accounts for 13.6% of national production (Rivas 2008). Similarly, the deforestation that has occurred in the country during recent decades has transformed the environment of that region and, consequently, the economies of families dedicated mainly to agriculture. Coffee production for export and concessions for exploitation of forest resources have been, since the end of the 19th century, the principal economic activities that have shaped land ownership in Nicaragua.

Similar to the situation in Peru where, generally speaking, the Amazonian population has consistently been less linked to the State than the Andean populations, which have frequently been drawn into national processes, Nicaraguan territory has historically been

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[32] The analysis of this case was based on Durand 2010.

[33] The analysis of this case was based on Monachon and Gonda 2010.

divided up into two large zones: the central zone and Pacific coast and the zone on the Atlantic coast. Groups such as the Miskitos settled in the latter zone and for a long period of time they remained mostly on the fringes of the country's political processes. This permitted them to preserve their ethnic identity and to manage, by means of various struggles, to achieve recognition of their autonomy by the State. The rest of the country's indigenous groups, located in the central, northern, and Pacific zones, were more strongly affected by national policy and suffered from a stronger process of *campesino* integration and assimilation (*campesinización*) than did their Atlantic neighbors.

The cultural identity of indigenous peoples such as the Chorotega came to take second place to an identity based on their occupation as *campesinos* which, in the context of the times, was an important characteristic for confronting the power of landowners, which was consolidated from the end of the 19th century up to the middle of the 20th century. In the current discourse, their identity as *campesinos* and *mestizos* made "invisible" their ethnic identity, which today they are demanding. The Somoza government had privileged the concession of important forest tracts within Chorotega territory for the production of lumber; some of the indigenous lands had become parts of coffee farms. The eagerly awaited agrarian reform following the 1979 revolution involved the expropriation of large farms and their redistribution and sale to *campesinos*, indigenous communities, and cooperatives. The case study shows how the fall of the revolutionary government at the start of the 1990s and the counter-reform implemented by the new right-wing government shaped a context of conflict and pressure on Chorotega territory in the midst of a process of reconstruction of their own identity as an indigenous people.

The Brazil case study compares two modalities of environmental regulation of the expansion of the agricultural frontier in the sphere of influence of the Trans-Amazonian Highway, focusing on settlement projects (SP) in the municipality of Senador José Porfirio and sustainable development projects (PDS) in the municipality of Anapu.

In Uruguay, the case study deals with the problems faced by the country's dairy sector over the past decade, beginning with the arrival of other actors who have exerted pressure on the land. The investigation shows the strategies that dairy farmers – historically a strong group in the Uruguayan economy – have used to respond to the new rural reality.

Concentration and defense of land in indigenous territories in Peru and Nicaragua

The mobilization of indigenous peoples around the land problem is one of the characteristics of the current process of concentration occurring in Latin America, due to the fact that the majority of natural resource exploitation zones are located within these peoples' territories. As Eguren (2009) notes, indigenous populations are currently more sensitive regarding the defense of their lands not only as a space for production, but also as a place of identity and cultural, social, and economic reproduction. This denotes an important difference from the types of demand and forms of action of the *campesino* movements of the last century. Today there are other instruments for use in the struggle and another position on the part of populations when it comes to both national states and international law.

In this section we present the development of conflicts around land concentration in Peru and Nicaragua which occur on indigenous peoples' territories. In the former, conflicts are characterized by the presence of mining companies. In Nicaragua, however, the pressure on the Chorotega people's territory is exerted by various social actors whose ownership is superimposed on the indigenous people's communal title. The State weakly recognizes the indigenous people's title in the face of local economic pressure supporting their own claims to ownership by means of individual titles granted by various governments since the Sandinista Revolution.

The mining conflict in Peru

Mining concessions in the Amazon

Currently, 70% of the Peruvian Amazon is divided up into concession lots covering natural protected areas, territories reserved for uncontacted indigenous peoples, and territories titled to native communities. As noted by this study, it is calculated that in the Wampis and Awajum peoples' territories, there are 150 mining exploration claims that have been approved without having carried out prior consultation as required by ILO Convention 169, to which Peru is a signatory.

A history of territorial violation led the Awajum people to initiate early on a titling process at the end of the 1970s in order to protect their lands from the permanent pressure exerted by colonists, lumber companies, etc. Nonetheless, the State did not pay full attention to the Wampis-Awajum peoples' intention to legalize ownership of their various communities. A number of them did not manage to obtain title and remained in a precarious and fragile legal state in the face of the new mining concession process that began to intensify in the following decades. The obstacles placed in their way by State entities evidenced the lack of will that existed to protect them from the ravages of the extractive companies. Indeed, the State facilitated the violation of communal ownership by arguing in favor of modernizing and developing the Amazon through foreign investment.

The method that the indigenous organizations found to protect their territories and the environment in which they lived was to request that part of them be declared a natural protected area. This was in concordance with agreements developed after the war with Ecuador, which established that new ecological protected areas would be created in border zones in both countries that had been under dispute. In this context, the Awajum people were part of a process towards the end of the 1990s that planned the formation of a natural park whose borders coincided with the limits of their communities. It was not until 2004 that, after a participatory process carried out by the National Institute of Natural Resources (INRENA), the Ichigkat Muja-Cordillera del Cóndor National Park was created with an area of 152,873 hectares. The problem began when it became known that the Afrodita mining company had had four concessions since 1995 within the area destined to form the park.

The agreement of the various State organs with competences over mining when they responded favorably to the requests of the mining company to authorize exploitation within the zone clearly demonstrated the Peruvian State's violation of its own environmental protection policy, highlighted by the park creation project and contravention of the Constitution by granting concessions to foreign companies in the border zone, with the goal of favoring the Afrodita company. Faced with this situation, INRENA's decision was to reduce the size of the park to 88,477 hectares, which left part of the Wampis-Awajum territory available to lumber exploitation without there having been any participation by these peoples in the decision taken.

Neither the titling processes undertaken by the Wampis-Awajum peoples since the 1970s nor their desire to protect the environment and safeguard untitled community territories by means of creating a natural park were effective strategies in the face of a State that was determined to eliminate all obstacles and to favor mining in the Amazon. When these proposals – which sought to utilize regular methods to channel the interests and concerns of indigenous peoples – were ignored, the population's indignation grew and conflict broke out.

It became clear that the people were not viewed as legitimate interlocutors and that the strategies they had implemented had not been effective in the face of a State that openly favored the mining company. In this context, the last strategy that they selected was direct confrontation, with an eye to having the company end its exploration phase in the zone and leave altogether. In 2008, after several attempts at dialogue with the company by the indigenous people, with the support of a number of social organizations such as the Inter-Ethnic Association for the Development of the Peruvian Amazon (AIDESEP), approximately 2,000 indigenous people dismantled the mining camp. The problem reached its climax at the start of 2009 with the detention of six company workers who had attempted to restart exploration work in the zone without community authorization.

The study describes a cycle of conflict that has followed the same pattern in recent years in all of those situations in which extractive companies are involved: the various governments manage these situations badly and, in the majority of cases, their officials criminalize those who oppose mining, categorizing them as provocateurs who are opposed to the country's development. For that reason, mining conflicts escalate and end in confrontations of force resulting in large human and material costs. This escalation occurs because the magnitude of the problem is not wholly seen from the outset, the indigenous communities and peoples are not respected as legitimate interlocutors, and no importance is given to the way in which they view their own development or the way in which they manage the natural resource base. From that perspective, it becomes impossible to create dialogue processes in which the population is an important counterweight to the company and a State that openly favors this type of investment.

The Wampis-Awajum peoples' suit against the Afrodita mining company was incorporated into the platform for struggle of the Amazonian strike in Peru in May–June 2009, which demanded the repeal of decrees promoting the advance of extractive activities in the Amazon. The strike, which ended in the tragic events in Bagua on June 5 that left many people dead and injured, was a turning point that made the problem faced by Peruvian indigenous peoples visible to the world. Nevertheless, the problem continues and currently it is not only the Afrodita company that continues to work in the zone; new companies also continue to enter for the purposes of mining exploitation. This situation continues even though the Wampis-Awajum peoples have made very clear their opposition to extractive activities. For them, a development model should not be based on the extraction of minerals. Rather, they understand that wealth can be found in a different fashion, as is noted in the study, by means of "…another model of development which preserves biodiversity, utilizes forest resources in a rational fashion, and optimizes sustainable activities such as fish farming and the cultivation of organic products."

Asymmetric negotiations between companies and communities in the Andes

One characteristic of the presence of mining projects in the community arena, such as in the case of Michiquillay, is the asymmetric relationship that is established between the company and the community as regards negotiations on the implications of the new company's presence for communal territory, the impact on the resource base, and the benefits that the community members have a right to receive from the selling and/or alienation of their lands. Each community in Peru has its own peculiarities regarding the management of its resource base. In some cases, the community as a political entity exerts more control over access to land, while in others individual or familial control over land ownership may predominate. The various forms in which each *campesino* community has shaped its body of resource management regulations, the kind of resource valuation it has, and the history of the community's founding, struggles, divisions, and alliances constitute a reality in which community members will situate themselves in order to confront the transformations that mining projects entail.

In Peru, one characteristic of the formation of *campesino* communities is that the process tends to occur after successive divisions; in other words, after the founding of a "mother community," splits are produced that are provoked by various circumstances and contexts, often related to trying to attain better positions in dialogues and representation when dealing with the State in order to obtain resources. Precisely in this way, the *campesino* community of Michiquillay was founded after separating from the *campesino* community of La Encañada, of which it had been an annex. In this case, the separation was motivated by the discovery during the 1970s of a copper deposit containing gold and silver that would be exploited by the American Smelting and Refining Company within the territory of the old annex, whose benefits the "mother community" wanted to keep. With the dismembering of the old community and its registration as a *campesino* community, Michiquillay would obtain autonomy to represent its community members, control the resources that were within its territory, and better position itself vis-à-vis the mining company. In turn, it would experience a process of formation of sectors and annexes with their own historic particularities.

As noted in the study, the particularities of each of Michiquillay's sectors influence the various ideas of ownership that exist in the community. In each sector, land use and transfer dynamics have been different. In one sector, a concept of ownership that more closely resembles private criteria predominates, due to the existence of deeds supporting land ownership by each family. In other sectors, ownership is more precarious, since many families have taken possession of areas for their own exclusive use which in principle were for communal use. Further, due to the changes in valuation that are occurring, they claim to be the legitimate owners of these areas. While for a time this situation did not pose a problem, with the arrival of the company the legitimacy of these families' ownership began to be questioned.

These differences would come into play in the dynamic that was initiated with the arrival of the new mining company at the end of the 1990s. Three projects were developed on the community's land beginning in 2005: Deborah, Lumina Copper, and Anglo American (AA). With the initiation of the first project, the community decided to divide itself into eight sectors in order to better coordinate with the mining company and because there were disagreements regarding whether or not to accept the exploitation. *Campesino* communities in Peru are represented by a communal board of directors recognized by the State as a political institution with a certain degree of autonomy. In the case of Michiquillay, in addition to this board, which in principle should represent all of the sectors as a whole, local administration boards were created so that each sector could have a group of leaders representing the interests of their community members to the mining company. It is interesting to see how, in this case, the presence of the mining company has served to transform the way in which the community organizes itself internally. From that point on, the sectors and their directorates have become more powerful than the board of directors representing the community as a whole. This is evidenced by the greater degree of control that the sector boards have gradually exerted over the community's "free lands." Problems have also emerged regarding the boundaries between sectors, as they had not been clearly established when the divisions were made.

An important point noted in the study regarding the use of the "free lands" is that, with the arrival of the company, these areas "no longer represent only natural capital, but rather, they are perceived as financial capital." Thus, in the new situation brought about by mining exploitation, the sectors have begun to look for strategies to remove these lands from familial ownership, with an eye to accessing capital that this resource did not used to represent.

The case of Michiquillay is also interesting because it clearly demonstrates the way in which the company and the community entered into a negotiation process. The most important negotiations were held with AA, which won its concession in the zone in 2007. The company proposed a mechanism that does not exist in Peruvian legislation, which it called a "social agreement." In practice, this was a contract between the company and the community in which the terms for mining exploitation were agreed to. At first, the voting process on the agreement was limited due above all to questioning by some sectors who argued that they had not seen the document and that the electoral registers of the community members were not up-to-date. In the end, though, the document was approved by the community.

Another important point in the negotiation was the issue of considerations implied by the payment of a quantity of money: firstly, because of the company's passage through communal lands and, secondly, because of the construction of platforms that would affect familial lands and "free lands." In the first case, regarding the 14,000 *soles* (USD 5,000 in 2010) that the community expected to receive, it ended up accepting only 600 *soles* (USD 214). For the second, an agreement was reached on an amount of 6,150 *soles* (USD 2,196) per hectare. Regarding this point, it is important to highlight the fact that the State does not fulfill its role as a regulating agent or its responsibility to safeguard the social and collective interests of the citizenry. This is a characteristic trait of the neoliberal State in recent times: it facilitates foreign investment in the territory while withdrawing from its responsibility to protect social rights.

As noted by the study: "…. [T]he entrance of the mining companies is generating a qualitative change in the types of knowledge and language that are utilized for the management of communal territory." As has been mentioned, the clearing of obstacles to ownership is an indispensable element for providing security to the investment. In this sense, the company has created a land registry that has come to be the referent used for determining communal ownership and which has been accepted by the board of directors. Thus, the company has become a "fundamental actor in the definition of communal ownership" and thereby has more power vis-à-vis the community.

The conflict over ownership in Nicaragua

In the revolutionary government's 10 years in power in Nicaragua, new owners' titles were not cleared of barriers to ownership. With President Violeta Chamorro's assumption of power and the new neoliberal policies of the 1990s, the fragility of the agrarian structure created by the Sandinista Front for National Liberation made it relatively easy to implement a counter-reform that meant a return of the old owners, who demanded their former lands back. The result of these processes has been the superimposition of ownership rights that especially affect indigenous peoples, among them the Chorotega. As noted by Alegrett (2003), Nicaragua has had to face significant problems due to the insecurity of land ownership. Both the measures implemented by the revolution as well as the counter-reform and previous peace accords have resulted in the co-existence of various actors who are in conflict over land ownership.

As mentioned in the case study, the five indigenous communities that make up the indigenous Chorotega people held royal property titles that they had acquired during the colonial period, after a process of demarcation and the placement of boundary markers (*amojonamiento*) on their territory. Nonetheless, not all of them have managed to retain these over time. Even so, either by means of titles or the existing boundary stones (*mojones*) on their communal boundaries, the indigenous Chorotega people claim ancestral ownership over their lands, which today others have usufruct rights to and hold within their territory.

Keeping in mind the particularities of each country, the type of ownership that was created during the colonial period continues to be an important element in the definition that indigenous peoples currently use for their lands. For the Chorotegas, the royal title continues to be the most important document supporting communities' ownership of their territories. However, in the eyes of the State, this only certifies that which is preserved in memory as evidence resulting from a common past the people share with their ancestors, who lived on these lands and passed them down as an inheritance to their descendants through their own regulations and customs. The Chorotegas have a regulation that orders families' access to the land, be it for individual or communal use. According to the study:

> "The indigenous peoples as a whole have a register of their own communal ownership and the capacity to grant deeds for the use and enjoyment of community lands. …. [T]he holder of that deed has free access, the right to work, and the freedom to cultivate the fruits of that land … and the deed is intended for him/her personally … The indigenous peoples' rights of use, enjoyment, or usufruct to the land are lifelong and can be handed down as an inheritance."

When they inherit land, children must draft a new deed. When renting to foreigners, "….the indigenous people grants use rights for a maximum period of 10 years with the payment of a rental tax."

Not all of the indigenous people are registered and many "foreigners" do not pay the rental tax. In the case of the indigenous people, on many occasions an oral agreement was enough to back up the community when it granted land to a family. This has been partly responsible for the fact that, today, not everyone's possessions are registered. The case of "foreigners" who do not pay rental tax evidences the existence of a double standard – that of the State expressed locally in municipal regulations and that of the Chorotega people, which ends up being subordinate to the former.

Currently, within communal territory recognized by royal titles there are other "owners" who are limiting the indigenous people's access to their lands. For years, the Chorotega territory has been degraded as a result of the indiscriminate felling of trees. Its water wealth and the quality of the land have been very badly affected. This has produced a situation of scarcity for the Chorotegas, since families have a very limited quantity of land to inherit. In this context, the demand for recognition of the boundaries of their territories has become more urgent. As has been noted, the current conflict is based on the existence of multiple documents (agrarian reform titles, deeds, contracts, etc.) that support different people's ownership to the same land and demonstrate the little value that the State places on the territory as being the property of the indigenous people.

In the process of getting their territorial rights recognized, the Chorotegas demand that foreign farmers and cattle ranchers pay the rental tax. They do not demand that the latter be expelled, but rather that there should be a negotiated and sustainable use of resources on the part of the various actors who currently co-exist on the same territory, without the environment being degraded mainly through the practices of the foreign agents. They also struggle so that the State will not consider those lands belonging to the indigenous people as being "free" in order to then put them up for sale: in other words, that both the State and the actors who live on the territory recognize indigenous authority and respect the smallholder family agriculture that these peoples practice today.

As a solution to the existing mess in the legalization of ownership, the State promotes a program of individual titling; however, for the Chorotegas this mechanism constitutes an omission of their people's collective ownership. According to the study, the Chorotega population does not wish to obtain individual titles, but rather wants to strengthen collective ownership to their people's land through recognition of the colonial titles they hold.

Regulations regarding the expansion of the agricultural frontier around Brazil's Trans-Amazonian Highway

For decades, one of the solutions adopted in confronting the land problem in Brazil was to expand the agricultural frontier in the Amazon. The programs that were implemented from the middle of the last century, apparently to bring greater development and modernity to the area, revolved around that strategy and were accompanied by projects that created new settlements. In those years, the processes of colonization contributed to the protection of a territory in which there was scant State presence. In that sense, the colonization of Amazonian territory appeared to be a way to resolve the problem of the dispossessed rural population, the "landless," while simultaneously contributing to the security of the territory. The construction of the Trans-Amazonian Highway was a part of those modernizing reforms that sought to develop the economies of the newly settled families as well as those of the entire region.

However, as the case study notes,[34] this solution turned into a new problem. Various policies, such as the incentives given to the agricultural industry, ended up favoring the private exploitation of areas around the Trans-Amazonian Highway and placing small immigrant farmers in a situation of abandonment vis-à-vis the State. This process resulted in the degradation of lands along the length of the highway, a growing degree of insecurity over the land, and unsustainable forest management. It was thus that the Settlement Projects (PA) and Sustainable Development Projects (PDS) emerged as a form of regulation.

The PAs were created in 1970 and today are a part of the National Agrarian Reform Plan. They are focused more on the social and productive aspects of the agrarian reform and are perceived by their beneficiaries as being more permissive in the face of environmental restrictions for containing deforestation. PDSs were created in 1999 and combine the social and productive aspects of the agrarian reform with environmental concerns, reinforcing compliance with forest regulations.

In 2001, the PDS of Anapu was created as a result of the social movement led by Sister Dorothy Stang, which confronted land appropriation by timber merchants and large cattle ranchers, and was divided into the PDS Esperanza and the PDS Virola-Jatobá. The goal of this project was to achieve sustainability of the settlements in the forest areas; in other words, to maintain equilibrium between the quality of life of the people and the environmental impact.

Even with the creation of the PDSs, the timber merchants and cattle ranchers continued their activities within these territories, as their large size prevented the associations that

[34] The analysis of this is based on Vieira dos Santos et al. 2010.

had been created from guarding and protecting them. This situation led firstly to an agreement among the families on a forest project and, later, to a negotiation process between the Vitória Régia company and the PDS Virola-Jatobá regarding the execution of a Forest Management Plan. The farmers considered this plan to be very advantageous for the company because, while there were many restrictions on the farmers' use of wood, the company was authorized to extract it. The conflict that resulted clearly demonstrated the State's contradictory stance: i.e. without having clear agrarian regulations, it exercised a control over forest resources that the population felt was excessive.

The Ipanuma PA was created in 1999 in the municipality of Altamira. The process began in 1998, when a group of families from the northeastern part of the country decided to occupy part of the Naufal area. This speeded up the work of the National Institute for Colonization and Agrarian Reform (INCRA), which was already present in the area, of organizing the 310-family settlement. In that process, appropriations of large pieces of land by various companies were identified. Apparently, at the moment of regulating the settlement, part of the area was identified as being owned by a timber merchant. The regulation of the settlement that INCRA finally developed did not change the situation of the farmers, as lots were not demarcated – a necessary procedure for accessing financial resources under the agrarian reform program.

The three settlements – the two PDSs and one PA – present different methods by which families occupy the land and make use of agricultural resources. Different factors affect the ways in which families move around within these settlements. One of these is access to biophysical resources and soil fertility which, together with restrictions on the use of the natural resource base, causes families to lose their autonomy and to seek other sources of income for their livelihoods. Another factor is the level of internal organization, which has been different in each case but necessary to the families' defense, given the absence of the State. On a related note, the agrarian regulations are applied with little rigor and in reality do not significantly influence families' mobility, since many of them sell or abandon their lands without informing INCRA. With respect to the use of forest resources, it has been found that in the PDSs, the State has a greater degree of control over regulations, while it has less control over them in the PAs. This lesser autonomy in the PDSs has not contributed to a greater degree of mobility of families.

Agribusinesses and small and medium-size farmers on the Peruvian and Uruguayan coasts

The advance of transnational companies in the Latin American countryside has had an effect on agrarian structure that is expressed in different forms, but with the common result of diminishing or subordinating small- and medium-scale ownership, as is illustrated in the cases of agriculture on the Peruvian coast and the dairy sector in Uruguay.

After the agrarian reform in Peru, the dismantling of the large *haciendas* on the coast brought with it a proliferation of small- and medium-size farmers, some enjoying greater success than others in farming and the agricultural market. The spread of transnational companies along the country's coast, mostly with agro-energy ends in mind, has affected small- and medium-scale ownership such as in the Chira Valley in the department of Piura and the Motupe and Ica Valleys in the department of Lambayeque. In some ways, this situation has forced the establishment of new relationships in society, rentals, the purchase and selling of lands, and labor relations based on the subordination of small- and medium-size farmers by large companies. Without a doubt, over time an effect has been produced of the biggest absorbing the smallest, wherein the transnational companies are the strongest and have differentiated effects on small- and medium-size agriculture. This land access mechanism, as well as others utilized by the transnationals in the zone, has shaped the new concentration of ownership in the valleys mentioned above.[35]

Medium-size farmers have attained a certain degree of mobility and consolidation within the new agricultural scenario on the coast, based on the purchase of lands belonging to small farmers. Nonetheless, in recent times, they have needed to sell their lands or cooperate with agro-exporting companies operating in those valleys, mainly as a result of climate phenomena that are very intense in the northern part of the country.

As elsewhere, in this area of Peru, the agrarian structure is characterized by the majority presence of small farmers, who still possess a significant amount of land. They constitute a population that survives on the margin of the bonanza that characterizes the agro-exporting companies' production. Three groups of small farmers can be identified in this area: (1) small farmers associated with productive projects promoted by local NGOs or by some companies with which there are few possibilities for balanced negotiations; as such, the farmer depends on the company for access to the market and the necessary certifications for selling, for example, organic products; (2) unassociated small traditional farmers who have little capacity to place their products in local markets for fair prices and are vulnerable to the abuse of intermediaries – this weakness has been one of the

[35] The analysis of the Peruvian case in this section is based on CEPES 2010.

reasons why they have opted to sell their lands to agro-exporting companies or to work as laborers for them; and (3) farmers of basic grains (*panllevar*) on plots that are a maximum size of one hectare.

These three groups have experienced significant difficulties that have caused their production and the maintenance of their lands to be unprofitable in balancing the family economy. Little support from the State, indebtedness, scarce resources for accessing modern technological irrigation systems, and no capacity for responding to emergency climatic situations that put their production at risk are some of the motives that have led some of these groups to sell their lands to agro-exporting companies.

Along with buying and selling, the renting of small farmers' lands is another of the mechanisms utilized by companies to access this resource. Although the conditions of these contracts are not the best, this mechanism appears to be an economically preferable alternative to the difficulties they experience in their agricultural activity. This solution is comparatively advantageous in a context of a lack of protection of small farmers by the State and strong pressure and demand for land from business groups that are active in the area.

The Peruvian case study reveals some significant effects of the process of land concentration on the social and work lives of the inhabitants of these valleys. In the case of small farmers, it can be seen how they have gone from being owners to being laborers on their own lands. While medium-size farmers, by contrast, have sold their lands to the companies, in some cases they have also managed to become new investors in those companies. Another important effect is water management in a context of scarcity due to various factors, among them the existence of "….natural phenomena, over-exploitation of the resource by intensive forms of production, lack of maintenance of the irrigation infrastructure, and greater demand for the resource resulting from the expansion of the agricultural frontier by agro-exporting companies" (CEPES 2010). The companies do not participate on the boards of water rights-holders (*juntas de regantes*), despite the fact that they use water from these administrations; this attitude is a part of the companies' behavior that demonstrates little interest in social problems in the valleys.

In general, these three cases on the Peruvian coast demonstrate how the presence of large corporations such as Maple or the Romero Group is currently transforming the relationships of production in the countryside. In this precarious context for small agricultural production, they end up being the ones that satisfy the demand for labor that exists in the area. In the same way, they serve as a referent for finding productive projects and infrastructure aimed at improving, for example, irrigation systems or roads. Similar to what mining companies do, they develop activities related to social responsibility, but without integrating themselves into larger development plans or, even worse, into the framework of a sustainable territorial management plan promoted by the State.

A similar case in which small and medium-size owners have been forced to face the presence of large corporations in the countryside is found in Uruguay. The dairy sector, which has traditionally been strong in that country, has also slid backward due to the pressure that is being produced in the countryside as a result of the extension of soy and wheat cultivation and forest plantations. Even so, and due to a significant corporate history, the sector is managing to come out ahead by means of various strategies.

In recent years, however, the dairy sector has been experiencing a degree of weakening due firstly to the fall in commodity prices since the middle of the 2000s and, secondly, to the competition for land with other productive sectors linked to monoculture and afforestation agribusiness oriented towards the timber industry. This case study shows how the dairy sector, utilizing various strategies, has managed to face up to the attacks it has suffered in this new context in the countryside.[36]

In 2000, the dairy sector controlled 1.2 million hectares, owning half and renting half; in 2008, it managed only 849,000 hectares. During the past nine years, the sector has suffered from a decrease in the number of establishments dedicated to milk production: while in 2000 there were 6,500, today there are 4,500. This reduction has been due mainly to the disappearance of smaller units and the growth of those that have managed to maintain themselves in the face of the expansion of large-scale ownership aimed at soy and wheat monoculture, which grew from occupying 140,000 hectares in 2000 to 1.1 million hectares in 2008, as well as deforestation, which during the same period reached one million hectares. Even so, dairy production has not ceased its sustainable growth.

Two characteristics stand out in the strategy that the sector has implemented to survive the new reality in the Uruguayan countryside. One of them is the adoption of new technology that has permitted a significant improvement in productivity and competitiveness without needing to increase the amount of land worked. The second is the existence of a cooperative system that has traditionally defined the sector: the importance of a strong connection between companies and farmers, which has also driven competitiveness.

Another factor, this time external, which has helped this competitiveness in the face of agriculture and afforestation is the existence of favorable policies that were developed some time ago due to the benefits that milk production has historically brought to the country. Even when new crops were benefitted by new legislation, the dairy sector did not take a significant step backward in the political sphere; rather, the institutions created around the sector have been supportive in moments of crisis. In general terms, dairy farmers, despite having suffered from the consequences of pressure exerted by new crops, have managed to reduce costs and losses that might have increased competition for land in the new context thanks to technological innovation, strong institutions, and the existence of a favorable relationship with the State.

[36] The analysis of this case is based on Tambler and Giudice 2010.

Final reflections

In April 2010, in the context of a presentation at the World Bank, organizations such as La Vía Campesina, FoodFirst Information and Action Network (FIAN), Land Research Action Network, GRAIN, and others linked to the social movement for land raised their voices to denounce the "land accumulation" that is resulting from the so-called "agricultural investment" promoted by the World Bank. The action was taken in response to new principles developed by the Bank in an attempt to reduce the risks of "the current fever of the private sector to buy agricultural lands." The World Bank principles in this respect can be summarized as follows:

> "…respect the rights of the current users of the land, water, and other resources (paying them some form of indemnity) … protect and improve the standard of living at the level of the family and the community (providing employment and other services), and not harming the environment.[37]

The current discussion taking place between the social movement and those promoting agricultural investments is expressed precisely in terms of the arrogance of these principles. For the former, this type of agreement seeks only to hide the problem of the current accumulation of land beneath a cloak of social responsibility that would not interrupt but rather provide continuity to a process that is clearly producing more poverty, a loss of food autonomy, the displacement of populations, impacts on indigenous peoples, deterioration of the environment, etc. For the latter – the World Bank and the large corporations – this would produce a more sustainable investment in social and environmental terms.

The issue on the table, which appears to be at the center of the debate, is this: which agricultural and rural development model will permit people to escape the poverty in which they live? On the one hand is the position that sustains exploitation of the countryside based on large-scale ownership and production for export; in other words, the current model. On the other hand is the one that proposes recovering small-scale farming and restoring family agriculture. For some it is about attempting to correct – read mitigate – the impacts of the investors; and for others, it is a matter of nipping the problem in the bud, i.e. by modifying the rules of the game and reordering in some fashion the positions on the current worldwide map of power surrounding the issue of land.

In the regional arena, the expression of the confrontation between these paradigms is the conflict that exists in Latin America as a consequence of the opening of markets and the way in which national powers orient their policies behind the slogan of development. Today, policies are decided in agreement with market demand, which has resulted in

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[37] See: http://www.grain.org/o/?id=104.

plans for domestic investment being based on the bidders who appear; also, each mega-project is seen as a panacea that will bring development. There is no real territorial demarcation under social and environmental considerations that guide policies. On the contrary, it is expected that economic growth will be a direct consequence of the entrance of foreign capital, despite the fact that during these years of supposed economic development in Latin America, wealth distribution has been exclusive and the profits have once again been distributed between the companies and national economic groups.

This focus permits us to see one of the paradoxes that tend to arise when speaking of development. For decades, the World Bank and the various cooperation agencies of different countries have introduced strategies and assistance in Latin American countries for greater environmental protection, with equity and a gender focus, among other principles. Nonetheless, at the same time, the policies of these governments, such as the United States and Spain, are part of the structure that has put the environment and food security at risk. In May 2010, Olivier De Schutter, the United Nations Special Rapporteur on the Right to Food, clearly described the parallelism that exists in the orientations promoted by the international institutions: "…[O]n one hand, they contribute to confronting problems such as food insecurity, rural poverty, and climate change. But on the other, these same institutions are proposing codes of conduct to guide the process known as 'land grabbing'" (Eguren 2010).

The problem of large-scale ownership has always brought with it the concentration of power. That was the great realization that drove the agrarian reforms of the last century. Today, the conflicts revolving around land that are being generated across the continent show us how the new actors of our time have positioned themselves in the new field of confrontation. While the strategies may be different, perhaps the only thing that has remained is the land, and while before it was the *campesino* movements that knew to demand it, today it is the indigenous peoples who hope to be able to defend and recover it.

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http://farmlandgrab.org

www.landaction.org

http://www.ecoportal.net

http://www.pwc.com/es

www.cifca.org

http://www.sucre-ethique.org

http://www.peacewatch.ch

http://www.agrocombustibles.org

Business websites

http://www.camposol.com.pe

http://www.goldcorp.com

http://www.palixcan.com/

http://www.louisdreyfus.com/

http://www.mimaseca.com/es/

http://www.bunge.com/

The media

Land Research Action Network: http://www.landaction.org/spip/?lang=en

http://elcomercio.pe

http://www.diariolaprimeraperu.com

http://www.periodicos-de-honduras.com

http://www.ipparaguay.com.py/index.php?id=cmp-noticias&n=9695

Video

Sipakapa no se vende / Sipakapa qal k'o pirk'ey xik

http://www.youtube.com/watch?v=L1N8l54zong

http://www.youtube.com/watch?v=Q20YxkM-CGI

This report is part of a wider initiative on Commercial Pressures on Land (CPL). If you would like further information on the initiative and on the collaborating partners, please contact the Secretariat of the International Land Coalition or visit *www.landcoalition.org/cpl*

International Land Coalition
Secretariat

Via Paolo di Dono, 44
00142 – Rome, Italy
tel: +39 06 5459 2445
fax: +39 06 5459 3628
info@landcoalition.org
www.landcoalition.org