MINING, INSTITUTIONAL CHANGE, AND MEXICO’S NATURAL RESOURCE GOVERNANCE IN COMPARATIVE PERSPECTIVE, 1988-2018

MINING, INSTITUTIONAL CHANGE, AND MEXICO’S NATURAL RESOURCE GOVERNANCE IN COMPARATIVE PERSPECTIVE, 1988-2018

By: JOHN PATRICK HAYES III, M.A., B.A.

A Thesis Submitted to the School of Graduate Studies in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy in the Department of Political Science

McMaster University © Copyright by John Patrick Hayes III, September 2024

McMaster University DOCTOR OF PHILOSOPHY (2024) Hamilton, Ontario (Political Science, Comparative Public Policy)

TITLE: Mining, Institutional Change, and Mexico’s Natural Resource Governance in Comparative Perspective, 1988-2018

AUTHOR: John Patrick Hayes III, B.A. (University of British Columbia), M.A. (York University)

SUPERVISOR: Professor Michelle L. Dion, Ph.D

Number of Pages: xv; 299

## Lay Abstract

Between 1988-2018, Mexico’s mining sector underwent significant structural transition, which entailed a change from a joint-ownership model between the national government and domestic industry to a completely privatized model led by foreign exploration companies. In this process, mining production rose significantly, which happened in tandem with a regulatory overhaul of the major policy domains of natural resource governance. Yet, not all policies were targeted in the same ways, which led to conflicting regulatory and legislative formations that fuel social-environmental conflict. This dissertation aims to explain why there is divergence in the policy changes and how they are explained by shifts in the influence of stakeholders as the sector began to dominate the countryside and create historically high profits in the country. This study finds that, despite widely accepted narratives about policy change in Mexico during democratic opening and the global diffusion of neoliberal economic policies, there are important institutional and policy legacies rooted in certain stakeholders that constrained certain policy reforms in some policy domains while creating pathways of reform in others.

## Abstract

Between 1988-2018, Mexico’s mining sector underwent a structural transition, which entailed a change from a joint-ownership model between the national government and domestic industry to a completely privatized model led by foreign exploration companies. In this process, mining production rose significantly, which happened in tandem with a legislative and regulatory overhaul of the major policy domains of natural resource governance (NRG), understood as land tenure, environmental policy, labour policy, and the regulation of capital. Despite the shift towards new institutions and the increasing influence of foreign capital and global mining companies, not all of these policy domains were successfully reformed to align with the new neoliberal-oriented NRG, which has led to conflicting regulatory and legislative formations that fuel social-environmental conflict. Of the four main policy areas that comprise NRG, there is unevenness in the extent to which they were reformed, despite their equal importance to determining distributions of power between stakeholders, and the relative influence of private, public, or community authority. Drawing on a combination of Historical Institutionalism (HI) and Political Ecology (PE), this dissertation aims to explain why there is divergence in the policy changes and how they are explained by shifts in the influence of stakeholders as the sector began to dominate the countryside and create historically high profits in the country. This study finds that, despite widely accepted narratives about policy change in Mexico during democratic opening and the global diffusion of neoliberal economic policies, there are important institutional and policy legacies rooted in certain veto players that constrained policy reforms in some policy domains while creating pathways of reform in others. The unevenness in reforms, contradictory legislation, and vagueness of certain laws have all contributed to the current NRG paradigm and Mexico’s status as hosting the highest number of mining-related social-environmental conflicts in the Americas. This dissertation also introduces and applies a unique analytical framework for tracing policy change across time, which joins existing comparative public policy scholarship that examines several different policy areas at once. My study qualifies insights from HI and PE by tracing the discrete policy events and wider shifts in stakeholder power and influence in the processes of shifting the mining sector from import-substitution models of production to neoliberalism.

*To Angela and Cate*

## Acknowledgements

This dissertation has been one of the most challenging undertakings of my life, with many emotional highs and lows. I owe my ability to get to this point to my Supervisor, Michelle Dion. Michelle supported me in pursuing an ambitious project and spent countless hours closely scrutinizing my work, referring me to key theoretical and methodological works to ensure that I was growing academically, and made me a much better writer overall. She also supported me in preparing grants, conference draft papers, and job applications. There is no doubt that I owe Michelle for most of my success in completing this PhD and making the advances that I have in my dissertation. She also went above and beyond in her patience, helping me to successfully balance work and life. I went through periods of grief, health issues, and housing emergencies. Michelle ensured that I stayed on track throughout, while also providing me the ability to take the time and space needed in order to address life’s demands. Thank you, Michelle.

I would also like to thank my committee. Netina Tan hired me as a Research Assistant at the end of my first year and has remained a close mentor, particularly in my pursuit of high standards of comparative methods and analytical writing. I am a better-rounded political scientist and academic writer thanks to her efforts in carefully editing and commenting on my PhD proposal and dissertation drafts. Stephen McBride supported my growth in the program early on during course work. He provided useful feedback on the theoretical dimensions of research papers that eventually shaped my dissertation and continued that mentorship throughout the dissertation process. I also had the pleasure of being his RA. Stephen also has written me many letters of recommendation. Thank you, Netina and Stephen.

I am grateful to two external funding bodies that supported this research: the Social Sciences and Humanities Research Council and the International Development Research Centre (IDRC). This dissertation research also benefitted from feedback at conferences and workshops, namely the Balsillie School of International Affairs Global Political Economy Dissertation Workshop (2021) and the Canadian Political Science Association (2019).

There are two other faculty members of the Department in particular that supported my PhD journey. Nathan Andrews came to the Department in 2022. He eventually invited me to contribute on two co-edited books. He has also supported me in growing my academic networks among extractivism scholars across the world and has also written me letters of recommendation. He has been steadfast in believing in me and showing me that my scholarship has value. Peter Graefe has been encouraging throughout my PhD and has been a mentor in pedagogy and giving advice on career next steps. Thank you, Nathan and Peter.

Thanks to my cohort for the solidarity during the intensive first-year: Helen Beny, Ghada Sasa, Garima Sarkar, and Katherine Lee. I thank Michael Gordon and Sasha Skaidra for their friendship and mentorship as graduate students ahead of me in the program. Michael and Helen both helped me keep a roof over my head in 2019. Sasha helped me paint my living room and was there for me many times when imposter syndrome hit the hardest. Thanks to Liam Midzain-Gobin for career advice at numerous junctures. Thanks to Sara Binnie and Manuela Dozzi for patiently helping me wade through different streams of the University bureaucracy. By far, Manuela is one of my favourite people to stop and chat with in the Department.

Beyond McMaster, there are many scholars, collaborators, and institutions in Mexico that were central in my ability to carry out this project. James Robson at the University of Saskatchewan’s School of Environment and Sustainability hired me as a part-time RA in 2017, which triggered my interest in extractivism in Mexico. I thank Darcy Tetreault and Raúl Delgado Wise from the Development Studies Program at the Autonomous University of Zacatecas for their support as my institutional affiliation while I held the IDRC Doctoral award. Without them, I would not have had the resources needed to conduct remote field work. Remote field work during a pandemic was only successful thanks to the efforts of my Research Assistants. Enrique Lozada was in the trenches with me early on, collecting primary data. Abigail Cid Illana was integral to organizing virtual interviews. Michelle Arroyo Fonseca helped tie up loose ends with data collection at the end of my remote field work.

In January 2022, I started a job with the University of Calgary’s School of Public Policy, in a small unit called the Extractive Resource Governance Program. I still hold this position at the time of writing, and I value my teammates immensely. They patiently granted me the time and space to focus on my dissertation. Thank you, Freddy Cáceres, Alem Cherinet, Erika McNeill, Dan Wilson, and Deb Archibald. I also thank Siu-Ming Kwok and Kyle Breckenridge for their ongoing support of my career goals.

Thank you to several of my collaborators and friends: Pavel Martínez Romero, Viviana Buitrón Cañadas, Danilo Borja, Antonio Quiñones, and Pablo Policzer.

I will finish by thanking friends and family. Mom and Dad, for their faith in me, enthusiasm, and for supporting me in earlier educational pursuits. My siblings for their encouragement and for understanding that I’m “still in school” in my mid-thirties. I would also like to thank my in-laws: Dave, Lisa, and Hannah Morikawa, and Thomas Barbeau, for their steadfast support, warmth, and empathy when life got stressful and hard to manage. I am also grateful to Abbas, Vivek, the Guos, Fraser, David, and Nicky. I would be remiss to not thank some of my oldest friends, Daniel Felsky and Mitch Baker, for their support and regular check ins. Speaking of friends, I will also thank two of my closest haters, Alex Jarvis and Ian Reeser. Their lack of faith and misinformed, unrelenting attacks on my progress throughout the years was the spiteful motivation I needed to keep going.

To my wife, Beckey, who I met at McMaster. I owe you so much. You listened to me talk endlessly about my project and witnessed tears of frustration and anguish on several occasions. You supported me through this journey. You kept me on track and supported my dream to cross the finish line. I will never forget it. I share this accomplishment with you and Matilda. I will be there for you when you have big deadlines and need someone to pick up burritos (with three lines of hot sauce).

This dissertation is dedicated in memory of Angela Berkfield and Cate Varley. Without them, I would not have gone to Chiapas in 2010 and none of this would have ever happened.

Contents

[Lay Abstract iv](#_Toc178272345)

[Abstract v](#_Toc178272346)

[Acknowledgements vii](#_Toc178272347)

[List of Figures xiii](#_Toc178272348)

[List of Tables xiii](#_Toc178272349)

[List of Acronyms xiv](#_Toc178272350)

[Chapter 1 – Natural Resource Governance in neoliberal Mexico 1](#_Toc178272351)

[A brief history of mining in Mexico 5](#_Toc178272352)

[Figure 1. Mining production, Mexico 1990-2018 (millions of pesos, inflation adjusted) 6](#_Toc178272353)

[Puzzle 8](#_Toc178272354)

[Mexico as a study in analyzing Natural Resource Governance 10](#_Toc178272355)

[Figure 2. Trade (% of GDP) - Mexico, Chile, Brazil, Argentina, 1990-2015 11](#_Toc178272356)

[Research questions 14](#_Toc178272357)

[Table 1. Presidential Administrations and key policy events 16](#_Toc178272358)

[What is Natural Resource Governance? 17](#_Toc178272359)

[Defining the concept of Natural Resource Governance 17](#_Toc178272360)

[Defining the dependent variable: the four policy domains of NRG 20](#_Toc178272361)

[Land tenure 22](#_Toc178272362)

[Environmental policy 23](#_Toc178272363)

[Labour policy 25](#_Toc178272364)

[Regulation of capital 26](#_Toc178272365)

[Summarizing change in NRG and its component parts 27](#_Toc178272366)

[The mining sector as a study of policy change in NRG 29](#_Toc178272367)

[Road map of future Chapters 31](#_Toc178272368)

[Chapter 2 – explaining change in Natural Resource Governance: theory & research design 35](#_Toc178272369)

[Theoretically explaining change in NRG 37](#_Toc178272370)

[Political Ecology 37](#_Toc178272371)

[The rights of nature and decolonial perspectives 39](#_Toc178272372)

[PE summary 41](#_Toc178272373)

[Historical Institutionalism 42](#_Toc178272374)

[Theoretical synthesis of Historical Institutionalism and Political Ecology 49](#_Toc178272375)

[Alternative theories of explaining change in NRG 51](#_Toc178272376)

[Diffusion of Globalization 52](#_Toc178272377)

[Democratization 58](#_Toc178272378)

[Research design 63](#_Toc178272379)

[Conceptualizing and operationalizing policy change in the dependent variable 64](#_Toc178272380)

[Figure 3. measuring variation in jurisdictional authority of NRG 66](#_Toc178272381)

[Data sources – primary documents 67](#_Toc178272382)

[Data sources – elite interviewing 68](#_Toc178272383)

[Methodology 70](#_Toc178272384)

[Process tracing for probabilistic causal inference 70](#_Toc178272385)

[Figure 4. logic of comparison 71](#_Toc178272386)

[Probabilistic approaches in comparative HI 75](#_Toc178272387)

[Concluding remarks 77](#_Toc178272388)

[Chapter 3 – foundations of neoliberal NRG: The Presidencies of Salinas & Zedillo (1988-2000) 79](#_Toc178272389)

[Section I – overview of political economy 82](#_Toc178272390)

[History of mining in Mexico 82](#_Toc178272391)

[Figure 5. map of Mexico’s Sierra Madre Occidental and Sierra Madre Oriental 82](#_Toc178272392)

[Mexicanization of the mining sector 84](#_Toc178272393)

[Economic crisis and privatization 87](#_Toc178272394)

[Political reform 91](#_Toc178272395)

[Table 2. summary of observations and findings, 1988-2000 95](#_Toc178272396)

[Section II – change in NRG, within-case analysis of each policy area 97](#_Toc178272397)

[Land tenure 97](#_Toc178272398)

[Constitutional agrarian reform 97](#_Toc178272399)

[Program for the Certification of *Ejido* Land Rights (PROCEDE) 103](#_Toc178272400)

[Environmental policy 107](#_Toc178272401)

[Creation of General Environmental Law (LGEEPA, 1988) 108](#_Toc178272402)

[Creation of SEMARNAP (1994) 112](#_Toc178272403)

[Labour policy 116](#_Toc178272404)

[Labour acquiescence to privatization 116](#_Toc178272405)

[Failed attempts to reform the Federal Labour Law 121](#_Toc178272406)

[Regulation of mining capital 124](#_Toc178272407)

[The Mining Law of 1992 124](#_Toc178272408)

[The Foreign Investment Law of 1993 128](#_Toc178272409)

[Figure 6. FDI in Mexico mining sector, 1988-2000 (millions, USD). 129](#_Toc178272410)

[Figure 7. total concessions by surface area, 1988-2000 (hectares) 131](#_Toc178272411)

[Section III – comparative analysis of NRG within Presidencies between policy domains 133](#_Toc178272412)

[Conclusion: analyzing main changes in NRG of the Presidencies 138](#_Toc178272413)

[Chapter 4 – “Unstoppable Participation:” foreign investment and democratic transition during Mexico’s mining decade, 2000-2012 141](#_Toc178272414)

[Section I – Overview of political economy (2000-2012) 144](#_Toc178272415)

[Globalization and commodity super cycle 144](#_Toc178272416)

[Figure 8. global prices of copper, gold, iron ore, and silver (USD), 2000-2012 144](#_Toc178272417)

[Democratization 146](#_Toc178272418)

[The Presidential election of 2000 146](#_Toc178272419)

[Table 3. Congressional power sharing, 2000-2012 148](#_Toc178272420)

[Private sector stakeholders overtake bureaucracy 149](#_Toc178272421)

[Human rights constitutional reforms 151](#_Toc178272422)

[Table 4. summary of observations and findings, 2000-2012 153](#_Toc178272423)

[SECTION II – change in NRG, within-case analysis of each policy domain 155](#_Toc178272424)

[Land tenure 155](#_Toc178272425)

[National Mining Development Program (2001-2006) 157](#_Toc178272426)

[Government-supported mining concession expansion 160](#_Toc178272427)

[Environmental policy 162](#_Toc178272428)

[Environmental impact assessment reform and natural protected areas 165](#_Toc178272429)

[National Water Plan (2007) 170](#_Toc178272430)

[Labour policy 174](#_Toc178272431)

[The Abascal project 174](#_Toc178272432)

[Pasta de Conchos disaster, high commodity prices, and increased strike activity 177](#_Toc178272433)

[Labour Law flexibilization 181](#_Toc178272434)

[Regulation of capital 184](#_Toc178272435)

[Mining tax reforms of 2007 185](#_Toc178272436)

[Failed fiscal reforms of the LXI legislature 187](#_Toc178272437)

[Section III – comparative analysis of NRG within Presidencies between policy domains 189](#_Toc178272438)

[Figure 9. Mining production, Mexico 2001-2012 (millions of pesos, inflation adjusted) 190](#_Toc178272439)

[Conclusion: analysing the main changes in NRG of the Presidencies 194](#_Toc178272440)

[Chapter 5 – The return of the PRI: new policy goals and impacts on the NRG of mining 197](#_Toc178272441)

[SECTION I – Overview of political economy (2012-2018) 199](#_Toc178272442)

[Globalization and commodity markets in decline 199](#_Toc178272443)

[Figure 10. Price Volatility (Global Annual Price Change, %), 2012-2018 200](#_Toc178272444)

[Democratization 202](#_Toc178272445)

[Table 5. summary of observations and findings, 2012-2018 204](#_Toc178272446)

[Section II – change in NRG, within-case analysis of each policy domain 205](#_Toc178272447)

[Land tenure 205](#_Toc178272448)

[Failed Mining Law reforms 205](#_Toc178272449)

[Mining Law reform of 2014 209](#_Toc178272450)

[The Amparo law and Constitutional reform 211](#_Toc178272451)

[Environmental policy 213](#_Toc178272452)

[Budget restructuring 215](#_Toc178272453)

[The Water Conservation Decree of 2018 218](#_Toc178272454)

[Labour policy 223](#_Toc178272455)

[Steelworkers and steel dumping 226](#_Toc178272456)

[Regulation of capital 228](#_Toc178272457)

[The Mining Fund 229](#_Toc178272458)

[Section III – comparative analysis within Presidency between policy domains 238](#_Toc178272459)

[Conclusion: analysing the main changes in NRG of the Presidency 241](#_Toc178272460)

[Chapter 6 – Conclusions 246](#_Toc178272461)

[Introduction 246](#_Toc178272462)

[Section I – summary of arguments and findings across Presidencies 247](#_Toc178272463)

[Table 6. summarization of main findings across Presidencies 249](#_Toc178272464)

[Land tenure 251](#_Toc178272465)

[Environmental policy 253](#_Toc178272466)

[Labour policy 255](#_Toc178272467)

[Regulation of capital 256](#_Toc178272468)

[Section II – theoretical implications and contributions to the study of NRG 258](#_Toc178272469)

[Theoretical contributions of the Political Ecology and Historical Institutionalist synthetic framework for explaining change in NRG 258](#_Toc178272470)

[Implications for alternative theoretical explanations of NRG 262](#_Toc178272471)

[Diffusion of globalization 262](#_Toc178272472)

[Democratization 263](#_Toc178272473)

[Section III – challenges, limitations of the study, and future possibilities 267](#_Toc178272474)

[Bibliography 271](#_Toc178272475)

[Appendix 297](#_Toc178272476)

[Appendix 1: List of Interviews 297](#_Toc178272477)

## List of Figures

Figure 1. Mining production, Mexico 1990-2018 (Millions of Pesos, Inflation Adjusted)

Figure 2. Trade (% of GDP) - Mexico, Chile, Brazil, Argentina, 1990-2015

Figure 3. Measuring Variation in Jurisdictional Authority of NRG

Figure 4. Logic of Comparison

Figure 5. Map of Mexico’s Sierra Madre Occidental and Sierra Madre Oriental.

Figure 6. Foreign Direct Investment in Mexico Mining Sector, 1988-2000 (millions, USD)

Figure 7. Total Concessions by Surface area, 1988-2000 (hectares)

Figure 8. Global Prices of Copper, Gold, Iron Ore, and Silver (USD), 2000-2012

Figure 9. Mining Production, Mexico 2001-2012 (Millions of Pesos, Inflation Adjusted)

Figure 10. Price Volatility (Global Annual Price Change, %), 2012-2018

## List of Tables

Table 1. Presidential Administrations and Key Policy Events

Table 2. Summary of Observations and Findings, 1988-2000

Table 3. Congressional Power Sharing, 2000-2012

Table 4. Summary of Observations and Findings, 2000-2012

Table 5. Summary of Observations and Findings, 2012-2018

Table 6. Summarization of Main Findings Across presidencies

## List of Acronyms

CAMIMEX – Mexican Mining Chamber (Cámara Minera de México)

CONAFOR – National Forestry Commission (Comisión Nacional Forestal)

CONAGUA – National Water Commission (Comisión Nacional del Agua)

CONCAMIN – Confederation of Industrial Chambers of Mexico (La Confederación de Cámaras Industriales)

COPARMEX – Employers Confederation of the Mexican Republic (Confederación Patronal de la República Mexicana)

CSR – Corporate Social Responsibility

CTM – Confederation of Mexican Workers (Confederación de Trabajadores de México)

DGM – General Directorate of Mining (Dirección General de Minas)

DGRM – General Directorate of Mining Regulations (Dirección General de Regulación Minera)

EIA – Environmental Impact Assessment

EITI – Extractive Industries Transparency Initiative

FDI – Foreign Direct Investment

FIFOMI – Mining Development Trust (Fideicomiso de Fomento Minero)

GATT – General Agreement on Tariffs and Trade

GDP – Gross Domestic Product

HI – Historical Institutionalism

ICMM - International Commission on Mining and Metals

IDRC – International Development Research Centre

ILO – International Labour Organization

IMF – International Monetary Fund

INEGI – National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía)

ISI – Import Substitution Industrialization

ITAM – Autonomous Techincal Institute of Mexico (Instituto Tecnológica Autónoma de México)

JNCA – National Conciliation and Arbitration Board (Junta Federal de Conciliación y Arbitraje)

LFT – Federal Labour Law (Ley Federal del Trabajo)

LGEEPA – General Law of Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente)

NAFTA – North American Free Trade Agreement

NGO – Non-Governmental Organization

NRG – Natural Resource Governance

OECD – Organisation for Economic Co-operation and Development

PAN – National Action Party (Partido Acción Nacional)

PE – Political Ecology

PEMEX – Mexican Petroleum (Petroleos Mexicanos)

PRI – Revolutionary Institutional Party (Partido Revolucionario Institucional)

PRD – Party of the Democratic Revolution (Partido de la Revolución Democrática)

PROCAMPO – Direct Rural Support Program (Programa de Apoyos Directos al Campo)

PROCEDE – Program for the Certification of *Ejido* Land Rights (Programa de Certificación de Derechos Ejidales y Titulación de Solares)

PROFEPA – Federal Prosecutor for Environmental Protection (Procuraduria Federal de Proteccion al Ambiente)

PT – Worker’s Party (Partido del Trabajo)

PVED – Ecological Green Party of Mexico (Partido Verde Ecologista de México)

SECOFI – Secretary of Commerce and Industrial development (Secretaría de Comercio y Fomento Industrial)

SEDUE – Ministry of Urban Development and Ecology (Secretaría de Desarollo Urbana y Ecología)

SEMARNAP – The Ministry of Environment, Natural Resources, and Fisheries (Secretaría de Medio Ambiente, Recursos Naturales y Pesca)

SEMARNAT – The Ministry of Environment and Natural Resources (Secretaría del Medio Ambiente y Recursos Naturales)

SENER – Secretary of Energy (Secretaría de Energía)

SGM – Mexican Geological Service (Servicio Geológico Mexicano)

SHCP – Secretariat of the Treasury and Public Credit (Secretaría de Hacienda y Crédito Público)

SNTMMSSRM - National Union of Mine, Metal, Steel and Allied Workers of the Mexican Republic (Sindicato Nacional de Trabajadores Mineros, Metalúrgicos, Siderúrgicos y Similares de la República Mexicana)

SOE – State Owned Enterprise

UNAM – National Autonomous University of Mexico (Universidad Nacional Autónoma de México)

USD – United Stated Dollar

USMCA – United States-Mexico-Canada Agreement

# Chapter 1 – Natural Resource Governance in neoliberal Mexico

In August 2014, in the northern Mexican town of Tahuichopa, where the Río Sonora and the smaller Río Bacanuchi intersect, residents noticed the water colour changed. Soon after, fish, wild animals, and cattle drinking from the riverbanks began to die. In the following days, they found out that at the Cananea open pit copper mine, roughly 100km north by highway from Tacuichopa where the Río Bacanuchi passes, an exit pipe failed on a toxic waste pond holding 40 million litres (40,000 m3) of acidified copper sulphate, arsenic, lead, and other toxic waste materials (Lamberti 2018). In the aftermath, over 250 kilometres of the Río Sonora and its tributaries, along with over 20,000 people were directly affected. Cananea (known now as the Buenavista mine) is owned by the fourth largest company in the country, Grupo México, who is the number one producer of copper in Mexico, and the number three producer of copper in the world. It was only a mere hours after the tributary waters changed in northwestern Sonora that industry actors, environmental Non-governmental Organizations (NGOS), unions, regulatory authorities, and institutions began the finger pointing.

Actors wielded their respective positions of power to fight for, or against, holding the mining company responsible for the pond tailings breach at Cananea. Environmental NGOs and communities blamed Grupo México and the lack of regulatory oversight by government authorities. Grupo México blamed the accident on excessive rains leading to an overflow of the tailings pond. The environmental authorities found 55 irregularities around safety and environmental compliance, but they blamed their lack of preventative enforcement on the national government’s lack of funding for their inspection processes (Gobierno de México 2015). Opposition parties launched a Congressional investigation. The outcome was a fine of roughly $1.5 million USD and a government mandated trust for environmental remediation and social reparations (Migoya 2022). The residual consequences, however, continue to show long after the settlement with Grupo México. Long term damage to the communities and ecologies involved failure by the company and environmental regulators to prevent such a large-scale environmental disaster. Communities along these tributaries since the spill have complained of health problems. Health authorities found that following blood sample studies of select rural municipalities in the area, up to 50% of some residents had arsenic in their blood and 95% showed lead (El Comentario 2022). The years following the 2014 tailings breach has involved ongoing contestation involving actors within the complex web of policies regulating Natural Resource Governance (NRG) as justice is pursued via local, national, and international authorities. From the Office of the High Commissioner’s Special Rapporteur on Toxics and Human Rights of the United Nations to the North American Free Trade Agreement (NAFTA) investor-state trade dispute tribunals, and all levels of Mexico’s federal system, the Cananea mine event shows how different stakeholders operate within public institutions at all levels to pursue their interests and vie for influence in the policy process.

Cananea’s story in Mexican NRG begins over a century before the 2014 tailings collapse, when it began producing copper in 1899. Since then, it has been a historical location of political contestation in Mexico. President Carlos Salinas de Gortari (1988-1994), in his first annual address to Congress in November 1989 and in response to a recent strike by miners at Cananea, called it “the precursor community of the Mexican Revolution” (Dirección de Servicio de Investigación y Análisis 2006, 47).[[1]](#footnote-1) Against a backdrop of rolling labour strikes in the mining sector in 1989, including a high-profile strike at Cananea a few months prior, President Salinas was evoking Cananea’s labour agitations of 1906, when Mexican miners revolted against the wage gap with their American counterparts earning 30% higher per day, five pesos to the Mexican’s three and a half pesos a day (Harner 2001, 667). Twenty-three striking miners were shot and killed during the strike of 1906. At this time, the mine was owned by an American company with close ties to the repressive and authoritarian Mexican government of Porfirio Díaz (1876-1911). Eighty-three years later, in his address to Congress, President Salinas personally guaranteed that the community development funds recently gained from labour arbitration to end the strike would be implemented for the miners of Cananea.

Cananea, like most large-scale mines, is important to the primary resource sector of Mexico. These mines went from foreign ownership to majority owned by the Mexican government and domestic entrepreneurs for much of the twentieth century (Delgado Wise and Del Pozo Mendoza 2005, 68). Shortly after the debt crisis of 1982, the government stakes in the mining sector were sold off to private owners as part of a larger economic restructuring (Delgado Wise and Del Pozo Mendoza 2005, 73). In 1993, foreign owners were allowed to hold a majority stake in Mexican mines, a policy change led by the Salinas Administration only a few years after his nationalistic declarations about Cananea before the Mexican Congress. By total investment dollars (USD), Mexico is now a top recipient of foreign investment in mineral exploration of minerals in Latin America, and consistently ranks among the top five countries globally (Cámara Minera Mexicana 2019, 24; Rodríguez del Bosque 2018).[[2]](#footnote-2) To understand why Mexico has become a global leader in mineral exploration and mineral production, I will trace how policy areas were targeted, and why, by the government of Salinas and subsequent governments.

Despite the historical significance of Cananea to post-revolution twentieth century Mexico, nearby communities and local governing institutions tied to land and water management experienced different treatment by the government than what Salinas’s speech to Congress would suggest. Various conflicts have brought attention to the clear privileging of the mine over the needs of other land uses and livelihoods nearby. Water permits, leasing agreements with local commonlands holders, and environmental impact assessments all, theoretically, get carried out through the mediation of the municipal and federal government authorities to allow the mine’s continued production of copper. Overtime, the relative power of stakeholders – widely understood as communities, government, and the mining industry but also including organized labour, environmental groups, and non-extractive economic actors – have shifted and resulted in conflictive relations during these processes. The broad policy areas under which these stakeholders vie for influence fall under the conceptual framework of NRG.[[3]](#footnote-3) The outcomes of who gets what out of changes in NRG are mediated through the formal institutions of the national government and devolved powers to states and municipalities (Martínez Romero 2019). This dissertation seeks to understand how and why exactly NRG has shifted to rebalance the distribution of stakeholder power and influence over the main policy domains – the specific and most relevant sub-areas of NRG – that regulate and control primary sector activities, and the corresponding legislation that privilege mining activities over all other land uses. This project is concerned with what I assert are the four main policy domains of NRG: land tenure, environmental policy, labour policy, and the regulation of capital.

## A brief history of mining in Mexico

Cananea’s importance, like other large-scale mining operations, has endured in the twenty-first century. Mining is a large part of Mexico’s national economy. However, it has been overshadowed in the extractivism and political economy literatures by oil and gas because Mexico’s nationalized petroleum industry is the 11th largest producer in the world and second largest producer in Latin America (EIA 2020). The public sector is highly reliant on oil and gas for almost one-third of national government revenue generation (Aguila et al. 2012, 76). Yet, Mexico’s status as a net exporter of liquid crude has been diminishing, while mining continues to expand in total production and economic significance (EIA 2020). As the world turns to decarbonization, mineral extraction for carbon-free technologies will increase exponentially (Herrington 2021). Mexico is now a top-ten producer of seventeen different minerals and is the world’s largest producer of silver, eighth largest producer of gold, the ninth largest of copper, and the thirteenth largest of iron ore (Servicio Geológico Mexicano 2021). While Mexico has historically been a source of mineral wealth stretching back as far as Spanish colonization, the national government has only recently targeted the mining industry as part of a wider national developmental strategy for sustained economic growth, integration with foreign capital, and as an employment generator. Figure 1 shows that, following policy reforms of the 1990s under the Presidents Carlos Salinas (1988-1994) and Ernesto Zedillo (1994-2000), mining exponentially expanded under the governments of Presidents Vicente Fox (2000-2006) and Felipe Calderón (2006-2012). Under the new rule of the National Action Party (Partido Acción Nacional, PAN), the national government followed through on the pro-extraction foundations of their predecessors and helped complete land privatization and labour flexibilization policies set in place by their predecessors from the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI). For the PAN, their time in power coincided with a historic super cycle in global commodity markets.

### Figure 1. Mining production, Mexico 1990-2018 (millions of pesos, inflation adjusted)

A graph showing the growth of a company

Description automatically generated

Sources: Author’s own rendering using data from International Monetary Fund (2023); Consejo de Recursos Minerales (1993; 1997; 2001; 2003); and Servicio Geológico Mexicano (2010; 2014; 2019).

The mining industry in Mexico throughout this time has gone from a state led primary sector dominated by domestic firms to a privatized, globalized sector that is reliant on foreign capital and expertise. Now, seventy percent of mineral exploration projects in Mexico involve Canadian companies via direct investment, through partnerships, or subsidiary arrangements (Government of Canada 2015), and approximately one-fifth of the nation’s total surface area has been handed over to foreign firms via concessions for ongoing and future mineral exploration (FIFOMI 2012, n.p.; Sánchez Salazar 2010). Mining now accounts for 8.3% of industrial Gross Domestic Product (GDP), over 4% of overall GDP, employs almost 400,000 directly, and employs about two million indirectly (FIFOMI 2012, n.p.; International Trade Association 2020).

The government supported expansion of private industry mining activity frequently clashes with the priorities of rural communities that are expressed through inclusive governance structures of commonlands at the municipal level (Baitenmann 1998; Gobierno de México 2007)*.* Constitutional amendments in 1992 to Article 27 of the Mexican constitution which guarantees property rights for all citizens, have rolled back the institutionally embedded political power of the commons and its local community stewards to support private land holding and the extractive industries. This has significantly weakened the legal and political position of local communities against other stakeholders. For example, Chapter II, section 4 from the Ministry of the Economy’s *Investor Manual on the Mexican Mining Sector* states that “institutions and the regulatory framework guarantee property rights, protect the operation of the productive activities, and ensure transparency on obligations and procedures” (Gobierno de México 2017, 11; Secretaría de Economía 2020). In Article 19 sections 4 and 6 of the Mining Law of 1992, a mining concession holder can temporarily occupy and continue with preferential land and water uses if it fails to reach an agreement with commonlands communities (Diario Oficial de la Federación 1992b). Further, in Article 21, conflict resolution between commonlands and miners are subject to assessment of a need for arbitration by the Ministry of the Economy and in coordination with the National Agrarian Law (Diario Oficial de la Federación 1992b). The state has, through amendments to property rights, created clearer legal frameworks that facilitate mining operations on commonlands, while also maintaining those constitutional guarantees for commonlands through changes to land tenure laws (Fuente and Barkin 2013). In short, *subsurface* property rights are considered government property under the constitution and given legal precedence over other land uses, which are routinely invoked to overrule the *surface* level land rights of commonlands famers that also have a constitutional right to productive land. Put differently, the Mexican national government now occupies a dual role as a guarantor of commonlands for farmers and ranchers with constitutionally recognized land rights, while also granting exploration permits to mining companies that have constitutionally guaranteed legal precedence to pursue their extractive activities over all other land uses (Sánchez 2010; Tetreault 2016). This is a key example of the boundary-spanning nature of public policy in primary resource sectors and how changes in one seemingly isolated area of NRG may impact another.

# Puzzle

Several puzzles emerge from the recent evolution of Mexico’s mining sector that set the basis for the research questions guiding this dissertation. Of the four main policy areas that comprise NRG, there is unevenness in the extent to which they were reformed, despite their equal importance to determining distributions of power between stakeholders, and the relative influence of private, public, or community authority. Scholarship on paradigm shifts in policy transformation of primary sector driven economies have provided historically rich accounts of recent change (e.g. Gordon and Webber 2016; North and Grinspun 2016). However, high level narratives sometimes obfuscate precisely how policy makers and stakeholders at the national level strategically wielded individual policy domains or specific state institutions to fulfill wider economic transformations. Consequently, explanations of economic transformation often assume uniform policy change across subdomains of NRG in the process of transformation from state led primary resource sectors to privatization. There are, therefore, unclear answers about why certain actors succeeded or failed, and few studies detailing how, institutionally, some policies were changed over others. The lack of cohesive reforms across the four areas of NRG calls into question existing theories of the policy processes by which institutional changes occurred in Mexico relative to larger changes in the global political economy. Thus, at the national level in Mexico, the major puzzle is that some NRG policy domains were reformed in an incoherent and uneven manner, resulting in policy changes going in different directions and undermining a development strategy by the state from 1988-2018.

The uneven transformation of Mexico’s overall NRG from import substitution industrialization (ISI) to neoliberalism created lasting effects on primary sector industries. Major changes to some and less to other sub-domains of NRG indicate variation in the extent to which actors and institutions aligned with ISI successfully prevented complete transformation at different phases of the reform process and across different presidential administrations. Aside from perhaps Chile, Mexico has applied some of the most orthodox neoliberal reforms in the Americas. Uneven policy transformation highlights the “incomplete and contradictory regulatory transformation” of neoliberal reforms (Peck, Theodore, and Brenner 2010, 104). I will explain this puzzle of uneven, or incomplete, transformation to neoliberalism by tracing the changes to the policies of NRG within Mexico’s mining sector. Some scholars in the Mexican political economy literature, such as Snyder (1999) and Teichman (2012), make the case that the privatization of certain domestic industries, but not all, explain this phenomenon of incompleteness and contradictory regulatory or policy transformation. For example, it is difficult to comprehend why the vitality of trade union radicalism in mining in the twenty-first century improved in terms of membership and gains in contract benefits *after* labour reform weakened independent union density in every other industrial sector. Likewise, environmental regulations over mining were strengthened alongside economic market integration to attract foreign firms seeking lower barriers of entry. For civil society, human rights and public security for environmental land defenders deteriorated during the first two decades of so-called democratization. These are some of the major puzzles, among several, that illustrate uneven reforms in the NRG of Mexico since 1988.

Overall, regarding NRG reforms, some political actors resist change to specific policy domains and yet push neoliberalization of others. Yet, the stasis in certain policy making realms – notably in labour policy and subsoil rights – indicates that the transformation is uneven. Likewise, the national democratic transition in 2000 has had unclear effects on political freedoms, public security, and human rights. Paradoxical institutional arrangements that are based on the preservation of some rights while dismantling others have pitted local governments and communities against the national government, making the country home to the highest rate of social-environmental conflicts relative to total population of any country in the Americas (Imai, Gardner, and Weinberger 2017, 12). Further, it has been noted that Mexico is the most violent country on earth for both environmentalists and land defenders (Global Witness 2022). In relation to the mining sector specifically, Mexico has topped the number of documented social-environmental conflicts in Latin America for over ten years (Observatorio de Conflictos Mineros de América Latina, n.d.). These inconsistent reforms have weakened the legal and political position of local communities against other stakeholders (namely, industry), yet, by other standards, political freedoms improved in this study’s timeframe of 1988-2018. My thesis will explain these puzzling, apparent contradictions in the governance of subsoil natural resources and associated public policies.

# Mexico as a study in analyzing Natural Resource Governance

While there are several other major mining jurisdictions in the Americas, such as Argentina, Brazil, Chile, and Peru, Mexico provides typical examples of variation in NRG for several reasons. First, Mexico is a typical case of transformation in the authority and influence of a primary resource sector from ISI to neoliberalism during a wider period of economic restructuring across sectors. Mining specifically underwent changes from a parastatal primary resource sector in the 1980s to a privatized one by the early 1990s, with a significant entry of foreign investors and mining companies. Figure 2 details the increases in trade as percentage of GDP of four of Latin America’s largest economies. From 1990-2015, Mexico’s trade as percentage of GDP increased from 39% to 70%, a 79% increase. As the figure shows, this is the largest overall increase of the four major economies in Latin America.

### Figure 2. Trade (% of GDP) - Mexico, Chile, Brazil, Argentina, 1990-2015

Source: Author’s own illustration using data from World Bank (2024).

This increase in total trade, combined with the simultaneous increase in mining production detailed in figure 1, makes Mexico a typical case of other case studies in mining intensive jurisdictions that underwent similar institutional reforms. The transformation of major Latin American economies with established mining sectors from ISI to neoliberalism suggest that observations of discrete policy events will display variance overtime and “conform to expectations about a causal relationship…and perform as expected” (Gerring 2009, 650).[[4]](#footnote-4) Typical cases are normally selected because they are based a hypothesized causal relationship that is not an outlier case relative to others (Gerring 2009, 8). The change in the structure of Mexico’s mining sector demonstrates that the particular outcome of interest – change in NRG – will be present.

I predict that some observations of policy change or stasis will perform as expected regarding policy change over time in shifting jurisdictional influence and decision-making authority from ISI to neoliberalism. Not all the policy events, however, change the dependent variable, which is variation in NRG.[[5]](#footnote-5) Null cases help provide important insight, because they show how and why actors deliberately did not, or could not, target that policy area for a specific reason. Based on comparative historical institutional analysis, explanations for cases of change, null cases, or no change include a range of causal argumentation based on institutional legacies (Munck 2022, 118). These explanations might point to stickiness or path dependence of an institution, congressional blocking of proposed reforms, and pre-existing neoliberal reforms that are simply fulfilling their intended goals already of transforming the wider distribution of authority and influence. Each case of change – or failed change – provide insights that explain why, in NRG policy domains, stakeholders target specific policy domains over others and why some institutional pathways are easier than others for forcing change. The dissertation’s major puzzle asks why NRG policy domains have been reformed in an incoherent and uneven manner, resulting in policy changes going in different directions and thus undermining a clear development strategy by the state. Changes to the NRG of Mexico – listed in table 3 – are detailed in contradictory legislation and legal rights between stakeholders, which is also reflected by Mexico’s highest rate of mining conflicts specifically and social-environmental conflicts in general of any country in the Americas (OCMAL n.d.). For this project, conflict entails contestation over the rights and power of groups with divergent interests and preferences in policymaking, interactions which I predict to unfold over time and cause policy outcomes in NRG. Therefore, the study can be applied to other developing contexts where significant neoliberal reforms has been undertaken and where there have responses from stakeholders that are opposed to these institutional reforms.

Mexico is also an important case of exponential growth of a mining industry under neoliberal reform, as detailed in figure 1. Mexico since 1988 is among the three largest mining economies by total production in the Americas, which includes Chile and Peru (Biz Latin Hub Group 2019). According to the Mexican Geological Service (Servicio Geológico Mexicano, SGM), over 24,066 mining titles have been granted for mining exploration and extraction in all 32 states, which covers roughly 9% percent of Mexico’s landmass (Gobierno de México 2020, n.p.). Other estimates place the number of mining concessions held by private firms as high as 45,537 between 1988-2018 and occupying between 18% to 50% of Mexico’s total surface area (Tetreault 2021, 153).[[6]](#footnote-6) This contrasts with other mining states in the Americas with less growth in production or where the increase in total number of concessions granted to firms is less significant, hence showing that the growth of the Mexican mining sector is an outlier in the Americas. Mexico also has a more ethnically heterogenous population than other countries in the Americas and hosts a plurality of governing structures at the subnational level that interact with a federal government and create new dimensions of stakeholder interaction. Mexico’s mining industry, therefore, is an important within-case study of why certain NRG policies have changed over time and why they sometimes changed in different directions that is inconsistent with the linearity of neoliberal policy prescriptions. Based on the case of Mexico, I would expect the experiences and findings regarding mining will generalize to the mining sector in countries with similar trajectories of ISI transitions toward neoliberalism and resource dependency involving boom and bust cycles in primary resource sectors, particularly in Latin America (see figure 2).

# Research questions

Explaining change to the policies that govern and distribute rights to the commons and its natural resources involves a multitude of state, industry, and community actors that occupy strategic positions of power in distinct institutions that intersect in the wider arena of NRG. In Mexico’s mining industry, institutional reforms appear to have been implemented to further engage in global economic integration and to enhance citizen rights domestically. These reforms have led to contestation between actors yet have not led to evenly applied reforms across four main NRG policy domains: land tenure, environmental policy, labour policy, and the regulation of capital. This project asks: despite widespread privatization of domestic primary industries, neoliberal economic restructuring, and democratic reforms since 1988, why is there policy stasis in some policy domains of Mexico’s NRG, while other domains have been significantly reformed, changing the distribution of the costs and benefits of primary sector economic activities, like mining? Why have some domestic actors and international firms been able to influence the policy process to align policy with their preferences more than others? Similarly, why have some groups exerted more policy influence over time or across policy domains? This project introduces a novel conceptualization of NRG based on four relevant policy domains to help improve scholarly examination of separate yet interrelated formal and informal institutions at all levels of government and including international agreements, that play a role in the redistribution of rights in a specific primary sector economic activity. It draws from theories of political ecology and historical institutionalist (HI) studies of extractive industries to explain variation in the formal institutional changes to four policy domains that comprise Mexico’s NRG.

The project seeks to better understand the legacies and outcomes of the implemented neoliberal reforms to Mexico’s NRG, because in the literature, there are many stakeholder events that appear interconnected, but are analyzed separately. Babb (2018) argues that two main stages define neoliberalization in Mexico: first, President De La Madrid (1982-1988) began breaking apart the state led industrialization of prior decades that brought the economy into crisis in 1982. In this process, the International Monetary Fund’s (IMF) structural adjustment policies of fiscal and monetary austerity tamed inflation and shrunk the national trade deficit (Babb 2018, 172). Second, the institutional reforms to reverse long standing policies of state led developmentalism “came to full fruition under the Administration of Carlos Salinas [1988-1994]” (Babb 2018, 172). This project, in the context of the mining sector, begins tracing the transformation of the mining sector’s NRG on the latter, from initial neoliberal policy reforms under Salinas to the end of Peña Nieto’s Presidency (2012-2018). Policy areas such as land tenure, environmental governance, labor, and the regulation of capital all feature in extractivism scholarship on Mexico but have not come together in a coherently process traced study to explain how policy, legislation, and institutions were targeted, or not targeted, to fulfill the reform agenda of President Salinas. Table 1 shows the political timeline and associated major reforms.

### Table 1. Presidential Administrations and key policy events

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Presidency** | **Party** | **Presidential term** | **Legislative majority (Y/N)** | **Key policy-related events** |
| Carlos Salinas de Gortari | PRI | 1988–1994 | YES (LIV, 1988-1992)  YES (LV, 1992-1995) | -Constitutional Agrarian Reform (1992)  -PROCEDE (1992)  -New Mining Law (1992)  -Foreign Investment Law (1993) |
| Ernesto Zedillo | PRI | 1994–2000 | YES (LVI, 1994-1997)  NO (LVII, 1997-2000) | -Appointment of new environmental ministry (1994)  -Environmental Impact Assessment Laws (1997)  -Labour reforms (various) |
| Vicente Fox | PAN | 2000–2006 | NO (LVIII, 2000-2003)  NO (LIX, 2003-2006) | -National Mining Development Program (2001)  -Merging of environmental and water ministries (2001)  -Abascal Project (failed, 2003)  -Government supported mining concession expansion (2005) |
| Felipe Calderón | PAN | 2006–2012 | YES (LX, 2006-2009)  NO (LXI, 2009-2012) | -Mining tax reform (2007)  -National Water Plan (2007)  -Mining impact assessment laws enacted (2011)  -Labour flexibilization reforms (2009 & 2012)  -Failed Mining Law reforms (various) |
| Enrique Peña Nieto | PRI | 2012–2018 | YES (LXII, 2012-2015)  YES (LXIII, 2015-2018) | -New Mining Law (2012)  -Mining Fund created (2014)  -Environmental ministry budget restructured (2015)  -Water Conservation Law (2018) |

Source: compiled by Author.

Timing and the sequential roll out of specific policies, possibly small or seemingly isolated reforms within each presidential administration, can help explain the changing power and influence of stakeholders over time to enact policy changes that result in consequential changes to distribution of authority and influence (Pierson 2000, 251). The creation of laws and regulations in Mexico, like elsewhere in Latin America, are central to the policy making process, and must be based on code law, in the Roman and Napoleonic legal tradition, that demands changes are legally formulated through the legislative process (Díez 2006, 91). In each administration, there are important Congressional balances of power that enable or constrain policy mandates. NRG, particularly in the mining space, have been transformed in the legislative process since the arrival of President Salinas, which makes 1988 the appropriate starting point to address the central puzzles of the change in NRG.

# What is Natural Resource Governance?

## Defining the concept of Natural Resource Governance

This dissertation will provide a conceptual framework of NRG that is useful in comparative public policy analysis of other case studies and natural resource sectors because NRG is widely discussed, yet loosely defined. To conduct an analytically useful study of NRG in Mexico’s mining sector, it is therefore important to define the concept. Among non-governmental policymakers and NGOs, NRG is defined in terms of developmental opportunities, which focuses on the needs of people and environmental issues: “natural resource governance refers to the norms, institutions and processes that determine how power and responsibilities over natural resources are exercised, how decisions are taken, and how citizens – women, men, indigenous peoples and local communities – secure access to, participate in, and are impacted by the management of natural resources” (International Union for the Conservation of Nature 2016). Here, NRG is framed around lifting up populations through increasing access to land and resources for increased capacity building in agriculture, fisheries, livestock, conservation management, eco-tourism, and so forth. However, it is rooted in isolated and micro-level schemes of sharing natural resources and is not tied in with larger economic and political processes. Private Industry considers NRG to be comprised of economistic subcomponents, such as taxation policy, royalty frameworks, operational budgeting (in the case of state-run enterprises), resource sharing with other levels of government, and corruption indexes (Natural Resource Governance Institute 2021). While empirically useful, this approach on does not examine the historical complexities underlying the current national institutional and legislative frameworks as they relate to social power relations and community needs. The interactions between levels of government and competing interest groups tells a much more complicated story than what either of the non-academic conceptualizations of NRG offer.

Social science scholarship does not define NRG the same across disciplines, resulting in disparate and *ad hoc* uses of the concept. In taking on this project, it is important to identify the policy areas and scales of analysis that will more effectively define NRG across disciplinary and development agency boundaries. In the expansive extractivism literature, existing scholarship issues often allude to NRG in its focus on micro processes at the community-level or macro processes common in global political economy (Gilberthorpe and Papyrakis 2015). In anthropology, human geography, and sociology, much of the literature consists predominantly of descriptive, longitudinal case studies illuminating community level social-environmental grievances and highlighting mobilizations of anti-extractive activity by community activists and social movements (e.g., Bebbington and Bury 2013; Bull and Aguilar-Støen 2015; Fuente and Barkin 2013; Stoltenborg and Boelens 2016). In political science, research emphasizes macro processes of change to national mining policy as part of wider economic restructuring and globalization (e.g., North and Grinspin 2016; Sawyer and Gomez 2012; Nem Singh and Bourgouin 2013; Veltmeyer and Petras 2014). As a comparative public policy research project, I focus on meso-level national level policy processes that draw on institutions and the role of advocacy groups in influencing policy changes overtime (e.g., Herrera 2017; Fontaine, Narvaez, and Velasco 2018; Pacheco-Vega 2014). Therefore, NRG for this study is state-centred and institutional in its orientation.

This dissertation defines Natural Resource Governance as an aggregate of four different policy domains: land tenure, environmental policy, labour policy and the regulation of capital. These domains are comprised of formally separate yet interrelated pieces of legislation, constitutional amendments, government agencies, branches of government, and public servants that interact with political parties and nonstate actors such as advocacy groups like mining industry associations and NGOs that hold influence over public affairs. Together, these domains and their composite parts and the actors and advocate groups within it comprise the regime of state centered control over territory, its natural endowments, and the populations with competing interests in how the land is managed. This definition echoes Jochim and May (2010), who introduced a “boundary-spanning regime” conceptual framework, which they argue enhances the analysis of policy processes by examining institutional dynamics across policy areas that accounts for broader institutional context (322). They cite policy initiatives like the War on Poverty, the War on Drugs, and energy crises in the United States as examples of policy regimes that are built across subsystems (Jochim and May 2010, 313). NRG is a similar concept of a boundary-spanning regime in that many different stakeholders – understood as communities, environmentalists, human rights activists, indigenous groups, unions, mining industry lobbyists, mining industry workers and entrepreneurs, government bureaucrats, and political elites at all levels of government – compete in informal and formal institutional pathways to preserve or seek changes to national policy and legislation. Arguably, the conceptual framework of NRG as a regime spanning multiple specific policy domains is generalizable to other case study jurisdictions – both national and subnational governments – with primary sector economic activities beyond subsoil extractive industries, such as agriculture, forestry, or fisheries, though the relevant policy domains and stakeholders will vary.

## Defining the dependent variable: the four policy domains of NRG

Now that I have specified the four policy domains and main actors involved in NRG, this section will further explain why these policy domains comprise NRG and serve as the outcomes of interest. The overarching objective of the dissertation is to explain policy change overtime in the NRG of Mexico’s mining sector. I am proposing a novel conceptualization of NRG that will be useful in any study of a primary sector and its related policy domains. The research design and its policy area focus are specifically designed with resource reliant jurisdictions in mind. The multidisciplinary nature of the study of NRG means that there is not a widely shared definition of it, based on issues of scale, temporal focus, and competing epistemological approaches. “Resource governance,” “natural resource governance,” or “resource management” are widely used in important studies on related issues, but these studies also do not attempt to define these terms (e.g. Bartley et al. 2008; Bodin and Crona 2009; Nem Singh 2010; Ovadia 2014). Below, I specify which policy domains comprise NRG to account for the widest variety of theoretical arguments, because within the NRG of a given industry case study, the same basic stakeholders seek to influence policy in the same specific policy subdomains. Known as “venue shopping,” stakeholders can, through deliberate targeting or experimentation, seek out various policy avenues where they might make the most impact in pushing their agenda through (Holyoke, Brown, and Henig 2012, 9). Because NRG is inherently concerned with *governance*, formal institutions and policy implementation are central elements that mediate the interactions between actors in political and bureaucratic settings as well as macro-structural economic pressures. The goal of this section is to specify which policy domains belong in NRG to account for the full range of policies that regulate primary sector economic activities.

Identifying the separate policy domains and examining them across time helps to understand the wider politics of any given primary sector economic activity and how decision-makers use formal institutions and policy implementation to enact change and redistribute rights in that industry. While the mining industry is the case study of this project, NRG is designed to be applicable to all primary sector activities, such as fisheries, forestry, oil and gas, agriculture, and so on. Formal institutions refer to the “the underlying rules of the game,” such as congressional legislation, national laws, constitutional articles, and regulatory agencies that pre-determine the possibilities for policy implementation (North 1990, 5). Policy implementation means the sequential rolling out of action plans by state actors to resolve perceived problems for society, individuals, or advocacy groups. Often, this process is slow-moving, complex, and takes place in a piecemeal fashion over several years or longer (Pierson 2000). In other instances, rapid change is triggered by specific events (Collier and Colllier 1991). Regardless of slow or fast-moving change, Sabatier (1988) argues that "understanding the process of policy change…requires a time perspective of a decade or more” (131). To begin to think about how to trace slow-moving policy changes over a decade or more, Pierson (2003) argues that much of political science research tends to overbear on fast-moving causal processes, which then overlook long-term processes which “can serve as a bridging device…[which] may connect research focused on distinct empirical problems” (Pierson 2003, 180). Existing studies on mining reform in Mexico in this period have focused on different yet overlapping time frames. For example, Lemus (2018) focuses his presentation of the increase of production under export-oriented mining on 2001-2017, while Casado Izquierdo and Sánchez Salazar (2019) have situated the principal transformations of mining sector employment around larger changes in Mexican political economy between 1988-2013. In both instances, there is a focus on a period of rapid price increases in Mexico’s commodity markets, which occurred in the early 2000s, but only the latter takes care to examine formal institutional change in specific ministries that facilitated the expansion of the mining industry. I choose to follow strict political parameters, identifying 1988 as an important closing of one model in Mexico’s NRG history – ISI under authoritarian corporatism – and mark the beginning of another – neoliberalism – which lasts until the end of the Peña Nieto Presidency in 2018. From 1988, I trace policy change to 2018 to arrive at an export-oriented economy and flawed liberal democratic regime operating in a context of public security precarity. This timeframe acknowledges the ISI period and the subsequent neoliberal transition that was enacted in large part by President Salinas de Gortari (1988-1944). Following this logic of timeframe, I will now describe the relevant policy domains and why they are central to NRG, based on the mining industry.

### Land tenure

Land tenure can be *de facto* or *de jure* entitlements to territory. They are important to NRG because natural resources must come from land that is in one way or another classified by the state as holding a specific legal status. There are different types of land rights and hence different regulations, including surface, subsoil, public, private, ancestral, commonlands, crown land, land held publicly but leased to industry temporarily, etc. Rights to land essentially boil down to “who owns what” and on what state-determined basis the individual, group, or firm have a claim to land, its resources, and the ability to consume or remove resources from it. For example, article 6 in the Mexican Mining Law of 1992 states that mineral exploration and exploitation is a “public utility,” and, therefore, all activities related to mining will have preference over any other use of the land (Cámara de Diputados 2014). This makes ownership and access key in the examination of an NRG system, because the physical features of land are a key determinant in the division of land rights for different uses.

In some jurisdictions, a private landowner, conservation land, or commonland might retain a formal entitlement to the surface, while the subsoil concession/ownership rights are granted to another party. Subsoil mineral extraction requires some form of surface rights (e.g., access rights) as well as subsoil rights (e.g., permanent, or temporary ownership rights), because without legally binding, formal permission to the land and its resources, extraction cannot take place. Like surface land rights, *de facto* and *de jure* entitlements to the subsoil are important in an NRG framework because it is a distinct legal area where there are different statuses of who owns what (Levitsky and Murillo 2013). In Mexico’s Constitution, Article 27 clarifies that all land and its natural resources belong to the nation, but a series of other legal protections ensure that concessions granted to mining firms are treated as private property for as long as the concession permits have been granted.

### Environmental policy

Regulation of the environment, land and biodiversity conservation, and air quality is a central component of NRG. Environmental regulations must be acceptable to citizens, but also balance its regulatory enforcement with investor friendly conditions for domestic and foreign investment who largely eschew such government constraint. Primary sector industries such as mining extract raw natural resources from the earth, a process with pollutes, contaminates, deplete resources, and affects other industries and human activities. That means jurisdictions are expected to protect against deleterious effects of primary sector industry extractive activities through formal institutions and regulate through various bodies to ensure compliance. In Mexico, environmental policy is multi-jurisdictional and more decentralized in its regulatory functions, which is a departure from other areas of NRG that are more centralized. The Ministry of the Environment and Natural Resources (The Secretaría de Medio Ambiente y Recursos Naturales, SEMARNAT), created in 1994, is the primary federal environmental agency in Mexico, but the mining industry specifically is subject to regulations by numerous agencies, including the General Directorate of Mining (Dirección General de Minas, DGM) and the National Agrarian Registry (Registro Agrario Nacional). Other regulatory agencies also monitor mining activities vis a vis their impact on other activities and public sphere, such as the Secretary of Energy (Secretaría de Energía, SENER), created in 1997, the National Forestry Commission (Comisión Nacional Forestal, CONAFOR), created in 2001, and the National Water Commission (Comisión Nacional del Agua, CONAGUA), created in 1989.

Water policy overlaps with environmental issues in Mexico, but in other nations is sometimes a standalone ministry. In my NRG conceptual framework, I have chosen to collapse water and environmental policy together due to the previously mentioned regulatory proximity of CONAGUA and SEMARNAT at the national executive level. Water is a strategically important input for carrying out primary industry activities and has unique governance that stands alone from environmental ones at times, however the process by which environmental governance assumed the regulation in the 1990s is an important policy process that took water governance away from the agricultural sector in 1989 (Diario Oficial de la Federación 1989). The governance of water refers to the provision, distribution, management, recycling, and conservation of fresh water supplies. Agriculture, gas fracking, hydroelectricity, logging, and mining can be in areas of water scarcity, which means that major civil engineering efforts go into the distribution of water, rendering it a strategically important administrative area for governments. It is the multifaceted utility of water in industrial and extractive activity that renders it a crucial policy area of NRG and not just a resource in and of itself. CONAGUA is the primary federal agency that oversees the state level management of water systems and basins, as mandated by the National Water Law of 1992, which was most recently reformed in 2020. CONAGUA is now technically within SEMARNAT’s administrative structure, but it operates autonomously within the President of Mexico’s Executive Cabinet, including operating with a budget ten-times the size of SEMARNAT itself (Wilder 2010, 22). It is essential that an NRG framework accounts for the counter response to extraction because conservation and protection is a key constraint on the actions of industry, and it also reflects the influence of state on industry and vice versa.

### Labour policy

Mexico’s mining sector is predominately large scale and therefore a highly mechanized industry. However, unionized miners remain a powerful and influential force. Therefore, my NRG framework includes the institutions that convey rights to workers to organize into labour unions and to negotiate collective agreements as well as protections and benefits for workers, such as workplace safety, workers’ compensation, and other social insurance benefits. The activities of natural resource extraction from one primary sector activity might pose risks to workers in another activity, which means that the institutions that are set up for the benefit of workers are important in the mediation of competing industrial interests that vie for influence in government. The Federal Labour Law’s Chapter 8 is dedicated specifically to the mining industry and the requirements as laid out in the specific articles of worker safety and protection, illustrating the centrality of labour rights for extractive industries and NRG. Additionally, labour as an advocacy group remain influential in other realms of public policy and in local, state, and Federal politics.

### Regulation of capital

The generation of wealth from natural resources through the ownership or regulation of industry is key in the NRG framework, because without it, there is no basis for the *governance* of natural resource industries. In other words, the extraction only happens in a jurisdiction because there is a direct material incentive for it to occur for the state. The ways that different levels of governments share jurisdiction over taxation and royalties specific to primary industrial activity at different levels of government, rents, wealth funds based on specific industrial savings, and sovereign wealth funds are all key asset instruments in allocating natural resource wealth. In Mexico, the Fund for the Sustainable Regional development of Mining States and Municipalities (Fondo para el Desarrollo Regional Sustentable de Estado y Municipios Mineros) is a 2013 national government initiative to capture rents for financing social development projects in mining areas and to compensate local populations for the associated disturbances to other land use activities and for the ecological damage mining causes. Chapter XIII, article 263 of the General Federal Law of Rights also includes clauses determining exactly how much tax, royalty collection, and fees are to be paid by mining firms when receiving mining concession permits and after minerals are extracted (Cámara de Diputados 2020). The industry is also represented by the Mining Development Trust (Fideicomiso de Fomento Minero, FIFOMI), a parastatal organization that advances the industry’s interests in the national public administration, Congress, and other governmental networks (Fideicomiso de Fomento Minero 2012). The revenue incentive that primary industries offer is directly related to NRG, because the state is trying to maximize revenues generated while also addressing other public interests and stakeholders outside of the primary sector.

## Summarizing change in NRG and its component parts

Through comparative historical institutional analysis, I will explain why policy reforms involving a myriad of government institutions have varied over time in these four policy domains of Mexico’s NRG, from 1988 to 2018. Individually, NRG policy domains have varied in their reform over time, and the extent of reform has also varied between domains during the same period. Initial observation of the major changes within and between the four policy subdomains of NRG through the case of mining suggests an unevenness of reform in each policy area, despite an overall aggregate shift in NRG under neoliberalism, which is due to the complicated balancing of different stakeholders in the legislative and policy making process. Other comparative case studies have focused on single policy domains and stakeholder contestation in the reform process of NRG over time (e.g., Díez 2006; Gentes and Policzer 2022). My four-policy conceptual framework may assist other studies attempting to understand the politics of any given primary sector activity. I provide a comprehensive focus on four policy domains that, when combined, explain the processes of change to regulatory and redistributive institutional mechanisms in that primary sector industry. This approach draws from recent calls for “theory and research in policy processes based on the concept of a boundary-spanning policy regime” (Jochim and May 2010, 304). I mobilize each policy area of the NRG conceptual framework to link policy change to wider transformative shifts of rights and authority in Mexico’s mining sector across time that is associated with the change from ISI to neoliberalism.

Two brief examples will illustrate the variation between the different policy domains of NRG over time and why actors pursue different strategies to trigger wider transformation in NRG to their advantage. Actors might undo channels of governance and civic inclusion – known as drift or exhaustion – or leave these structures intact to introduce new policy or protect old policy through layering, conversion, or displacement (Streeck and Thelen 2005). In the case of Mexico, subsoil rights were reformed substantially in the 1990s but have not been reformed since. In contrast, water rights have been reformed several times. The devolution of water policy shifted from centralized, national control towards a multi-stakeholder process at state and municipal level governing boards, which enhanced the relative power and decision-making authority of community actors and industrial consumers (Pacheco-Vega 2014; Wilder 2010). In contrast, despite the fire sale of state owned and parastatal mining firms in the late 1980s and early 1990s to the private sector, subsoil mineral rights have remained centralized under national government authority. In this shift towards market ownership, state control of the subsoil has remained highly centralized (Delgado Wise and Del Pozo Mendoza 2005). Therefore, in water policy, jurisdictional influence has shifted to the subnational, while subsoil policy remains nationally controlled. In both policy domains, changes were to the benefit of market actors, but the extent to which reforms happened were different. Rather than seeking a legislative overhaul of subsoil policy directly, or a privatization of subsoil mineral resources, actors working on behalf of mining interests have used other venues to maximize their interests. Other mechanisms include the liberalization of common land tenue and the expansion of property rights for investors (Gobierno de México 2014), expanding mining permits (Gobierno de México 2014), and opposing fiscal reforms to the mining industry (Tetreault 2021). Here, we see that distinct policy domains are targeted differently by stakeholders, which is based largely on the strategy of specific actors to maximize their success in one area over another.

The four policy NRG framework can show exactly why competing interests seek to target and influence certain policy domains, while ignoring others or minimizing their reform efforts in other policy domains where there are more embedded institutional arrangements or influential stakeholders. The concept of NRG also helps explain how seemingly disconnected stakeholders might strategically engage in venue shopping across policy domains to generate policy outcomes that advance their interests in a specific primary sector, such as mining. Therefore, examining separate policy domains together in the aggregate concept of NRG can help explain why there are important differences between what industries hold power relative to the state and how this has changed over time through the policy process.

# The mining sector as a study of policy change in NRG

Explaining policy change in a developing extractivist nation requires a significant and observable variation in a specific primary industry over time. Each of the four domains all remain central to the state centred institutions that mediate and decide how rights are distributed, meaning that in any given primary sector industry, they are present. The four-policy area analysis of NRG I am researching can be applied to all primary sector industries, but I am doing so through the case of the mining industry in Mexico. I selected mining because it is an industry that is effectively regulated by all four policy domains of NRG that are to be measured over time. Within the wider case of Mexico’s mining sector, the observations each have a causal story that explains the ways in which actors targeted some policy domains over others to trigger larger change in NRG.

While each of the four policy areas may not be equally prevalent in the governance of individual primary industries, mining serves as a comprehensive case in observing competition between stakeholders. As the industry stands in 2021, it remains highly globalized, but with a large presence of domestic firms and joint-subsidiary operations that link with foreign investment capital via stock markets, international trade and environmental agreements, foreign mining firms, domestic firms, and national political and policy makers (Tetreault 2021). The expectation is that this project’s theoretical synthesis and process tracing of policy change across the domains of NRG can be applied to other countries that share the similar characteristics of primary sector NRG.

The mining sector of Mexico is one of the most important industries in Mexico and a cause of the rise in social-environmental conflict in the country (OCMAL n.d,), which reflects a shift in the influence and authority of different stakeholders as the country has transitioned from ISI to neoliberalism. However, despite being regulated by many of the same formal institutions as primary sector industries like fisheries and lumber, mining is overlooked by my chosen literatures. For example, community resource management in the subnational democratization literature on Mexico during the 1990s focuses on common pool resources such as water and agriculture but does not look at mining despite the role mining plays in redirecting these common pool resources away from the stakeholders of interest. Therefore, this project’s analysis of NRG to mining can lead to empirical contributions in the natural resource management literature. Similarly, while political ecology has a wide range of empirical focus, it has recently claimed subsoil extractivism as a popular research area. Mining as a case study of the redistribution of community rights and influence has been narrowly focused on fiscal policy and rentierism by state authorities. However, mining is governed and regulated by a multitude of policy domains. The largest mining companies throughout the world – both foreign and domestic, and private or state-owned – are subject to public scrutiny of their corporate social responsibility (CSR) practices when compared to other industries.

There are also descriptive elements that make mining a typical case when it comes to the ecological impact of primary resource extraction. Choosing mining as a case instead of another primary industry is also based on the logic of direct impact of the primary resource activity. Mining is a completely mechanized, extractive industry that physically removes entire landscapes, such as valleys, mountainsides, and water systems from the earth. Mineral extraction is carried out by removing entire landscapes using dynamite and large coring drills. In all forms of mineral extraction, water supplies are depleted in both the extraction and refining process. While all extractive industries have direct, lasting effects on ecologies and their inhabitants, the severity of removing the land itself is not present with other primary sector industries, such as fisheries, sugar cane, or forestry. For these stated reasons, Mexico’s mining industry is a strong case of typical policy change from ISI to neoliberalism relative to other primary resource sectors, which helps explain the variance between different primary resource sectors activities as cross case relationships in the NRG of Mexico.

# Road map of future Chapters

Chapter 2 introduces in greater detail the NRG conceptual framework and theories for explaining policy change in resource dependent economies. It explains the logic of the conceptual framework and provides a research design for its application in the case study of the Mexican mining sector from 1988-2018. It also provides a literature review introducing my research design and theoretical framework that draws from Historical Institutionalism and Political Ecology. Chapter 2 also provides a summary of alternative theories for explaining policy processes and institutional changes in Mexico in relation to national politics and global political economy during the time frame of this study. The empirical analysis in Chapters 3-5 follow a linear timeline between the five Presidencies between 1988-2018. Chapter 3 traces the changes in NRG under the two consecutive PRI Presidential Administrations of Salinas de Gortari (1988-1994) and Zedillo (1994-2000). Chapter 4 focuses on the two consecutive PAN Presidencies of Fox (2000-2006) and Calderón (2006-2012), while Chapter 5 looks at the return of the PRI to the Presidency under Peña Nieto (2012-2018). These Presidencies from 1988-2012 are organized to combine two Presidencies together because in each twelve-year period – 1988-2000 and 2000-2012 – the same party is in power consecutively. Mexico is also experiencing similar external conditions in globalization. Similarly, the analyses of policy change to NRG in Chapters 3 and 4 demonstrate that, in each incumbent re-election – the PRI in 1994 under Zedillo and the PAN in 2006 under Calderón – there is strong policy continuity in the policy domains of NRG as their predecessors, which indicates that democratic conditions are similar. Observed continuity in NRG policy objectives by the incumbent Presidents Zedillo and Calderón of their partisan-aligned predecessors further supports the logic of organizing Chapters 3-5 on this timeline. In sum, Chapters 4 and 5 are within-case similar Presidencies, while Chapter 5 is a within-case of a single Presidency.

Chapter 3 applies the NRG framework to the two final Presidencies of the PRI’s seventy-year authoritarian rule, Carlos Salinas de Gortari (1988-1994) and Ernesto Zedillo (1994-2000). President Zedillo, with minor exceptions, closely followed through on the broad neoliberal reform mandate as advanced by his predecessor and are therefore analyzed in the same Chapter as a comparison of similar Presidencies. The Chapter finds that the major legislative reforms destabilized the foundation of the Mexican Revolutionary regime under the PRI in each of the four policy subdomains to differing degrees, but all largely in favour of economic liberalization and foreign mining capital. This shifted NRG from ISI to neoliberalism and increased the power of domestic capital and their linkages to international mining capital.

Chapter 4 examines the first two similar Presidencies following the democratic transition in 2000, where the PAN takes power and expands the neoliberal reforms during 1988-2000. Both Presidents Fox (2000-2006) and Calderón (2006-2012) followed closely aligned policy goals on behalf of the PAN throughout this time period and are therefore analyzed together. This Chapter analyzes and challenges the prevailing theories from democratization, which suggests that electoral competition and new rights in areas such as environmental policy fuelled positive changes in NRG for community authority (e.g. Chand 2001; Gallagher 2004). Instead, I argue that 2000-2012 is defined by continued unevenness and paradoxes in NRG. During this time, rights are expanded in some ways, but severely limited in others to support mining expansion and fuel government incomes from rising prices in commodity markets. Evidence from this time shows a rise of influence of mining advocacy groups, associated tax reforms to expand exploration, and the deterioration of the public security situation for environmental and land rights defenders. Individual rights protections are expanded in the areas of human rights and market freedom, while there is also a roll back in labour laws and the land rights of communities to oppose resource extraction projects.

Chapter 5 explains changes in the NRG framework of the final Presidency of this study, under the PRI and Enrique Peña Nieto (2012-2018). The Peña Nieto Administration is defined by major changes in the federal fiscal regime and a new approach to the regulation of capital, while also focusing on energy reform to the oil and gas sector. While a distinct extractive sector, the reforms to oil and gas have important linkages to existing mining policy because the oil and gas sector reforms are attempting to follow the earlier liberalization reforms of the mining sector. Like the previous Chapters, important changes to the politico-juridical policies relating to individual and collective rights continued to impact the collective bargaining power of communities against the mining primacy embedded in Mexican law. Findings show limited instances of communities seeking exemptions to block mining permits in the courts. Additionally, the implementation of new royalty frameworks specifically targeting mining rents and attempts to channel mining money towards the mining jurisdictions slightly affect the distribution of mineral rents to the benefit of communities. However, due to slow-moving processes of change, these reforms do not fully take root to shift the influence of mining companies over public policy in a significant way. As figure 1 shows, mining production continued due to the pre-existing largescale mining operations well into production prior to judicial and fiscal reforms. Increased opposition mobilization attempts to reform long-standing legislation implemented during the Presidency of Salinas de Gortari are also observed but fail to take root in legislation.

The Dissertation finishes in Chapter 6 with a longitudinal analysis of the three-decade period of the study comparing the four policy domains between Presidencies. Following the empirical analysis of the Presidencies from Chapters 3-5, this comparative-historical approach analyzes which policy areas were targeted by the reform-seeking actors to pursue the project of transforming Mexican NRG most aggressively, ultimately to the benefit of foreign and private mining interests. The concluding Chapter synthesizes the within-case analyses of Chapter 3-5 to make inferences about the changes in the relative power of different stakeholders overtime in each era of NRG, to determine who has won and who has lost. The individual cases – reforms to individual policy domains during a specific Presidency – place importance on when reforms happen and identify the causal mechanisms that explain how these specific reform efforts lead to the larger paradigm change across time, e.g. shifts from state supported neoliberalism to the privilege of foreign mining capital. This Chapter follows other process tracing analyses that map out “sequential steps…and identify a causal pathway from initial conditions to the outcome in question” (Herrera 2017, 485). It also makes brief mention of the new juncture under the most recent administration since 2018 and the importance of continuing the study of Mexican mining NRG given most recent developments since the inception of this project.

# Chapter 2 – explaining change in Natural Resource Governance: theory & research design

Introduction

In the previous Chapter, I presented the conceptual framework of NRG as a state-centred regime based on four policy domains – land tenue, environmental policy, labour rights, and the regulation of capital. I argued that NRG understood as a four-policy domain encompasses the most significant institutions and actors involved in a primary resource sector. In this Chapter, I introduce the theoretical framework and research design that I will be using in my analysis of the mining industry in Mexico (1988-2018) and how I propose to integrate theories of Political Ecology (PE) and Historical Institutionalism (HI) in my analysis. From these theories, I develop a synthetic theoretical framework. I choose theoretical synthesis because others in comparative public policy have argued that the complexity of policy studies necessitates both theoretical eclecticism and the analysis of more than one policy domain for best explaining elite decision making in complex governance structures (Cairney 2013, 2; Jochim and May (2010). Cairney (2013) cites the common practice in policy studies of combining multiple theories to produce new research agendas, including the synthesis approach, which “combines the insights of multiple theories, concepts, or models to produce a single theory” (2). Combining elements of PE and HI helps the latter analyze the key stakeholders in resource extraction and environmental politics of the former. Combining the theories also bridges structure and agency approaches, which adds more theoretical depth from PE to the empirical HI analysis of complex governance systems, such as NRG (Gentes and Policzer 2022, 6). Casting a wider theoretical net helps account for the myriad of extractive and environmental non-political actors in political jurisdictions play an important role in the distribution of influence and rights. Drawing from both PE and HI also helps with accounting for scale, where actors from subnational, non-partisan governing institutions such as Indigenous commonland (or *Ejido*) councils and water boards (known in Mexico as *cuencas*) interact with elites from national government and the mining industry within state-led institutions that mediate between these actors (Vanhala 2017). These theories also focus on the many power dynamics from the community to the global level that are underlying the contested and evolving politics of NRG. PE and HI together can trace changes in institutions of NRG while also connecting observed policy events to paradigm shifts in national political economy and global market demand of primary resources.

Each theoretical approach recognizes similar sets of stakeholders but brings different assumptions about the relative power and agency of veto players.[[7]](#footnote-7) Stakeholders include elites from international organizations, technocrats, mining firms, foreign governments, NGOs, unions, communities on the front lines of extraction, and domestic politicians that all shape Mexican public policy. While we can infer or assume general preferences among these actors within each of the four policy domains of NRG, in practice these preferences may vary depending on the existing policies and strategies with relation to any particular reform proposal within a policy domain. The relative power of each actor in a given policy area will constrain their ability to achieve their preferred outcomes (i.e., become veto players), and in turn, calibrate their strategies to fit the given reform or legislation. The literature review identifies the specific actors and stakeholders that are focused upon most in each theory and how each respective epistemological approach adds to the wider literature on natural resource governance to explain why policies change. In the following section, I will discuss in more detail how these theories are synthesized for my analysis of change in NRG. I then expand from the literatures that are front and centre in the synthetic theoretical framework by considering two prevalent alternative theoretical frameworks often used to explain change in these policy domains, the globalization of diffusion, and the democratization literatures. While both are mobilized to explain institutional change and focus on political economy and stakeholder relations, I argue that they are insufficient for explaining change in what Jochim and May (2010) have referred to as a “boundary-spanning regime” conceptual framework, such as the four-policy domain of NRG.

# Theoretically explaining change in NRG

## Political Ecology

In this project’s development of an NRG framework, PE helps to build out the epistemological divide between structure and agency. As Neumann (2009) and Robbins (2019) note, PE follows an analytically eclectic tradition and engages with political economy, institutionalism, environmental change, and different scales of focus from local to national and global levels. In this way, PE has under its moniker both agency and structural analytical approaches. However, modern PE approaches generally place primacy on the latter, through highlighting materialist and political dimensions of human-environmental interaction and the spread of environmental degradation relating to unequal power relations in resource exploitation (Bryant 1998; Casado Izquierdo and Sánchez Salazar 2019; Tetreault 2021a).

PE lenses focusing on extractivism generally emphasize Marxian ontologies of power – specifically, that modern social-environmental conflict and resource competition is rooted in historical legacies of inequality and economic dependence that is bound up with unequal exchange as part of global capitalism. Analyses showcase the ecological damage and lack of redistribution of resource windfalls to directly impacted communities brought forth by extractivism in neoliberal economies, the most commoneconomic system of resource reliant nations of the Global South (Delgado Ramos 2010; Tetreault 2016). Bebbington and Bury (2013) showcase a range of studies of the “political ecology of the subsoil” (15), which argue that due to resource dependency for many nations of Latin America in the twenty-first century, examinations of political, economic, or environmental policy change must maintain a focus on the subsoil. Other political ecologists point to the new phenomenon of neo-extractivism (see Acosta 2011; Ellner 2021; Veltmeyer and Petras 2014). Neo-extractivism identifies cases of resource nationalism among Latin American left-wing governments that have cultivated state control over subsoil resources and developed explicitly extractivist policy agendas. In these cases, rather than doing away with the linkages between domestic elites and transnational actors, so called left-wing governments are using their control of natural resource, land, labour, and taxation policy to advance resource extraction projects that are favourable to transnational firms, despite the negative impacts it has on key stakeholders in civil society that oppose the ecological damage of extractivism, but otherwise support progressive government agendas (Acosta 2011; Riofrancos 2020; Svampa 2015). Key in this centralization of resource management is understanding that there is not necessarily a preference for fully privatized mining sectors (Bebbington et al. 2018; Le Billon 2014; Tetreault 2016) and that parastatal firms and domestic firms play a focal role in courting the interests of transnational mining capital and foreign direct investment (Tetreault 2016, 647). This is important in the Mexican case and is highlighted in Chapter three’s examination of the Salinas Administration (1988-1994) because parastatal mining firms constituted the basis for the modern mining industry. Due to neoliberalism, mining shifted during the Salinas Administration (1988-1994) from a parastatal model to a fully privatized sector (Delgado Wise and Del Pozo Mendoza 2005, 74).[[8]](#footnote-8) Formal state institutions, transnational capital, and policy processes are therefore viewed as interrelated in a greater mosaic of power relations and ownership that tie local struggles over resources to the global political economy (North, Wallis, and Weingast 2009). Hence, the structural dimensions of resource extraction are understood to be central in global resource supply chains, which shows that there are issues of “relative power of different actors within this chain” (Bebbington and Bury 2013, 4). The rising dependence on primary resource sectors for economic growth in developing states means that mining firms key drivers of extractive interests in NRG and thus carry the most power in asserting dominance over the policy domains.

### The rights of nature and decolonial perspectives

Robbins (2019) and Tetreault (2021a) point out that PE hosts a wide range of ontological perspectives, including decolonial perspectives that have informed a bourgeoning literature on the rights of nature and alternative land uses in the face of mining capital’s continued enclosure of commonlands. This literature is informed by academic-activists associated with the left-wing governments of Latin America during the commodity super cycle, where governments sought to reconcile resource dependency and the rights of nature through big-tent political mobilization that included Indigenous groups, environmentalists, and other anti-extractivist groups (e.g., Acosta 2011; Gudynas 2012). Based on these thinkers and their linkages to movements, such as Bolivia and Ecuador’s left-wing governments, this scholarship both studied and at times contributed to rising inclusion of Indigenous and environmental groups in shaping public policy, which involved the creation of constitutional rights of nature (Acosta 2011; Buitrón Cañadas et al., 2023). Constitutional rights of nature refers to recognition of legal rights for ecologies and species at the constitutional level, which allows individuals and organizations to demand state responsibility to address environmental issues and seek new regulations of the relationship between society and nature (Akchurin 2015, 938). Delgado Ramos (2010) and Morosin (2020) have highlighted the seemingly unreconcilable perspectives between the rights of nature and other anti-mining elements of society with the powerful interests and political resources of pro-mining interests. These studies follow similar perspectives as part of a Pan-American decolonial scholarship on political ecologies of mineral extraction (Delgado Ramos 2010).

Decolonial perspectives also feature in valuable community-level scholarship that shines a direct light on the inequalities and ecological damages of mining. For example, Radonic (2017) examines Indigenous groundwater rights in Northwestern Mexico, a copper producing region, while Stoltenborg and Boelens (2016) scrutinize the lack of community customary rights to land and water resources in the community of Cerro San Pedro, San Luis Potosí, which is located adjacent to a large silver and gold mine. Hayes and Martínez Romero (2024) compare two mining conflicts in Oaxaca and Puebla and examine the ethnic and vocational factors that underpin the likelihood of successful anti-mining resistance movements by Indigenous communities. They find that community-nature cohesion – rooted in customary land governance of farming plots and the ancestral significance of nearby water sources – is a key factor in the success of one community in their resistance to a mining project. These authors provide valuable case studies on resource conflict at the community level, situate affected communities on the frontlines of extraction, and provide useful background information on how mining project approval processes are carried out. Therefore, I draw upon this literature for contextual information and normative analyses relevant to Mexican anti-extractivism and mining conflicts. However, decolonial scholarship generally does not focus on policy-process analysis of change overtime at the national level. It also does not provide a strong framework of causal analysis for tracing change in NRG. Therefore, this literature is used primary to aid in the contextual details of the case study and observations.

### PE summary

Though PE offers rich qualitative details of the impacts of an historic expansion of extractive industries and the power of mining capital in the policy process, it does not provide a precise analytical framework to explain how discrete policy events within political institutions and existing arrangements have led to the endurance or change to models of resource governance across time. In other words, PE does not have a sufficient analytical framework for explaining institutional change. Given the analytically eclectic tradition of PE in general and the Marxian tradition in political ecology of the extractive industries specifically, the field eschews causal arguments in favour of rich description and complex explanation. As Bartley et al. (2008) point out, “while power relations certainly matter [in natural resource governance], the power of institutional arguments has been to point out that these power struggles occur within an institutional context that structures the opportunities available to different actors” (171). Given the emphasis on formal institutions in this dissertation project, it is insufficient to mobilize PE as a primary theoretical framework because PE does not offer observable implications from which to analyze competing political-institutional explanations of extractive industries, as there are in historical institutional theories. The primary assumption of PE is that policy reforms always favour structural power of capital, which implies policy reform will always move for the benefit of capital. But this dissertation will show that this theory, drawing on the case of Mexico under neoliberal reforms to NRG, is not always supported. Alternatively, the observed divergences in who influences policy change and how, across each Presidency and within individual policies across time, show that there are key institutional factors at play.

## Historical Institutionalism

Historical Institutionalism (HI) understands governance as influenced by a myriad of actors and therefore seeks to interrogate that complex relational web. HI emphasizes that original policy choices and the actors that influenced the process have lasting, tangible effects on current and future policy (Mahoney and Thelen 2010; Pierson 2000). Nem Singh (2010), for example, emphasizes that new governance models of national natural resource sectors attributed to a “post-neoliberal” turn in Latin America – neo-extractivism – is in fact problematized by continuations of subsoil ownership and other policies associated with state-led resource management. In this argumentation, “governance models emerge out of reinforcing processes where institutional context alters actor conduct…how institutions evolve is a product of the series of conflicts that unfold in a specific sequence and where temporal dimensions shape political outcomes” (1415). Understanding the changes to the formal institutions of NRG can help create measurable ways of understanding what policies have changed, why, and by whom.

HI is also useful in that is provides new concepts for explaining how and why institutions evolve and change in the ways that they do. For example, Streeck and Thelen’s (2005) typology provides clear concepts to explain institutional change: layering, drift, conversion, displacement, and exhaustion (31). This typology helps to make sense of changes to institutional frameworks that Streek and Thelen (2005) argue are not always coherent, but conceptually distinguish different outcomes from one another within a specific case.

Layering involves the introduction of new rules on top of existing ones, which leads to the new elements slowly defeating the influence and authority of the old ones. Layering may occur in contexts where long-standing institutions are set to be dismantled but are not yet reformed due to their policy legacies and ability to survive economic and political change (Dion 2010, 13). For example, the *Ejido* commonland system went unchanged for several decades until the Salinas Administration (1988-1994). The use of new rules and programmes helped slowly replace some of the benefits that the government supplied through the *Ejido* system while the *Ejido* supports, such as subsidies and collective governance structures, were gradually eliminated.

Drift entails that formal rules remain in place, but their importance changes based the on changing circumstances, which in turn changes their effects (Hacker, Pierson, and Thelen 2013, 1). Drift might be used as a strategy of neglect, by not updating or funding an institution that is needed to catch up with changing circumstances. This occurred in the case of environmental policy, when President Peña Nieto (2012-2018) did not increase funding to upgrade mining inspections, despite the rise in reform proposals to do so, based on environmental disasters and social conflicts related to mining.

Conversion occurs when some rules remain the same but give rise to new interpretations based on existing ambiguities (Hacker, Pierson, and Thelen 2013, 1). Conversion may be used by actors to take advantage of loopholes to existing processes and is sometimes an unintended consequence of the existing lack of clarity in the rules. One example is the reform of the *Amparo* Law (Ley de Amparo)[[9]](#footnote-9) by the Calderón Administration (2006-2012), which was intended to make the justice system more responsive to human rights violations during the escalation in violence in the War on Drugs. After the implementation of the *Amparo* Law reforms by President Peña Nieto, mining communities, in some circumstances, were able to use this legal claim in order to have mining projects shut down, which was not the intended use of the law.

Displacement is when existing rules are terminated altogether and replaced with new ones (Mahoney and Thelen 2010, 16). Displacement may be used by new authorities that were previously not included in the old system or were outnumbered in their ability to change the rules. In this case, displacement can introduce new practices or laws that replace old arrangements. One example from Mexico is the creation of the Foreign Investment Law (Ley de Inversión Extranjera) of 1993, which allowed for majority foreign ownership of mining companies. This new law pitted the old system of requiring foreigners to partner with domestic, mostly parastatal companies, with a new free-market arrangement.

Finally, exhaustion occurs via a gradual weakening of the institution and leading to an eventual breakdown. Exhaustion might occur when there is a limit to the growth of the institution or it is no longer economically viable to support (Streeck and Thelen 2005, 31). While exhaustion is not present in the observations of this dissertation, an example of exhaustion is the bankruptcy of a state-owned enterprise. Exhaustion is different from the other four modes of change, because it is a breakdown rather than a deliberate or a strategic change (Streeck and Thelen 2005, 31).

These analytical tools from HI help trace and explain specific outcomes as well as wider policy transformations. The ability to determine specific modes of institutional change – layering, drift, conversion, and displacement – is based on “veto possibilities” and the relative strength or weakness of stakeholders involved in the policy process (Mahoney and Thelen 2010, 18). I define stakeholders as “persons or groups, or their legitimate representatives, who have rights or interests related to the matters at stake that are or could be affected by adverse impacts associated with an enterprise’s operations,” including local communities, governmental authorities, and business-aligned individuals (Buhmann, Fonseca, Andrews, and Fonseca 2024, 14; see also OECD 2023a). A veto player is an individual actor, stakeholder group (such as a union or business association), or collective actor (such as a political party) who is involved in a policy decision and can influence policy (Tsebelis 1995, 293). The distinction between veto player and stakeholder is important; while a stakeholder can potentially become a veto player, it is determined by their relative power and authority within political institutions. Veto players can also lose their veto status and influence in the policy process, particularly when their source of power, which can derive from their economic or mobilization resources, which would demote them back to mere stakeholder status.

Tsebelis (1995) popularized the term veto player in the rational-choice institutionalist literature. However Hacker, Pierson, and Thelen (2010) apply the concept for HI approaches, showing a utility of the concept across traditions of actor-driven institutional analysis. While separate theoretical traditions, both rational-choice and HI approaches examine how the relative power of veto players in existing institutional arrangements preserve “stasis” – or status quo – in decision-making (Hacker, Pierson, and Thelen, 2013, 10). Interruptions in the status quo can lead to more opportunity for change to existing institutional arrangements (Dion 2010, 29). In turn, there are new possibilities of stakeholders to become veto players, or to lose their veto player status. Often, strong veto players – e.g., a President with some veto powers, will need to consider the possibilities and modes for reforming a policy area based on the possible veto possibilities from other actors (Tsebelis 1995, 305). To complement this introduction of HI concepts, I will briefly turn to examples that will be explored in greater deoth later in the dissertation.

During the Administration of President Salinas (1988-1994), increased political competition within Mexico’s authoritarian system increased the number of veto players in the policy-making process (Dion 2010, 29). However, increased numbers of veto players did not necessarily affect their relative influence of over policy making. In NRG, land counter-reform involved layering in neoliberal programming, such as land titling and updating private property-rights, while not doing away with the politically popular commonlands redistribution enshrined in Article 27 of the Constitution. In this case, formal institutions that Salinas introduced for advancing his neoliberal project did not do away with old land tenure institutions right away, due to the strong veto power of rural populations. The strong historical linkages between commonlands and the PRI led Salinas to avoid a radical privatization of the commonlands. Instead, new policies to slowly introduce individual land-titling were layered into the commonlands system, while constitutional re-interpretations converted wider land reform policy toward the objectives of the Salinas Administration. Following electoral democratization in 2000, the PAN government took over the Presidency from the PRI but did not have a majority in Congress, which undermined their reform agenda related to labour policy. The PAN were unable to enact reforms in the face of enduring labour-PRI political alliances which enabled opposition parties to act as veto players. Throughout the Fox Presidency, the PAN had to rely on *ad hoc* coalitions on Congressional bills, which shows their weak veto player status in pushing through their reform agenda. Policy legacies, rooted in the relative strength or weakness of veto players in NRG, therefore have important constraining effects on policy choice by elites, even during more transformative periods in the political economy of country (Dion 2010, 13).

HI is also helpful in its engagement with ontologies of power, because HI acknowledges that institutions do not evolve in a vacuum independent of wider political events and power. In analyzing the mining sector, HI understands that competing interests, or veto players, in a nation-state have clear and present linkages with the evolution of national political economies under globalized trade integration. Extraction is merely the first step in a larger process linking a multitude of state and non-state actors together with the global supply chain. Delgado Wise and Del Pozo Mendoza (2005) trace the changes to the mining sector in Mexico throughout the twentieth century and argue that the neoliberal governance model assumed by many scholars to be the new paradigm in the industry is misleading. Instead, they show how the resource sector of the twenty-first century has developed out of the parastatal era of the mid-twentieth century. In this context, power is not attributed to a single class of political or economic elite, but consistent with PE approaches, takes into account structural sources of economic influence and power. Franceschet and Díez (2012) argue that attention to the “historical, social, and ideational context in which institutions emerge…the power relations present at the time of creation will reveal the way institutions often reinforce unequal power relations and mobilize bias in favour of certain social groups. Policy outcomes often reflect the historical power relations embedded in institutions” (17). The utility of HI therefore is its strength in describing and linking these types of past events together in a way that challenges simplistic accounts of change or assumptions. HI emphasizes that agency-structure are interrelated in the policy sphere, because it is through elite interaction in policy implementation following policy victory for one group that a historical sequence can become clear in explaining change over time.

Where HI struggles is in its ability to explain radical change or foresee when shocks occur that interrupt policy continuity. Periods of intense change prompted by exogenous shocks to economic or political systems create interruptions, which then triggers more rapid policy change than HI’s tendency to explain change in incremental ways that favour pre-existing institutional arrangements. These kinds of exogenous events, like the debt crises of 1982 and 1994 in Mexico, are widely cited as drivers of neoliberalization (e.g. Collier and Collier 1991; Teichman 2012). HI's strength lies in understanding endogeneity and the policy battles between actors in the context of learning, where one actor can refine their strategy and consolidate their power via winning multiple rounds through formal avenues. One such example explored further in Chapter 4 is the repeated ability of the PAN members of Congress between 2000-2012 to dissuade a comfortable majority of opposition parties on the centre-left from joining efforts of the most left-wing factions of the Congressional representatives in opposing reforms to the Mining Law (Ley de Minería) of 1992. Members of the left-wing Party of the Democratic Revolution (Partido de la Revolución Democrática, or PRD) and Worker’s Party (Partido del Trabajo, or PT), pressured by civil society organizations and student-led petitioners, attempted in during the Calderón Administration and most forcefully in a targeted campaign in 2012, to introduce a vote to change the Mining Law to amend Article 6, which grants the legal supremacy of mining activities over all other land uses in a given area (Sol Pérez Jiménez, Interview, October 14, 2022). The PRD was not interested in pursuing this legal challenge as an official party position, and it was only supported by individual congresspersons.[[10]](#footnote-10) Other interviews attribute the failure of this reform effort to a salient nationalism among many Mexicans that associates state-owned subsoil rights with the victory of the earlier Mexican revolution and generator of not only wealth, but sovereignty (Yoatzin Popoca, Interview, October 24, 2022). The PAN and PRI understand this well and have defended the centralization of state power over subsoil rights, despite other reforms to extend surface private property rights and extend resource control of Indigenous groups. This is clearly an instance of policy learning through different iterations of reform efforts to NRG. In modern national-level policy implementation, this process occurs through different policy domains and using different state-mechanisms, which HI and can account for.

As shown above, PE and HI theories are divergent in their approaches to the study of the broad themes of natural resource management, the governing of the commons, and mediating interest groups involved in resource conflicts. Each literature shares much in terms of themes, areas of field work, and a concern for similar policy domains and the development implications for nations dependent on primary sector industries, such as mineral extraction. Engaging the strengths of each and reconciling the epistemological and ontological divisions helps to bridge the differences between each approach and make use of all of them. HI approaches provide a general theory and broad set of assumptions that institutions shape the actors that can force change, but it does not acknowledge that stakeholders have varying levels of structurally derived power from their position in the domestic and global economies of primary resource extraction. Therefore, PE is helpful in accounting for power based on the relative positions of stakeholders in larger economic processes, because policy legacies present in HI analysis do not account for these important dynamics. This dissertation will draw from the insights of each to create a synthetic theoretical framework that explains not just the transformation of the political economy and institutional fabric of Mexico’s NRG, but also advance an approach that can be replicable across national contexts. Weaving together these approaches are discussed below.

## Theoretical synthesis of Historical Institutionalism and Political Ecology

PE seeks to situate wider structural imbalances of power between capital and state autonomy, between capital and communities, and between national institutional power and community rights in the context of environmental and natural resource issues that are normally explored apolitically in the natural sciences (Robbins 2004, 12). PE also speaks to the persistence of unequal structural power via the fusion of capital and state power, while providing a parsimonious approach to NRG research that focuses on specific actors and processes present in primary resource sectors. The power of these actors is exerted through institutions, which makes change difficult to break. My analysis combines PE and HI, because HI approaches also acknowledge power stasis in similar ways and provide nuanced approaches to understanding the political power-policy making nexus. Both approaches also showcase multiple scales of analysis (local, national, transnational) and hence can be used to develop rich descriptive accounts and causal explanations. Some of the larger narrative elements of the political ecology of extractivism, in particular studies that examine commodity super cycles, economic crisis, and resource governance policy change in developing contexts, are able to examine macro shifts in markets and state revenues in order to predict impending crisis and mismanagement of resource windfalls in ways that HI are less able to identify, given their state-centred focus on the regenerative nature of power being concentrated among the same actors through policy cycles.

HI approaches can effectively identify key players in the institutional realm and can also offer contained analyses of isolated events. HI links intricate details of institutional formation and formal state authority operating between agencies and levels of government with larger narratives of power distribution associated with PE. The HI analysis of specific conflicts and tracing strategies in the policy process help explain the bigger picture of these resource conflicts, because the institutional changes have larger implications on policy implementation. HI also explains what mechanisms of change were used – such as conversion, drift, layering, etc. – which helps distinguish different types of institutional change pursued by actors between policy areas in (Streeck and. Thelen 2009, 19). HI shows that no policy is created from a blank slate, which can help explain the distributional and power outcomes centred in political ecology.

## Alternative theories of explaining change in NRG

There are other theoretical traditions that explain both the specific institutional changes as well as the wider paradigmatic shifts in the political economy of national primary resource sectors and the overall democratic context in which actors compete for power in the policy-making arena. I have identified policy diffusion of globalization norms and democratization as the two competing literatures to my theoretical framework for explaining policy change in NRG. These literatures identify why and how actors have variant relative power and influence across time; however, PE and HI will show how institutions feedthrough these political and economic actors that seek to influence the policy process. The actors and events that these theories deploy to explain policy change are recognized in the synthetic theoretical framework because the literatures I draw from integrate these explanations and focus on the same actors and institutions, albeit in a manner that focuses on specific policy realms. My synthetic theoretical framework addresses the influencing factors of international organizations, technocrats, and domestic elites that all shape the major changes to Mexican public policy and political economy both within each policy realm and between them. While diffusive pressures from globalization processes impact resource policy and democratization might suggest that resource sharing might become more equitable or at least transparent in its management, I argue that these are incomplete theories for explaining change in NRG.

Where my theoretical framework departs from the diffusion and democratization literature is in its specific focus on NRG as it unfolds within national institutional settings specific to the mining sector. I argue that there are numerous institutions of NRG with their own existing causal power and influence – derived from both short- and longer-term processes of stakeholder contestation and struggles for influence over discrete policy – that cannot be not explained by broad explanations, such as exogenous economic pressures or endogenous shifts in democratic processes, alone. Institutions such as government ministries, sub-ministry offices, specific legislation, national development programs and so forth all act as conduits of political power for influence by stakeholders that cause change in NRG, such as industry advocacy organizations, technocratic government leaders, independent industrial unions, municipal agrarian governments, water management councils, and the scientific community. These individuals or organizations on their own do not represent diffusive or democratic processes, but their institutional influence on change in NRG is observable. Therefore, on their own, both diffusion and democratization are helpful in their explanations of shifting relations of power and influence of various stakeholders important to NRG, but they cannot explain fully the complex patterns of institutional change during my period of study due to a lack of analysis of existing institutional legacies and the structural power of extant natural resource politics within Mexico which are at least partially exogenous to democratization and globalization pressures. As explained, PE and HI are useful in understanding why power and influence gets translated into institutional outcomes. I now turn to a brief literature review of the diffusion of globalization and democratization to call attention to their strengths and shortcomings, and how they relate to my study.

### Diffusion of Globalization

The shifts in the policy domains of NRG are closely interrelated to economic crises and subsequent policy convergence that occurred in Latin America during and in the lead up to the period of study (1988-2018) (Mendes Pereira 2013, 363). There are competing theories of why and by whom changes to the policy areas of natural resource management and democratic governance happened, which stem from the wider literature on the diffusion of neoliberal economic policy. Diffusion theories broadly argue policy choice of a country is caused by external forces, particularly under the conditions of economic globalization (Simmons, Dobbins, and Garrett 2008). Simmons, et al. (2008) identify four drivers of diffusion: coercive actors; social emulation of other states; diffusion out of necessity due to economic competition, and diffusion caused by learning from the example of other states. These four mechanisms of the diffusion of neoliberalism, and combinations thereof, have been applied to Mexico and have generated helpful insights into the various paradigm shifts that have occurred, particularly in a broader focus on political economy (e.g. Teichman 1995; Woods 2005).

First, the diffusion of neoliberal economy policy is caused by international organizations and their ability to constrain state autonomy to create policy alternatives. According to Woods (2005), “throughout consultations in the 1980s, the World Bank gradually concentrated more and more on advising Mexico of the links between its fiscal problem and the need for trade liberalization” (226). In this process, the relative power of specific actors shifts to favour foreign proponents of economic structural adjustment, notably the IMF and the World Bank, who loaned Mexico money during the debt crises of 1982 and 1994 to service privately loaned foreign debt (Cooper 1994, 11; Teichman 1992, 95). These events are useful in the broader context of my project. Indeed, there are mining industry-specific impacts caused by the loan conditions of the World Bank of the 1980s, such as privatization of the parastatal mining sector. However, the national government was also eager to privatize the mining sector prior to the arrival of loan conditionality, because the sector was lacking in investment capital.[[11]](#footnote-11) While these larger economic agreements between international financial institutions and the nation state are important in change to the NRG of the mining industry, the narrative of exogenous shocks associated with World Bank-induced loan conditions obscures the important roles of endogenous factors driving policy change.

Second, according to Hall (1993), social learning emphasizes the salience of ideas in the political process. While policy rollout is inherently a state-centric activity, the flow of ideas between the state, interest groups, other state agencies, individuals, and stakeholders is multidirectional. This implies that no simple explanation can account for which agents or structures hold ideational power in cases of institutional change. In this exchange of ideas between interest groups, the state remains a key broker of competing interests via a complex web of institutions that guide and influence the outcome of group competition through policy implementation (Hall and Taylor 1996). In the globalization literature and specifically cases regarding neoliberal structural adjustment, the power of ideas emanates from specific intellectual centres down to domestic elites that in turn influence the paradigm shift of a national political economy from within (Aguila et al. 2012). In Mexican public policy, the arrival of a neoliberal technocratic culture occurred under Carlos Salinas de Gortari during his time as Minister of Programming and Budget of Mexico (Secretaría de Programación y Presupuesto, 1982-1988) and later as President (1988-1994). Technocratic ideas gradually displaced the ISI economics and the corporatist pact that embedded national labour unions and large parastatal companies into national industrial policy (Harner 2001, 666). In Chile, the notorious Chicago School was tied to the ideational shift in the military regime of the 1970s and 1980s, which oversaw a neoliberal overhaul of the national economy, including mining (Haslam 2016, 1154). Both are examples of ideational forces and agency-driven approaches in influencing structural outcomes in case studies of change to domestic political economies and is reflective of the role of international organizations in not only prescribing policy but also instilling in political elites the ideas and goals aligned with attracting investment and international credit to domestic markets. Learning helps explain ideological shifts of the PRI due to the technocratic takeover of the party, but it does not explain why the neoliberal transformation left major parts of the state and political economic structure of Mexico unchanged.

Third, Simmons and Elkins (2004) argue that the diffusion of economic liberalization has a basis in states looking elsewhere for alternatives. This is rooted in ideal-type policy making based on tried and true “best practices” by states and less by economic pressures emanating from beyond the autonomous policy sphere of a nation state. Simmons, Dobbins, and Garrett (2008) suggest that there are indeed compelling empirical cases to support economic diffusion because of learning and imitating other policy jurisdictions, but that this so-called emulation remains rooted in a race to the bottom mentality of keeping up with other economic competitors. If the emulation theory were true, then there would likely be similarities in the discourse and substance of the reform efforts to formal institutions, which is not always the case. I find no indication that formal institutional changes to NRG of the mining sector were based on imitations of other countries.[[12]](#footnote-12) Therefore, emulation as a stand-alone theory of diffusion does apply in the theoretical framework.

Fourth, competition is also flagged as an impetus for policy diffusion (Simmons et al. 2008). With the expansion of trade liberalization globally and the World Bank development efforts in the 1970s, came a drive to bring developing nations and developmental states following ISI under new pathways to development predicated on competitive advantage and enhancing export markets within these countries for international trade (Mendes Pereira 2013, 366). This analysis is familiar from the structuralist school of Latin American development theory (e.g. Prebisch 1970) and more recent analyses of selective neoliberal reforms under the Washington Consensus model following the fall of ISI in Latin America (e.g. Tavasci 2013, 241; Woods 2014, 86). Scaling down, Harvey (2005) posits that states will adopt liberalization in their respective domestic economies in multiple areas of public policy if other competitors have been doing the same, which signals that there are important domestic political dynamics at play that determine policy choice. Others similarly show that, beyond economic competition, states also compete for increased favour with international lending organizations for favoured status based on adopting liberalization policies to enhance their creditworthiness (Thornton 2022; Woods 2014, 86). While economic competition does explain some of these external pressures and incentives, it does not adequately explain why policy change has been uneven in its implementation of liberalization in NRG policy domains.

HI, in contrast to diffusion, is concerned with the shifting incentives and relative power of political and economic actors, and the processes by which liberalization in Mexico were carried out within existing institutional frameworks. Rather than economic competition causing an importation of a prescriptive set of policies to replace pre-existing formal institutions, HI believes that governments will pursue a myriad of gradual policy adaptations, which may be carried out in order to create favourable investment conditions, but also while also preserving institutional arrangements that are politically and culturally significant to popular classes and hence central to the incentives of political survival by elites (Singh and Bourgouin, 2013; Streeck and Thelen 2005, 31). For example, Mexico’s technocratic shift following the 1982 debt crisis is emblematic of this uneven transformation, where some policy domains and state-led economic sectors are radically overhauled, while others remain unchanged. At the time that liberalization was taking over Mexico’s economic vision for the future, state-owned enterprises (SOE) went from 1100 in 1982 to roughly 200 in 1994 when NAFTA went into effect (Roman and Arregui, 2015, 42), yet *Petroleros Mexicanos* (PEMEX), the largest SOE in Mexico by far, was not privatized or restructured. Another example explored in Chapter 3 is labour policy, namely the endurance of the Confederation of Mexican Workers (Confederación de Trabajadores de México, or CTM), which, while weakened, remained a strategic institution for the Federal Executive in maintaining order during regime change within the PRI (Middlebrook, 1995, 36). While labour acquiesced to the changing realities of the national government undoing the post-revolutionary social pact, there were no major reforms carried out to undo the long-standing embeddedness of Mexico’s centralized and corporatist political economy in order to align with other emerging liberalized economies (Caulfield 2010; Kohout 2008). The uneven and at times contradictory nature of economic reforms under the guise of competitiveness with other nations is therefore an incomplete theoretical approach because the presence of different actors across scales of influence show that there is more to the equation than international pressures.

The benefit of the synthetic theoretical framework of HI and PE is that both theories together can explain the institutionally bound processes of change while also accounting for the shifting power dynamics between scales of influence, from the community to the national and international sphere. Therefore, the combination of these two theories rejects reducing policy change in NRG and primary sectors to single causal explanations, such a democratization or diffusion of external pressures from beyond the case study country. HI situates pre-existing power and influence of certain stakeholders that can wield their existing power against policy change attempts to stave off undesired reforms with the structural focus of PE and its parsimonious focus on specific stakeholder dynamic specific to resource governance and primary sectors. HI analysis helps explain change, but also is effectively in explaining why change *didn’t* happen, or why reforms *didn’t* happen, while diffusion theories are focused on exogeneity.

### Democratization

After diffusion due to globalization pressures, democratization is another alternative theoretical explanation because during the 1980s and 1990s, Mexico underwent a democratization process at all levels of government. This involved a paradigm shift from seven decades of incorporation of peasant and trade unions under a heavily centralized, one-party authoritarian state of the PRI, to new electoral competition and increased mobilization of opposition support bases in both urban and rural communities (Eisenstadt 2003, 153). After the PAN assumed the Presidency in 2000, the importance of new veto players – such as subnational governments, Indigenous communities, opposition parties in Congress – became important in the process tracing of where the relative power, incentives, and interests of actors shift in NRG. This involves inclusion of not only bottom-up participation by the aforementioned veto players, but also emergent ones such as NGOs, who became key interlocutors in the retooling of national public administration under neoliberal reforms of world bank-financed social development efforts in the 1990s (Harvey 2005, 78). Importantly, democratization in Mexico’s case also involves a top-down process of gradual political liberalization by the governing PRI (Woods 2005). In the Mexican context, the ascendance of civil society actors are direct manifestations of the paradigm shift towards democracy and electoral competition, mixed with tactics of authoritarian survival by engaging with new actors beyond the corporatist structure (Herrera 2017, 480). In this context of transition, there are different modes of institutional change based on the evolving status of veto players from strong to weak, and vice versa. Natural resource management and governance is therefore a dimension of a new arena of democratic participation for citizens in areas where extractivism is most prolific and also a case in analyzing variance in the relative power of non-state actors in vying for influence in the policy process. As the research design section further details, interviewing actors from outside the triad of community, industry, and government, as well as from mining regions, helps shine a light on the shifts that occurred in NRG that brought these veto players into the policy making process following the unravelling of corporatism.

At the same time, the shifting power and interests of elite political actors and democratic inclusion can create new avenues of authoritarian political survival via new political realities on the ground (e.g. Langston 2017). There are notable trends in subnational authoritarian survival in the democratic era that has benefitted the relative power of mining activities over community rights. Benton (2016) argues that “participatory institutions will deliver greater benefits to authoritarian rulers when they are individually tailored to local economic, social, and political conditions from the bottom up than when they are universally designed and implemented from the top down” (40). For example, in Oaxaca, the formalization of *usos y costumbres* municipalities (or municipalities ruled by Indigenous governance institutions) in 1995 created a void where local bosses would wield their long-held power attached to the party hegemony of the PRI, albeit in a context without the presence of official partisan opposition in local elections (Benton 2016). This paradoxically was happening at a time when political competition was rapidly expanding, to varying degrees, in all 32 states. Paley’s (2014) examination of mining projects in Chihuahua, however, shows how political reforms handed down under the guise of strengthening democracy and property rights created the opposite effect, because subnational elites were able to influence and intimidate local *Ejido* councils and subject property rights holders into leasing their lands for mineral exploration.

Contradictory changes to the relative power of veto players in the NRG of the mining are observed in policy changes. Dion’s (2009) identification of contradictory trends in Mexican welfare, where retrenchment pressures also expanded compensation for labour market interruptions, helps show how the intention to implement reforms results in “expansion and layering of new institutions” (64). In NRG, similar outcomes occurred, namely that the expansion of property rights through the unraveling of Article 27 of the Constitution in 1994 to increase private economic activity on commonlands, specifically mining, also coincided with other reforms to increase local autonomy, such as the municipal democratization reforms in Oaxaca and the ratification of the International Labour Organization’s Indigenous and Tribal People’s convention in 1990 (Cooney 2013, 18). The balance of power shifted under democratization with the assistance of the economic liberalization that preceded it, which created a double movement across the country of expanded mining activity, authoritarian activity locally, as well as new rights for local, often Indigenous, communities. San José del Progreso’s Cuzcatlán silver mine, in Oaxaca, indicates that neither locally designed communitarian systems nor universally designed systems were able to prevent rifts between both the agrarian councils, which are local administrative systems in select Southern states of Mexico, namely Oaxaca, and official municipal government. The existence of local bosses operating to support mining development and their ability to co-opt local politics in general were the driving forces in that resource conflict (Hayes and Martínez Romero 2024). In this way, democratic processes – or a lack of democratic representation in instances of subnational authoritarianism – are a background contextual element in the frameworks of PE and HI. There is debate about the impacts of reforms on local democracy in mining communities, but these dynamics help provide examples of institutional legacies rather than explain directly why there is change or no change in a policy domain of NRG. Put differently, the expansion of resource extraction is an important consideration in contexts where local lend tenure is closely tied to democratic processes. As useful as the contextual elements of democratization may be in telling a larger story of expanded citizen rights and how they unfold over time, the ideas driving democratic participation on their own cannot not explain the incentives, power, and interests of actors that led to policy shifts and institutional change in NRG.

For this project, the political and electoral reforms in pluri-ethnic contexts are important context in explaining the role that subnational politics have played in the rise of natural resource conflicts. This is because there are competing ideas associated with the human-nature relationship that pits citizen groups long-integrated in the state with newer members. For example, several cross-national studies attribute the rise in violent natural resource conflicts to the expansion of land defense movements and indigenous mobilization against state-supported resource extraction (e.g. Imai, Gardner, and Weinberger 2017; Middeldorp and Le Billon, 2019), which was not feasible under more authoritarian and military-controlled governments of the 1970s and 1980s in Latin America. Democratization helps change the calculus around the legitimacy of local governments in relation to national authority, the state and regional partisan networks of parties, and whether political elites need to be responsive to indigenous communities that are directly impacted by resource extraction projects. The context of democratization and the role of an expanded social rights helps as one component in a multifaceted narrative of how relative power has changed hands in NRG.

Both globalization and democratization literatures both point to specific events and specific sources of change, but they cannot for the objective of explaining change NRG’s four-policy framework because they assume uniform impacts across all policy domains. Munck (2022) has argued that within HI debates about dramatic or slow-moving processes of change, theorists face “the problem of endogenous and exogenous sources of change” and whether to give primacy to one over the other or to integrate them (110-111). Policy diffusion is largely exogenous in its orientation, creating causal explanations leading up to policy changes based on the debt crises of 1982 and 1994 (Woods 2005) and widespread privatization of the primary, manufacturing, and financial sectors as drivers of change (Caulfield 2010; MacLeod 2005). Democratization looks to endogenous factors, such as the weakening of PRI corporatism by an emergent technocratic leadership determined to unseat entrenched party leaders associated with policies of import-substitution and price controls (Cornelius and Myhre 1999) and two decades of municipal, gubernatorial, and national electoral defeats of the PRI (Selee 2011; Shirk 2005). To reiterate, globalization and democratization cannot explain fully policy change to NRG because they both assume uniform causal impacts of change across policy domains. As the observations will show in Chapters 3-5 via within-case comparisons of policy events and domains during specific Presidencies, not all policy domain changes are explained by the same causes. In fact, some policies changed in the opposite direction to the prevailing shift towards neoliberalism. As Munck (2022, 125) also points outs, one-sided explanations that focus on either endogenous or exogenous accounts of change risk reductionist explanations that overlook their interactions, such as the linkage between the 1982 debt crisis and the permeation of new political elites into the inner circles of the regime, a common endogenous source of change.[[13]](#footnote-13) To address the complexity of interactions that constitute the competing possible explanations of change in NRG, I will now provide my research design and methodology of nested comparison.

# Research design

In this section, I explain the research design of the project. Mining shares characteristics related to policy implementation and regulation with other primary sector industries. As I explained in Chapter 1, Mexico has gone through extensive neoliberal reforms. The mining industry, one of the country’s largest tradable sectors, has also transformed from an ISI-oriented parastatal model to a privatized one. Therefore, this study’s research design might be applicable in other cases where resource-dependent developing countries have undergone significant neoliberal reform after a long period of ISI in primary resource sectors. I will derive probabilistic causal explanations from observations using different approaches to within-case analysis.[[14]](#footnote-14) My observations are discreet instances in which one or more stakeholders try to change national policy that impact the mining industry and succeed or fail to create change to the distribution and power dimension of NRG. This involves both analysis within specific policy domains of a fixed timeframe, as well as comparisons between policy domains, in order to arrive at larger explanations of change in NRG.[[15]](#footnote-15) Methodologically, the project draws this within-case comparative approach from the process tracing literature to explain policy change to each of the four policy domains from 1988-2018.[[16]](#footnote-16) As part of using different within-case comparisons, I will analyze policy change between the policy areas within each Presidencyto explain why actors used some policy areas, but not others, to maximize their preferences and push through the policy reforms that correspond to their interests. Doing so explains why Mexico’s NRG, in the timeframe of 1988-2018, has changed through slow-moving and targeted policy reforms from a centralized, domestically-oriented model to increasingly market-oriented one that was also influenced by policy mandates from private and global governance.

## Conceptualizing and operationalizing policy change in the dependent variable

The outcome of interest is to explain why some policy domains have changed more than others since the neoliberal reforms of the early 1990s. In turn, tracing reforms over time helps to explain why some key stakeholders within or adjacent to the mining sector have had, at different times, oscillating levels of empowerment or marginalization in influencing the wider regime of NRG in Mexico. A challenge with studying policy reform, however, is understanding how to measure what policy reforms do. If the essential function of policy is to enforce what interest groups get to regulate between market and state influence and authority, then actors will strategically prefer certain types of regulations and/or levels of government (Hall 1993, 288). Actors perceive that they will have a better chance of achieving their ultimate outcome with specific rules in place and set out to implement those rules in jurisdictions where they have the most influence (Hall and Taylor 1996, 955). In the same vein, actors will seek to preserve existing rules in place, neglect existing practices, or favour regulatory black holes, because legal opacity can also, provide benefits for specific actors (Streeck and Thelen 2005, 31). However, this last point is speculative, given that interviews with both representatives of the mining industry and environmental lawyers that generally oppose mining both insist that legal clarity is something all stakeholders strive for. But some interviews with land defenders have stated that they perceive mining companies to reap the benefits of an unclear, or porous, regulatory process when it comes to free, prior, and informed consent processes when mining exploration begins. To measure how that balance shifts through institutions, it is important to first classify reforms as either increasing or decreasing decision making authority (state versus market) and centralization or devolution of policy-making influence between subnational, national, and international governing bodies.

I posit that policy change in each policy domain of NRG can be measured along two main axes: changes in decision making authority and jurisdictional influence across scale. Figure 3 explains how authority shifts over time between the local, national, or international levels (y) and in the distribution of decision-making authority between the state and the market (x). In a globalized world with vast complexity in governance, I acknowledge that the boundaries between levels of governing authority as well as the categorizations of private and public sector ownership are not completely linear or clearly typified. However, the stark dichotomy is designed to illustrate changes of particular observations in the policy domains over time to understand why, at some points in time, the neoliberal governments did centralize authority and cede rights to private authority, but in other domains they actually increased local authority, public interests, or entered international agreements that bound national and subnational governments to international agreements.

### Figure 3. measuring variation in jurisdictional authority of NRG



Source: Author’s own illustration

This exercise will be completed for each policy domain from each Presidency in order to explain the causes of institutional shifts to NRG that over time led to a wider shift in the overall NRG of Mexico’s mining industry that resulted in a systemic change to a highly globalized private mining sector dominated by large domestic and multinational producers backed by foreign mining capital.

To have a comprehensive understanding of the policy environment that impacts the case of mining, we need to consider change all four policy domains that I have identified: land tenure, environmental policy, labour policy and the regulation of capital. For example, a state-managed policy area such as land tenure shifts in the distribution of authority towards joint-decision making with private sector actors (x-axis), wherein private authority or industry takes an increased role via a parastatal organization, but the sphere of influence (y-axis) might remain unchanged, because the industry remains owned by many domestic entities and are not directly coerced by foreign direct investment (FDI) or trade agreement provisions. This was the case when, prior to NAFTA (1994), privatization of the mining industry occurred, which showed change on the x-axis, but remained unchanged on the y-axis (see Delgado Wise and Del Pozo Mendoza, 2005). Later, as market conditions shifted and mineral prices rose, foreign mining investment into exploration activity increased and compliance by Mexico with NAFTA in the sector reflects a change on the y-axis. These shifts in jurisdiction and authority within each policy domain entail a redistribution of the benefits and detriments of natural resource extraction between stakeholders. This might entail favourable changes handed down through decision makers to citizen groups (e.g., increased rights to land or subsurface rights for local populations or subnational governments), or self-governing mechanisms by industry might become more influential, as seen in the rise of corporate social responsibility (CSR), which constrains the political agency of communities impacted by extraction in negative ways. I now turn to research methods and the ways by which this analysis of policy change will be realized.

## Data sources – primary documents

The methods of data collection involve analysis of digital archives from the Mexican government, including ministries related to NRG, as well as Congressional records. I also draw upon news sources that covered the key reforms and events. I include over seventy-two Mexican government primary documents from across all five Presidencies from 1988-2018 and draw from numerical datasets of various government agencies. Legislative events, including the amendment of laws, proposed amendments, and records from Congress about proposed bills are major pieces that help situate actors within the actual policy that has emerged from institutional change. Tracing reforms to these official policies with other public records, such as statements detailing the debates and speeches made in national congress that ultimately led to major institutional change help determine further which actors have been involved in the processes of agenda setting and implementation of policy. The reforms help develop a coherent timeline for each policy area and can be situated within larger shifts in domestic politics and global shifts in mineral markets. The fine-grained case knowledge central to process tracing helps develop detailed sequence of changes, and identify the actors involved that drove the process (George and McKeown 1985, in Falleti 2006). These documents range from sources derived from Congressional library online archives, such as the transcripts from the Congress floor, the explanatory memorandums from congressional sessions (*exposición de motivos*), records of congressional committees (*comisiones*), copies of Presidential annual reports, and copies of official legislative amendments published by the *Official Journal of the Federation* (*Diario Oficial de la Federación*).

I draw upon quantitative datasets, including public records from the National Institute of Statistics and Geography, (*Instituto Nacional de Estadística y Geografía*, INEGI) and other government agencies related to the mining industry, including the SGM’s annual statistical summaries (*anuarios estadísticos de la minería Mexicana ampliada*) as well as industry data from the Mexican Mining Chamber (*Cámara Minera Mexicana*, CAMIMEX). For historical and contextual information, I also use World Bank datasets and historical commodity price indeces to track price volatility to the most significant metals to Mexico’s mining sector, which include copper, gold, silver, and iron ore. I hired a full-time research assistant from Fall 2021 to Winter 2022 for roughly twenty-five hours a week for three months to carry out extensive web scans of government websites and university digital archives.

## Data sources – elite interviewing

From August 2022 to March 2023, I conducted thirty remote interviews with twenty seven people. Due to McMaster University travel restrictions caused by the COVID-19 pandemic, I was unable to conduct interviews in person. I was also awarded a $20,000 fieldwork by the International Development Research Centre (IDRC) under the conditions that I would use the funds for remote fieldwork only, without the possibility of changing to in-person use of the funds. I hired a Mexico City-based research assistant in September 2022 to help recruit and schedule virtual interviews of a diverse set of elite individuals, industry organizations, bureaucratic managers, environmental lawyers, former members of Congress, and workers within federal and state government agencies. I personally interviewed every individual; of the twenty seven people, seventeen interviews were conducted in Spanish, eight were conducted in English, and two were a mix of both languages. Of the interviewees, two asked to be anonymous to protect their identities. Of these twenty seven people, twenty six were carried out on Zoom and one was interviewed over the phone over the course of three separate calls (see Appendix 1). I also contacted approximately twenty six other elites, twenty four of whom did not reply. Of the two that replied, one declined the interview request, and the other never followed up when I emailed to schedule a date and time.[[17]](#footnote-17) Interview #1 was informal and exploratory in order to gather recommendations of elite experts to contact from the government (see appendix 1).[[18]](#footnote-18) I made sure to interview a balanced number of elites from each time period, while also seeking out seasoned professionals that have experience in NRG that spans multiple administrations. I sought out interviewees with multiple partisan affiliations, including the PRI, PAN, PRD and PT. While document analysis was helpful in the process tracing of reforms in NRG, the interviews were helpful in divulging information about the inner workings of the reform process, including information about power dynamics between political actors, the relationships between political and non-political actors, and the role of existing institutional organizations driving the reforms processes. Several political and policy elites were identified for interviewing through legislative document analysis because primary documents of proposed reforms bill in congress detail leading figures in bringing the reform to the chamber floor. Of these government affiliated interviewees, many of the interviewees were forthcoming in providing information about the linkages between ostensibly independent nature of government agencies and political pressure.

I asked questions that I thought would later help falsify or verify the competing theories. For example, asking former governmental officials direct questions about the presence of diffusive pressures from external factors involved in economic reform processes, ideational pressures related to global best practices in the mining industry, and path dependence of pre-existing veto player positions in relation to larger power structures of the policy process proved to be illuminating to triangulate with primary documents. Non-governmental actors, such as NGOs and lawyers, were helpful in detailing new information on the role of larger civil society and communities involved in resource conflicts and in Congressional reform initiatives, especially after 2000, when the PRI’s electoral hegemony was ended. In some cases, I also asked interviewees from various stakeholder positions in industry, government, and civil society about failed reform attempts, which has supported the original data collection on new insights about the relative power of actors in NRG overtime.

# Methodology

## Process tracing for probabilistic causal inference

I analyze policy change in Mexico’s mining industry using three distinct approaches to within-case comparison. Using these different levels of comparison help draw out both descriptive and causal inferences that falsify diffusion and democratization theories. The strategies that actors pursue to reform or defend the status quo will unfold differently in each policy domain, which helps explain why some domains were more amenable to institutional change than others. In addition, some of the observations within each Chapter create null results, which can also be explained though within-case analysis in relation to the policies that are targeted as a strategy of transforming NRG. Within-case analysis both within and between policy domains will help establish causal links or “pathways” between the piecemeal reforms, political events, and long-term sequences of institutional change that compound over time (Herrera 2017, 485). Figure 4 illustrates my logic of comparison for each Chapter.

### Figure 4. logic of comparison

A diagram of a company's company

Description automatically generatedSource: Author’s own illustration.

These observations are the most significant policy events that led to the current NRG paradigm, despite some of the confounding, or uneven, policy changes that challenge the changes that occurred across time and between Presidencies. Each Chapter concludes with a comparison of the main causes of NRG change in each Presidency. I now explain each sequence in the logic of comparison.

First, I will process trace each observation, which are the discrete instances of attempted change in NRG by veto players within policy domains. These involve both successful and unsuccessful reforms. George and McKeown (1985, in Falleti 2006) define process tracing as a within-case *method* of causal analysis – *across time* for each of the policy domains of NRG where there are distinct actors and institutions.[[19]](#footnote-19) Process-tracing is commonly used in comparative-historical analysis and creates rich explanations from examining events in a sequence, based on “diagnostic evidence…[which] depends centrally on prior knowledge” (Collier 2011, 824). It is also used explicitly as a method in comparative HI approaches (Mahoney 2010, 131). The observational level traces veto player actions during a specific Presidency that seek change in NRG via individual reforms that cause change in individual policy domains. Known as a “causal-process observation," this level of analysis offers "an insight or piece of data that provides information about context, process, or mechanism, and that contributes distinctive leverage in causal inference" (Collier, Brady, and Seawright 2010, in Mahoney 2010, 124). These observations fall under headings for each of the four policy domains of NRG.

Second, I draw from these observations to briefly explain why these specific events are the main causes of change within a given domain, and within the Presidency or between similar Presidencies. Third, following the explanation within each of the individual policy domains, I analyze wider causal change *between* each of the four different policy domains of NRG within the Presidency or similar Presidency.[[20]](#footnote-20) Comparing the relative change betweenpolicy domains during a fixed time frame shows how different actors, such as mining industry representatives or unions, or environmental groups, make trade-offs, avoid standoffs over certain laws, or re-strategize in some policy domains to gain ground in another. I elicit probabilistic causal explanations for why these specific institutions were mobilized successfully – or unsuccessfully, in the case of a failed reform – to create wider change in NRG and ultimately shift in jurisdictional influence and decision-making authority. This level of comparison isolates the main one or two most probabilistic causes of change in NRG and who the actors were that were able to successfully shift the influence and distribution of authority in a given institutional setting for their goals.[[21]](#footnote-21) Arriving at wider explanations of change in NRG is therefore achieved by starting from the observational level of piecemeal, individual policy domain changes that were initially observed through "fine-grained case knowledge” (Collier 2011, 824). The many policy events, reforms, and failed reforms will overlap at times across two or more of the four policy domains to tell a larger story of transformation of the governance model of Mexico’s mining industry, and who wins or loses in terms of jurisdictional influence and political authority. However, process tracing of the individual observations will elicit which reforms impacted what policy areas most directly.[[22]](#footnote-22) Across the three Chapters, there is a total of twenty observations of discrete policy events or veto player actions within the overarching case of Mexico’s mining sector over the period of 1988-2018.

While many examinations of public policy reform use comparative-historical analysis, this project is slightly different in its approach because the dependent variable is change in NRG, which is comprised of four different policy domains that have all been impacted in various ways over time. Each of the four policy domains that regulate and control the mining industry will be analyzed across the entire time frame to measure change over time based on jurisdictional shifts across scales of political authority and the distribution of decision making between the state and the market. This means that a detailed explanation of the changes between Presidencies to each of the four policy domains will be mapped out sequentially, and that for each Chapter’s analysis, the party in power will remain constant. Holding this constant suggests that non-partisan interests and other stakeholders will be scrutinized in how they navigate policy situations and apply their interests within the broader political agenda of the current ruling administration. Further, the relatively short period of six years means that other influencing factors, such as technical innovation in the mineral extraction, geological exploration, and environmental sciences remain constant, as any innovation will not lead to immediate policy reaction. The same applies to commodity prices, where the effects of commodity prices on policy making cannot be swiftly applied, given the constraints of enacting change based on election cycles, congressional debates, and other political mechanisms that react much more slowly than markets do.

The political dynamics of policy change are driven by important veto players that are not always explicitly political actors but are important voices in the policy sphere. They might influence one policy domain and trigger “increasing returns” where more institutions get reformed to align with their goals from the single reform (Pierson 2000, 255). Or, perhaps, reformers will be unsuccessful, due to the stickiness of other institutions because of path dependent historic idiosyncrasies of a country’s NRG (Pierson 2000, 255). Therefore, the study relies on process tracing to compare why some policy domains change easily while others do not in each political moment, e.g. a specific Presidency. Therefore, identifying the deliberate actions of these groups and providing primary sources as evidence of their involvement in the policy process will be a key determinant in identifying causal sequences. Advocacy groups – such as unions, mining industry associations, NGOs, or social movements from directly impacted communities – advance their agenda in the policy domains but may not be able to successfully use their leverage and influence in all domains equally. For example, during the Peña Nieto Presidency, NGOs and civil society organizations banded together to lobby the centre-left PRD to eliminate the legal supremacy that mining concessions hold over land uses, but it failed. However, sympathetic PRD members of Congress in that time period tabled bills in Congress on behalf of those same groups to eliminate specific projects on a case-by-case basis, or use specific mining projects to bring to attention the what they considered to be systemic regulatory deficiencies in policy domains such as water management, environmental regulatory enforcement, or labour protections (Eje Central 2021; Sol Pérez Jiménez, Interview, October 14, 2022). Both within-case comparison methods within a Presidency and within a single policy domain, but also between domains in a Presidency will be important for drawing descriptive and causal inferences and answering the central research questions. The former approach will explain why there are some domains of Mexico’s NRG that change more than others. The latter will help to identify why certain jurisdictions and decision makers successfully or unsuccessfully moved policy domains to their advantage*.*

## Probabilistic approaches in comparative HI

Collier (2011) suggests that within-case research that compares change over time through process tracing is useful for the examination of distinct policy domains and explaining their relative change to one another in a broader context. Process tracing considers the alternative paths leading to the outcomes by analyzing competing theories through alternative explanations and counterfactuals in a within-case comparison (George and Bennett 2005). Process tracing values rich descriptive inference, which is based on close knowledge and a focus on the unfolding of separate events in isolation that can be sequentially linked together to create an analysis of change (George and Bennett 2005). George and Bennett (2005) point out that with process tracing, “individual case studies, each of which employs within-case analysis, can be compared by drawing them together within a common theoretical framework without having to find two or more cases that are similar in every respect but one” (225). As the dependent variable is change in NRG, an aggregate four-policy domain, process tracing can analyze each policy area as an individual case study and make inferences about the most probable causes of change to the single policy area of NRG. Therefore, and in agreement with Collier (2011) process tracing is a “method of discovery” that relies on fine-grained case knowledge generalized knowledge from other cases, and specific evidence that weakens the explanatory power of competing theories (Mahoney 2015, 207).

This project uses a probabilistic approach to qualitative causal analysis, rather than a deterministic one. Hacker, Pierson, and Thelen (2013) call for new approaches to comparative HI that challenge deterministic approaches. According to Mahoney (2015), causal analysis in historical explanation is determined through the investigation of sequential events in a given case, which can determine an outcome through three main approaches: necessary conditions (*y* could not have happened without *x*), contributing conditions (the presence of *x* increases the probability of the outcome of *y*), and finally, combinational conditions (*w* and *x* together caused *y*, but each *w* and *x* and are sufficient for causing *y*) (203). Likewise, Hacker, Pierson, and Thelen (2013), challenge the “sharp dichotomy” of institutionalist approaches that identify deterministic causes using widely applied concepts – e.g. punctuated equilibria – that understand change based on rapid openings and closings of institutions under conditions of new political opportunities (3).[[23]](#footnote-23) Instead, they suggest that probabilistic arguments can explain “what changes propelled by what kinds of actors or forces are *most likely* under what kinds of institutional configurations” (Hacker et al 2013, 3).[[24]](#footnote-24) This dissertation seeks to follow this call for expanded research designs in HI research and explains policy change based on probabilistic, not deterministic causes.

A familiar criticism of process tracing is that it suffers from infinite regress because the outcome observed is based on chosen historical starting-points and not on some other, earlier occurring moment in time (see Geddes 2003, 140; Munck 2022, 110). However, Mahoney’s (2015) contributing conditions in process tracing focuses on identifying factors that increase the likelihood of an outcome, while not eliminating the possibility of other factors also playing a role in an outcome (203). Therefore, sequential analysis in a historical study such as this project can contribute findings that increase the probability of a cause, or causes, while also addressing other potential contributing factors that play a role in an outcome, yet are insufficient as standalone causes (e.g., diffusion and democratization). Looking at each observation across a fixed timeframe and identifying the variant explanation of change means that alternative paths to policy change can be theorized based on variant outcomes between each of the four domains and which actors were involved in each policy domains for that fixed point in time.

# Concluding remarks

This Chapter has explained the theoretical framework, competing theories, and research design that I will be using in my analysis of the mining industry in Mexico (1988-2018). I have explained why integration of PE and HI are the most effective way to explain policy change in NRG and identify the actors that achieved or blocked reforms in order to shift the mining sector of Mexico towards neoliberalism and to cement its place as a leading producer of precious metals for a globalized mining sector. Methodologically, I presented a logic of comparison rooted in the process tracing methodology and the levels of comparison needed to link observations – which are typically shorter-term – to specific stakeholder interactions in specific policy domains that ultimately led to longer term shifts in NRG. My stated research design will be able to take on the multifaceted political and economic dynamics of a highly complex primary resource sector. I explained the linkages between short-term policy events and longer-term shifts in policy domains that cause change in NRG. The related winners and losers become clearer not just in the within-case comparison of each policy domain, but between the domains. Taken together, the causal inferences lead to an aggregate explanation of why these individual reform efforts over time led to wider change over time in the broader single-case study of Mexican NRG. The following Chapter starts from the Presidency of Carlos Salinas de Gortari (1988-1994), who oversaw the foundational changes and radical transformation of the state-centred policy domains of NRG from an ISI era towards a neoliberal vision for Mexico’s mining sector.

# Chapter 3 – foundations of neoliberal NRG: The Presidencies of Salinas & Zedillo (1988-2000)

Introduction

This Chapter is the first analysis of the change from ISI to neoliberalism and examines the changes in NRG during the similar presidencies of Salinas (1988-1994) and Zedillo (1994-2000). Salinas’s assumption of the Presidency in 1988 marked a new mandate of semi-authoritarian executive power to oversee the changes to NRG, which was also carried through by his handpicked successor, Zedillo. These presidencies highlight the entry of private sector actors from the domestic mining industry and foreign mining investor interests into NRG, which kickstarted new policy goals by the PRI, and in turn began to change the relative influence and authority of veto players within the party. Using process tracing in the observed policy changes in the final presidencies of the PRI prior to democratic transition, I find novel insights on the institutional change of Mexican NRG from ISI to neoliberalism that both affirm and challenge existing explanations of change in NRG policy domains as well as the wider NRG of the Mexican mining sector.

I argue that, of the four main policy domains, land tenure was the most significantly impacted NRG domain. Land tenure shifted to the benefit of international mining investors and domestic mining producers through the conversion of Article 27, one of the defining features of the Mexican Revolution’s Constitution of 1917, and also by layering new national support programs for rural populations in order to allow new mining activities on *Ejido*s and Indigenous agricultural communities (henceforth known as *comunidades*). Second in significance were the reforms to the regulation of capital. An absence of veto players combined with a supportive domestic mining capitalist class helped in the passage of the Foreign Investment Law of 1993 (NAME IN SPANISH?), which allowed for majority foreign ownership of mining operation. This law displaced the long-standing Constitutional restriction on foreign majority ownership of mining operations in effect since 1961 (Delgado Wise and Del Pozo Mendoza 2005, 69). As part of the technocratic modernization push, both the Salinas and Zedillo Presidencies layered new environmental institutions into the national bureaucracy. Despite appointing environmentalists to key positions, the Executive Cabinet maintained control over the implementation of environmental policy, which complemented NAFTA and new goals of economic growth. In labour policy, strong veto players and long-standing institutional legacies of tripartite corporatism rendered labour law reforms untenable. Where they were able to be enacted, they were not nearly as significant as once envisioned by other influential actors, such as national industry lobbyists. Finally, in the regulation of capital, key veto players from the tripartite corporatist structure, which included PRI government leaders, mining unions,and the state-supported domestic mining capitalist class, shared concern of impending collapse of the parastatal model of mining ownership (Armando Alatorre Campos, Interview, September 16, 2022).

My findings across the four policy domains support other studies that have argued that, despite years of civil society garnering more influence over areas like environmental issues, the management of key ministries remain centralized in the Executive branch, which constrained veto players outside of the PRI leadership’s policy goals (e.g. Pacheco-Vega 2018; Díez 2006). I question the argument that the democratization pressures emanating from opposition electoral victories in state elections and emergent environmental movements following the Mexico City earthquake of 1985 contributed to changes in the domains of NRG (e.g. Assetto, Hajba, and Mumme 2003). As a result, the PRI technocratic goals under Salinas and Zedillo remained relatively unrestrained to pursue their vision for NRG of the mining sector. I also find that veto players agreed that restructuring of the mining sector was central to the sector’s survival, which contradicts diffusion theories that argue there was opposition to the liberalization of the mining sector. For example, Veltmeyer and Petras (2014) argue that economic diffusion, or “extractive imperialism” driven by the Washington Consensus in the 1980s, was the main cause of change in NRG (23). Instead, the continuity of parastatal mining bosses as private operators and the increase in domestic-owned mining company output challenges the notions of extractive imperialism and foreign domination. I demonstrate that policy legacies tied to existing elite interaction between veto players was an important factor in preserving some elements of state-oriented NRG.

Structurally, this first empirical Chapter will dedicate more pages to describing the overview of political economy of the time period than the following Chapters 4 and 5. As Munck (2022) and Geddes (2003) point out, there are issues in institutional analysis of infinite regress that makes identifying logical historical starting points challenging and imperfect. While the De La Madrid Presidency (1982-1988) grappled with economic crisis – with Salinas as Minister of Programming and Budget of Mexico – that government did so under the existing institutions associated with ISI and the parastatal mining sector. Further, Salinas also “deepened” the process of privatization of key industrial sectors, including the mining sector (MacLeod 2005, 49). Therefore, I choose to identify the Salinas de Gortari Presidency as the first administration that begins the formalization of neoliberalism.

To contextualize the modern NRG domains and associated institutions, I begin with detailed overview of the history of mining in Mexico and its various stages of balancing the interests of state and capital at local, national, and international dimensions of authority in the lead up to privatizations of the late 1980s. I then explain the political context and the emerging vulnerabilities to the PRI’s authoritarian rule. In section two, I apply within-case analysis of the observed policy events in each of the four domains of NRG. Finally, I compare within the two Presidencies across the policy domains.

# Section I – overview of political economy

## History of mining in Mexico

Mining has occurred in Mexico for centuries and was a major location of Spain’s quests for gold and silver in the Americas. Since the arrival of the Spanish in 1519, the geology of Mexico has attracted miners to the Sierra Madre Occidental and Sierra Madre Oriente. Figure 5 details the mountain ranges, which stretch from Northern Mexico to the Southern Isthmus of Tehauntepec.

### Figure 5. map of Mexico’s Sierra Madre Occidental and Sierra Madre Oriental

A map of the country

Description automatically generated  
Source: Servicio Geológico Mexicano (2023).

A defining historical feature of Mexican mining in comparison to other Latin American jurisdictions that share centuries of colonial mining is that Mexico’s sheer size and wealth of deposits means there is a pattern of resilience from booms and busts that keeps the sector an ongoing part of the economy (Studnicki-Gizbert 2017, 21). Throughout the colonial period and into early independence in the nineteenth century, Mexico’s mines were supplying precious metals and industrial minerals vital to the global expansion of American and European capitalism and colonization.

During industrialization of the late nineteenth and early twentieth century under the authoritarian rule of Porfirio Díaz, Mexico received foreign investment and developed national railway infrastructure to fuel agricultural expansion and the mining sector.[[25]](#footnote-25) Mining experienced integrated foreign investment and integration with international finance (Studnicki-Gizbert 2017, 27). As noted in the introductory Chapter, the Cananea mine reflects the various transformations of the mining regime and its changing ownership by domestic and international capital, as well as state and private capital. In 1892, exactly three hundred years after the first mining production began, mining policy was reformed by the Mexican government to allow for foreign ownership of mines and its staked land claims, including expropriation rights (Studnicki-Gizbert 2017, 28). Cananea first started producing copper under private American ownership in 1899. In this process, American miners were the first to enter the sector because they had the high levels of American investment capital needed to open new mines or take over old projects to extract low-grade ore deposits from existing tailings (Studnicki-Gizbert 2017, 28). Mexico’s industrialization under the authoritarianism of Porfirio Díaz caused deep inequalities and resulted in an uprising against Díaz by several different land-owning and peasant factions across the country. Mining production, particularly copper and silver, steadily increased during the Porfiriato, was briefly interrupted during the early years of fighting during the Mexican Revolution (1910-1917), and quickly rebounded due to mineral demands from Europe due to the outbreak of World War I (Robles and Foladori 2019, n.p.).

The first half of the twentieth century was a period of dominance of the mining sector by mostly American firms. Delgado Wise and Del Pozo Mendoza (2005) point out that the basic governance of mining operations of the Porfiriato continued under the post-revolutionary Constitution of 1917. They argue that the splitting of mining policy from oil policy in 1926 was a notable event with important, multigenerational effects on the natural resource governance of the subsoil extractive industries in Mexico. In stark contrast to the nationalized oil sector, the 1926 reform led to a “disarticulation of the dynamic of mining production from national economic development” (Delgado Wise and Del Pozo Mendoza 2005, 68). The Mining Law was changed to increase prices for leasing mining concessions, which created a competitive advantage for American mining firms that could afford mining rights and were able to own 98% of the mining industry in Mexico at this time (Delgado Wise and Del Pozo Mendoza 2005, 67; Urías 1980, 954). The government relied on high concession prices on mining operations and high taxation rates, allowing a rent-seeking model to dominate until the mid-twentieth century.

## Mexicanization of the mining sector

The ownership of mining was changed in the 1950 and early 1960s with the Mexicanization of the industry by the Mexican government, which required the majority of a mine’s ownership – 51% or more – to be Mexican (Tetreault 2020, 4). This policy change has been widely accepted to be a part of the Mexican government’s ISI strategy (Delgado Wise and Del Pozo Mendoza 2005; Tetreault 2020). The national government used its industrial and financing capacities in the development of the sector directly for domestic ISI: building mines, metallurgical plants, foundries, and the necessary transport and supply chain logistics (Delgado Wise and Del Pozo Mendoza 2005, 72; Snodgrass 2007, 82). Contrary to expected capital flight, investment grew considerably due to the new fusion of domestic, foreign, and state investment. Foreign owners were able to simply reconfigure their operations by selling stakes to reach minority ownership status and re-invest by providing loans to their new Mexican partners. Foreign capital also deposited money in domestic banks, while the Mexican government bought stakes in large-scale mines around the country. In 1971, Cananea Mining Company, owned by American company Anaconda Copper, sold fifty-one percent of their shares in the Cananea mine to a mix of private and public Mexican banks and the Mining Development Commission (Comisión de Fomento Minero), a state-entity (Delgado Wise and Del Pozo Mendoza 2005, 71). In this acquisition, foreign financiers Chase Manhattan and First National City Bank helped create the consortium.

Mexicanization of the mining industry eventually led to a heavy external debt burden because there was not enough domestic capital investment available to large-scale miners to sustain production during price downturns. During the 1970s, the Mexican government borrowed over $40 billion, using national oil deposits as collateral (Dornbusch 1988, n.p.). In 1981, oil and gas prices fell, leading to over exposure to commodity market price fluctuations, which resulted in a single-year increase in the sovereign debt load from $55 Billion USD to $80 Billion USD, a 45.45% increase (Thornton 2021, 193). After the spike in sovereign debt, the Mexican government was no longer able to prop up the 15% of the country’s mining that they were responsible for funding since the 1960s (Tetreault 2020, 4; Urías 1980). The decade of Mexico enjoying high rents in the mining sector and borrowing money based on high-value oil exports had ended, and with it, the collapse of ISI in most sectors of the Mexican economy.

Besides oil and gas, which remained nationalized, mining adhered to the same dogmatic reforms as other major industrial sectors in Mexico. Under Salinas de Gortari’s economic vision – first as Minister of Programming and Budget of Mexico from 1982-1988 and then in his first four years as President from between (1998-1992) – the total number of state-run companies were reduced from 1,555 to 223, an 85.65% decline (OECD 1993). Of all state-owned mines, all state-owned mines were sold except one – a salt company, the Exportadora de Sal S.A., which remains majority state-owned (51%) with Mitsubishi (49%). This salt mine provides half of total Japanese salt imports from a single mine, Guerrero Negro, in Baja California Sur (Magaña 2014, 42).

The privatization of mining reflected the shifting influence of private sector actors in the PRI and a turn to a new model of domestic ownership with the partnership of foreign capital in expanding existing sectors. In the process of servicing external debts to the U.S., World Bank, and IMF during the 1980s, Mexico’s economists under President De La Madrid strove to be “dutiful pupils” of structural adjustment and maximize their credit worthiness through policy change to macroeconomic planning and limited resistance to the bail-out conditions (Thornton 2021, 195). In turn, Mexico gained membership in the General Agreement on Tariffs and Trade (GATT) in 1986, and two years later, would begin negotiations with the U.S. and Canada to create NAFTA. According to the World Bank (1996), the mining reforms by Salinas in the 1990s contain the “key features of successful reform of administrative regimes,” which include limitation of the government’s right to establish or hold ownership of mining reserves and simplified, “non-discretionary criteria” for the awarding of mineral rights (12). The report states, “for administrative regimes to be perceived as fair by investors, it is important that the institutions responsible for granting and extinguishing mineral rights have no authority to conduct mining operations themselves. They must be completely independent from any state mining institutions” (World Bank 1996, 12). These shifts were part of the state’s withdrawal from central economic planning and a hand off of mining operations to domestic bosses with ambitions to link newly privatized projects to foreign investment as a way of saving the industry from bankruptcy.

## 

## Economic crisis and privatization

Mining is typical of other industries when government assets were sold off following the debt crisis of 1982. The mining sector was targeted for state divestment to raise capital to service external debt and to unload expensive, unproductive operations to private ownership. Following the debt crisis of 1982, in 1983 and 1984, total investment as percentage of real growth suffered a decline of -16.8% and -26.6%, respectively (Teichman 1992, 93). Portes and Smith (2012) refer to early divestment from state-owned and parastatal companies under De La Madrid as a “major case of institutional transformation” that begun with economic crisis and led soon after to a political restructuring of the 1982-2000 period under the PRI technocracy of Salinas (13). The rapid divestment process sometimes included irregularities suggestive of patronage and back-door deals that did not maximize government revenues, but favoured large-scale domestic mining companies (Tetreault 2016, 3).[[26]](#footnote-26) As stated in the preceding section, the parastatal or “Mexicanized” mining sector was defined by a large increase in large-scale mining output that was propped up by various consortiums of joint ownership involving domestic companies, national entrepreneurs, the Mexican government, public banks, private banks (both foreign and domestic), and mining companies (both foreign and domestic). The linkages between mining elites, the PRI, and financial actors created internal patronage that played into how the PRI maintained power during a time of economic uncertainty and rising social discontent across the country (Alejandro Magos, Interview, December 20, 2022). The lack of freedom of access to information during the PRI’s seventy-year regime means that it is difficult to ascertain specific reasons why such uncompetitive bidding processes took place, and what the logic was, when the PRI had working relationships and were making sales with all major mining players at that time.

The alliance between foreign capital and domestic large-scale miners became the base of the capital-industry alliance that would drive the expansion of the mining sector into the twenty-first century. While the initial stages of economic liberalization were carried out in response to economic crisis in 1982, the pivot to export-orientation and privatization deepened integration with the United States (Thornton 2021, 193). Following the initial sale of parastatal firms under De La Madrid, the Salinas Presidency continued selling mining companies where the government was a majority-owner. The privatizations did not adversely affect the relative power of domestic mining capital because the parastatal companies were brought into joint-ownership deals with foreign mining companies, even sometimes retaining their majority control as domestic private entities, albeit with a stream of what some interviews argued to be urgently needed investment to save the mining sector as a whole (Armando Alatorre Campos, Interview, September 16, 2022). In fact, the bosses of parastatal mining companies remained the largest owners and operators following the privatization period of the late 1980s and early 1990s (Tetreault 2016, 5).

The survival of domestic mining companies, and their conversion to private companies, challenges the diffusion arguments that privatization effectively ended the domestic control over mining. Lemus (2018) argues that there was a “national disgrace of dispossession” of mining wealth at the end of the twentieth century (20).[[27]](#footnote-27) However, MacLeod (2005) examined economy-wide privatizations from 1983-1994 and concluded that the economic restructuring led by Salinas created “windfall profits to a select few” of the domestic capitalist class and retained ownership over the sector, despite the entry of foreign investment (58). Velasco (2001) cites the fact that both nationalized and newly privatized firms associated with the old bloc of the PRI remained influential players in Mexican political economy after the parastatal system was dismantled. PEMEX, Mexico’s nationalized state oil and gas firm, the National Bank of Public Works and Services (Banco Nacional de Obras y Servicios Públicos), and in the case of mining, large mines of various mineral types and metallurgical plants involved in steelmaking all remained domestically owned and managed (Duhalt 2020, 7; Snodgrass 2007, 94). The rapid change in the shift from ISI to neoliberalism, therefore, also involved a process of state divestment to an existing class of domestic industry bosses that now comprise the wealthiest private individuals and domestic companies in the country.

The enduring authority and influence of parastatal mining elites during the privatization period of the 1980s and 1990s is an important component of the NRG shift would be ignored or underplayed by those that subscribe to diffusion theories because it undermines their main contention that international capital disciplined industrial policy and stripped domestic ownership of the Mexican mining sector, putting it into the hands of foreigners (e.g, Estrada Ochoa 2006; Lemus 2018; Veltmeyer and Petras 2014). Capital was desperately needed to prevent large-scale mining’s slide towards bankruptcy and to prevent further damage to the government’s credit standing with international lenders. Tetreault (2016) points out that the distinction between foreign control over the mining sector and the arrival of FDI to domestic miners is a commonly conflated distinction. He notes that following privatization, the Mexican government sold majority shares in mining companies to domestic firms, and those firms began to receive FDI from abroad, from a variety of sources. However, while Canadian entry into the market indeed began to dominate exploration, domestic mining companies like Grupo México, Fresnillo, and Peñoles remained the dominant players.[[28]](#footnote-28)

There is strong evidence to suggest that the primary sectors of both mining and oil and gas retained a strong degree of domestic authority and domestic capitalist ownership, which calls into question the simplified narratives of privatization as triggering the entry of foreign miners to the disadvantage of domestic entrepreneurs and acquiescence of the state to foreign economic pressures. Domestic mining companies, beginning in the 1990s and continuing into the twenty-first century during the commodity super cycle discussed in Chapter 4, have invested up to five times more than foreign companies (Tetreault 2016, 647). While the IMF and World Bank played a large role in the privatization process through advising on the fiscal challenges facing Mexico, as the reform process took root, policy changes were affected by both domestic and internal actors seeking change to maintain growth in economic sectors and continued confidence from sources of FDI in Mexico’s macroeconomic condition (Woods 2005, 218). The important takeaway from the privatization process in the mining industry is that Mexico’s domestic miners retained control over much of the mining industry, while working closely with foreign financial partners and the national government (Delgado Wise and Del Pozo Mendoza 2005; Tetreault 2016). The retention of authority over the mining sector by domestic capital is an important point that a typical diffusion argument would overlook, which assumes the new model of private ownership is rooted in “subservience to the international investment community” (Estrada Ochoa 2006, 156).[[29]](#footnote-29) [[30]](#footnote-30) As this Chapter will show in section III, there are various domains of NRG where the mining industry was acutely aware of the impacts that some institutional change might have on the expansion of the mining sector. The involvement of the mining sector at this point in time shows that, even before neoliberalism, the mining industry had influence and authority over the national government.

## Political reform

There is long standing debate about whether structural adjustment was imposed externally or developed domestically through internal political shifts in the ruling PRI (see Babb 2018, Teichman 1995; Thornton 2021). What is clear in either case, however, is that the economy-wide transformation led by a new technocratic wing of the PRI slowly took over the party from the inside, under the Presidency of De La Madrid, and was carried out for the remainder of the party’s survival in power following the fraudulent victory of Salinas in 1988 and that of his successor, Zedillo, prior to the takeover of the PAN and Vicente Fox in 2000 (Caulfield 2010, 48). As mentioned, prior to the ideational takeover by the PRI technocratic wing, the underlying causes of the economic crisis Mexico faced in 1982 were not driven by predatory external actors – they were a result of economic overexposure to commodities at a time of historically high rates that facilitated borrowing to service a closed economy with limitations in its domestic capacity to remain self-sufficient (Delgado Wise and Del Pozo Mendoza 2005). The ensuing ideational takeover involved Salinas and other U.S.-trained economists who saw themselves not as “puppets of the Mexican bourgeoisie but…the vanguard of Mexico’s neoliberal revolution” (Babb 2018, 175). They sought to transform the economy from a closed, ISI-driven model to an export-oriented, liberalized one that would attract foreign investment (Babb 2018, 175).[[31]](#footnote-31) Dion (2010) and MacLeod (2005) explain that these reformers needed to shift state capacity during the privatization of major areas of the Mexican economy in key sectors – social welfare regimes and industrial conglomerates, respectively – and did so by appointing personnel from the private sector within the federal public administration. This set up a long-lived shift into the twenty-first century of technocracy and in the 1990s signaled shifts in the ideational policy-setting of the PRI.

The PRI governed Mexico for seven decades of the twentieth century, propped up by power centralized in the federal executive, but drawing on corporatist ties with political elites, labour unions, and industrialists throughout the country. The Salinas form of technocracy, carried on by Zedillo, was a combination of authoritarian vision with appointing U.S. trained economists to the highest positions of policymaking that often did not hold corresponding background to the ministries in which they were appointed (Babb 2018, 187). Salinas was able to push through the policies of neoliberalism and ongoing liberalization of the economy, to the relief of its international lenders in the IMF and American banks, because the PRI’s relationship with the national bureaucracy was deeply rooted over decades of authoritarian rule (Snodgrass 2007, 93). This meant that between 300,000 and 500,000 workers within the federal public administration quiesced to the Presidency (O’Toole 2011, 197). Still, Salinas had a to face a strong left-wing opposition in Congress from the from factions of the PRI that eventually triggered by a crisis of legitimacy following the Mexico City earthquake in 1985 (Mumme 1992, 125). On the right, the debt crisis of 1982, the nationalization of private banks, combined with the electoral fraud of 1988, helped fuel gains by the PAN in several congressional and gubernatorial contests across the country (Middlebrook 2001). The combination of the fraudulence of the 1988 election, combined with ongoing PAN gains in state elections, compelled political and economic elites to agree that for the PRI to survive and maintain legitimacy, executive authority must be redistributed (Shirk 2005).

The PRI transferred some administrative responsibilities, namely fiscal management of public services, throughout the 1980s and 1990s to subnational structures as a method of self-preservation, which enabled a partial ascension of new interest groups from outside the PRI at municipal and state levels of bureaucracy, industry, law enforcement, and politics (Langston 2017; Mizrahi 2004, 51; Schiavon 2006). Among these changes, the rural impacts of the technocratic takeover and decentralization of fiscal planning ended land redistribution, agricultural subsidies, and supply management boards (Snyder 1999). Urban impacts involved the retrenchment of formal labour bodies and welfare reforms targeted contributory social insurance and expanded non-contributory social assistance, which generated wide social discontent (Dion 2009; Ortiz 2007). Several others assert that the decentralization agenda of the PRI was an enormous political gamble (see Langston 2017; Mizrahi 2004; Schiavon 2006; Selee 2011). According to Schiavon (2006) and Snyder (1999), the simple explanation for the risk-taking is that decentralization was not fully implemented; rather, the endurance of centralized federalism and the lack of substantial transfer of public revenue management to states and municipalities helped preserve PRI hegemony in key states, while surrendering political ground to the benefits of the PAN in Northern states and the PRD in heavily Indigenous southern states. The endurance of centralized authority, despite small openings in electoral competition at the subnational level, allowed for the PRI to carry out their reform agenda in NRG with limited participation from civil society. Pacheco Vega (2019, 90) argues that the PRI governments were able to balance delegating more subnational decentralization of regulatory and administrative governance while also maintaining centralized agenda setting of policy decisions, which challenges the common assumption of democratization scholarship that would suggest that more decision making authority was given to groups from civil society to help make decisions on new directions in the policy domains of NRG (e.g. Assetto, Hajba, and Mumme 2003).

Luccisano and Macdonald (2012) and Courchene and Díaz-Cayeros (2000) note that it was not until the transfer of power to the Zedillo Administration in 1994 that a comprehensive program of decentralizing the PRI’s power became real, committed policy. During Zedillo, revenue transfers increased, which triggered increased expectations of accountability within state government treasuries. Beer (2001, 436) argues that the transfer of power increased horizontal accountability in several state governments, but that it was not until the loss of the PRI’s hegemony in 1997 that democratic performance improved at subnational levels. In 1997, for the first time in over sixty years, the PRI fell short of a Congressional majority, winning 239 of 500 seats in the Chamber of Deputies (Cámara de Diputados), the lower house of Mexican national Congress (IPU 1997). With the PRD winning 126 seats and the PAN winning 121 seats, the opposition was able to form a coalition and install a new President of the Chamber of Deputies (IPU 1997). This defeat is the first time in almost seventy years that the PRI had lost power in an elected branch of government.

The broader political economy of Mexico during the 1980s and 1990s is important context, because the wider privatizations created a spillover effect in NRG – particularly in the legal realm – that led to reform not seen in Mexico since the Revolution of 1910-1920. However, as noted in Chapter two’s review of diffusion and democratization theories, the concurrence of economic restructuring and emergent challenges to the PRI’s authoritarianism does not adequately explain Mexico’s transformation of NRG and its underlying policy areas. It is therefore important to trace the processes by which the primary laws governing NRG were altered as a precursor to increased mining activity by large-scale operators and foreign investors. Table 2 summarizes the main observations and findings from 1988-2000, which outlines the discrete policy events in each of the four policy domains.

### Table 2. summary of observations and findings, 1988-2000

|  |  |  |  |
| --- | --- | --- | --- |
| **NRG Domain** | **Observation** | **Outcome** | **Explanation** |
| Land Tenure | Constitutional agrarian reform | Conversion of Article 27 commonland rights, supported by the Agrarian Reform Law of 1992. | Reinterpretation of *Ejido* system to allow for land parcelling. Ensure that land redistribution was not eliminated, but a new land tenure system could be pursued. Weak veto payers could not stop it, but PRI wanted to court them for purpose of political survival, avoiding drift or displacement of *Ejido*s |
| Land Tenure | PROCEDE | Layering of a new federal land-titling program of commonlands to facilitate land tenure reform | The government needed to begin dividing the *Ejido* lands in order to liberalize half of the national territory. Weak veto players could not oppose the PRI’s mandate successfully. Some isolated instances of resistance that did not cause change (e.g. Zapatista uprising). |
| Environmental Policy | LGEEPA (1988) | Layering of new catch-all law into existing ministry | Salinas decided to modernize various laws as part of technocratic reform agenda and centralization of authority in Executive Cabinet ministries. Weak veto players that were also in need of capital did not actively block or contest environmental reform, and did not need to when it became evident the laws would not interfere with business. |
| Environmental Policy | Creation of SEMARNAP (1994) | Layering of new federal environmental ministry into larger federal bureaucracy | The dissolution of the existing environmental ministry meant that a new one could be made to reflect the larger goals of neoliberalization. Zedillo hired scientists that would create strong laws, but that would be difficult to enforce, and therefore not disrupt economic goals. |
| Labour Policy | Outcome of Privatization on Mining Labour | Conversion of labour contract practices and bargaining timelines through allowance of subcontracting, elimination of parastatal-era contracts. | Due to strong veto players, legislative overhaul threatened PRI regime survival. PRI instead redeployed existing law to expand company unions outside of corporatist structure and block minimum wage bills in Congress. |
| Labour Policy | Failed reform of the Federal Labour Law (1993) | A failed attempt of conversion of labour law to increase productivity and competitiveness. | COPARMEX pressured the PRI for reform, but the PRI decided it was politically unviable. The CTM and CT actively blocked advancements of formal legislative reform. Instead, economic restructuring helped gradual weakening of contracts through re-negotiation. |
| Regulation of Capital | The Foreign Investment Law of 1993 | Displacement of majority Mexican-ownership structures by allowing majority foreign ownership of mining projects. | Part of privatization of the mining sector and desire for increased FDI. Domestic mining was cash strapped. Opening up the country to majority foreign owned ventures would ensure FDI. Tripartite system agreed to liberalization. |
| Regulation of Capital | The Mining Law of 1992 | Layering of new executive-decreed initiatives into existing legislation | Given Article 27’s state-control, a new law was required to ensure that mining was given priority over land uses to ensure investments are protected in mining. |

Source: Author’s own illustration.

I now turn section two, where I apply within-case analysis to the observed policy events during in each of the four policy domains of NRG during the similar presidencies of Presidents Salinas and Zedillo.

# Section II – change in NRG, within-case analysis of each policy area

## Land tenure

### Constitutional agrarian reform

Land tenure changes shifted the power and influence from *Ejido*-based rural populations towards international mining capital investment and domestic mining producers. The amendment to Article 27 of the Mexican Constitution and the creation of the Agrarian Reform Law of 1992 were two interrelated policy changes in land tenure during the Salinas Presidency instrumental in this change. I refer to them together as the single-observation of Constitutional agrarian reform and their subsequent roll out were crucial for expanding mining production in Mexico. I argue that the layering of these new land tenure reforms alongside the existing Mexican Constitution enabled both the Salinas and Zedillo Administrations to economically transform rural Mexico to the benefit of economic actors and the mining industry, while not undoing the political symbolism of commonlands. While they are separate legal entities, they are treated as one observation of policy change because the Agrarian Reform Law of 1992 was enacted “in legacy symmetry with the amendment of Article 27” to ensure legal specificity and regulatory clarity in the governance of *Ejido*s and *comunidades* (Vargas 1996, 536). As Article 1 of the Agrarian Law states quite clearly, “this law is the regulation of Constitutional Article 27 in agrarian matters to be observed throughout the entire Republic” (Diario Oficial de la Federación 1992a).[[32]](#footnote-32)

For historical context, the catalyst for popular uprising in the Mexican Revolution was landlessness among the Mexican peasantry (Brown 2004). Land in Mexico was previously concentrated among a small oligarchy; however, in 1915, land redistribution became a central component of nation building (Perramond 2008). Following the Revolution of 1917, Article 27 declares the state sole owner of the subsoil. Article 27 is also the institutional framework underpinning land reform (Haenn 2006). After the Revolution, landless citizens could apply in groups of at least 20 people to receive communal lands, known as *Ejido*s or *comunidades* (Brown 2004). Chapter 1, Article 27 of the Constitution guarantees both the social ownership of lands and state control of natural resources: “the Nation shall at all times have the right to impose on private property such limitations as the public interest may demand, as well as the right to regulate the utilization of natural resources which are susceptible of appropriation…to ensure a more equitable distribution of public wealth” (Constitución Política de los Estados Unidos Mexicanos, 2023, 31).[[33]](#footnote-33) Incorporating land redistribution into revolutionary nation building was a policy legacy, despite the counter reforms of the agrarian sector and land tenure by President Salinas. This language also is ambiguous in its exact meaning of the nation’s right to impose limitations on private property and does not directly say if or how it would do so. Commonlands, even after the amendments allowing for the leasing and sale of *Ejido*s, still remain a chief social institution in Mexico for millions of people (Yashar 2005). As amended by Presidential decree, on January 6, 1992, paragraph IV of Article 27 allowed for commercial corporations to own rural land (Diario Oficial de la Federación 1992a). Prior to the reform, corporations were not allowed to own rural lands (Diario Oficial de la Federación 1992a; Vargas 1996, 537). This amendment involved both changes to Article 27 in both written and interpretive forms, which are examples of conversion. Streeck and Thelen (2005) point out that conversion of existing institutions can be caused by changing contexts, which under the PRI at this time that have been attempting to redirect existing institutions towards a modernized, free-market orientation as part of weakening ISI. Mahoney and Thelen (2010, 18) similarly argue that the inability or unwillingness to “destroy an institution” does not mean a reformer cannot exploit ambiguous components of it. By attaching a new purpose to Article 27, within the existing structure of the Mexican Constitution, Salinas was able to economically transform rural Mexico for the benefit of economic actors and the mining industry while not undoing the political symbolism of commonlands. The simple redirection of Article 27 and small amendments to its language allowed for the PRI to re-define land tenure for the benefit of mining activities on commonlands.

Rural life and industrial labour underpinned the authoritarian survival of the PRI. For the Salinas technocracy, Article 27 created a political conundrum, which Appendini (1998) calls “parallel projects” in Mexico’s land counter reform process, because Salinas pursued the liberalization of land rights while also protecting facets of revolutionary collective lend tenure institutions like the *Ejido*. The political conundrum for the PRI under De La Madrid’s economic crisis response, and the continuation of that project by Salinas, was balancing the wishes of various actors within their corporatist structure while pursuing an ambitious restructuring of the political economy of the country (Appendini 1998). The state worked consistently throughout the twentieth century to support farming as the primary activity of rural life throughout the country, via price controls and heavy subsidization of inputs necessary to farming, which helped entrench PRI electoral support (Fox 1994, 244). However, under the reforms of Salinas, the economic viability of small-scale farming was targeted through minimization and sometimes outright elimination of subsidies, which resulted in an exodus of many of Mexico’s roughly two million corn farmers from farming (Cornelius and Myhre 1998, 6). The exit from farming in rural Mexico since the 1990s has had clear linkages to the reforms that helped shift the relative power of the mining industry within land tenure policy.

One goal of agrarian reform was to formalize the practice of leasing that had been informal common practice for decades. In President Salinas’s third annual speech to Congress, he declared that 1992 had been an unprecedented year of reforms, listing first the Constitutional reform to Article 27, which guaranteed land redistribution following the Revolution since 1917. In the same moment, he also mentioned the reform to the Agrarian Reform Law (Ley de Reforma Agraria) of 1992 and mining regulatory changes (Dirección de Servicio de Investigación y Análisis 2006, 201). The Agrarian Reform Law of 1992 built upon the reform of Article 27, by redefining the property rights regime in Mexico, by allowing expanded land ownership rights – both collective and individualized (Baitenmann 1998). *Ejido* communities became akin to private property owners in that they have more choice in what the lands are used for and how they are to be made productive (Appendini 1998; Brown 2004). Prior to the Constitutional and targeted legislative reforms of 1992, the state prohibited leasing communal farm plots. Article 27 of the Mexican Constitution, section 15, and Article 115 of the Agrarian Law both state that private, large agricultural lands, known as *latifundios* in many parts of Spanish-speaking Latin America,are prohibited over one hundred to three hundred hectares, depending on the land use and crops being grown (Constitución Política de los Estados Unidos Mexicanos 2023 35; Diario Oficial de la Federación 1992). Given the paradigm of corporatist financial support of the Mexican countryside under the PRI, these clauses remain in the Constitution despite the reforms to allow more private land uses on commonlands (Constitución Política de los Estados Unidos Mexicanos 2023 35; Yashar 1999). The political power inherent of *Ejido*s and the strong veto player status of *Ejido*s in subnational politics compelled President Salinas to uphold restrictions on the size of private property that individuals or corporations can have, albeit with intentions of modernizing the agricultural sector (Fox 1994; Snyder 1999). Article 27 did not eliminate the *Ejido* system. Instead, the PRI used conversion to redeploy Article 27 towards allowing for land titling and delineation of individual parcels within *Ejido*s. Article 27 was modified to allow for transference of property by individual owners, but still maintained the collective ownership principle underpinning the Article. This was a way to ensure that, while the institutional legacy of land redistribution was not eliminated, a new land tenure system could be pursued as part of the wider economic goals of the Salinas Presidency.

PRI policy makers understood that neoliberal reforms needed to be balanced with the policy legacies of the Revolution, steeped in land redistribution, to maintain the PRI’s political hegemony. The Agrarian Reform Law is, therefore, important in the redeployment of Article 27 by delineating how *Ejido* governance interacts with the new land tenure regime. The conversion of Article 27 – and its administrative extension under the Agrarian Law – weakened the collective bargaining power of *Ejido* voting assemblies, which were previously granted autonomy from federal authority in matters pertaining to their internal land management. The Constitutional reform of January 6, 1992, created new federal authority over *Ejido* agrarian tribunals through the introduction of the Office of the Agrarian Attorney General (Procuraduría Agraria) (Vargas 1996, 540). Paragraph 19 of Article 27 now states: “for the administration of agrarian justice, the Law shall establish courts endowed with autonomy and full jurisdiction, composed of judges nominated by the Federal Executive and appointed by the Senate” (Constitución Política de los Estados Unidos Mexicanos 2023, 36).[[34]](#footnote-34) The long-standing status of Article 27 was preserved but redeployed to facilitate individual holding of *Ejido* and community lands. The reform was carried out to further entrench the national government’s control over land tenure and allow for new activities to be carried out on commonlands without the added veto power of *Ejido*s. One of the main aims was to allow for individual land holders within *Ejido*s to lease their lands to mining companies.

The significance of the constitutional reform triggered the Zapatista uprising in Chiapas, a high-profile armed resistance by rural Indigenous communities in the state of Chiapas. However, there were no other major opposition by other rural stakeholders throughout the country that could challenge the national government’s implementation of individualized land titling of commonlands. The authoritarian nature of the PRI’s rule meant that the Salinas could rely on the existing political dominance of the party for new policy purposes, including in land tenure. This opportunism aligns with Thelen’s (2003) argument that conversion is often used in the context of weak-veto players because institutional innovators – in this case, the neoliberal technocrats within the PRI – are simply able to use existing institutions towards new goals. In the process, they simply truncate the power of opposing groups, such as members of commonlands that oppose the land reform program, and pursue their new aims through existing institutions, such as Article 27. The Agrarian Law, as a closely linked administrative and legal mechanism to the Constitutional reforms, helped redeploy communal property rights towards the new goal of privatizing rural land. This conversion of land tenure, instead of its extermination, is an important observation in explaining why the PRI had to balance the interests of different veto players, both weak and strong, in the goal of transforming NRG. As discussed, prior, this nuance is sometimes overlooked by other scholarship on land reform. I now turn to a federal program that was layered onto the existing land tenure system to further entrench the Constitutional reform of Article 27.

### 

### 

### Program for the Certification of *Ejido* Land Rights (PROCEDE)

As discussed, preserving Article 27 in the Constitution, due to its innate political significance to millions of Mexican peasants (INEGI 2009), constrained the policy options available to the Salinas government, and the *Ejido* land reform of 1917 had to be weakened via gradual legislative and policy changes. Salinas introduced in 1991 the land-titling program called the Program for the Certification of *Ejido* Land Rights (Programa de Certificación de Derechos Ejidales y Titulación de Solares, PROCEDE), which sought to clearly delineate, register, and facilitate the leasing or sale of all or part of an *Ejido* (Gobierno de México 2007). PROCEDE was a layering mechanism, handed down by national authorities to tradable sectors, such as the mining industry, to secure large and long-term leases of commons lands, which comprises fifty-two percent of total national territory (De Janvry, Gonzalez-Navarro, and Sadoulet 2014, 218). Just over ninety percent of *Ejido* collective land holders complied with the registration of their lands to PROCEDE by 2000, accepting the formalization of individual titles within *Ejido* commonlands (INEGI 2009). The remaining *Ejido*s that did not certify their lands with PROCEDE are attributed to armed conflict or customary Indigenous lands that fall outside the *Ejido* structure, as regulated by the Agrarian Reform Law (De Janvry, Gonzalez-Navarro, and Sadoulet 2014, 218). Despite the program, the majority of *Ejido*s continued to retain their governing structure as commonlands after registering individual parcels. However, PROCEDE was nonetheless successful in its goal of opening the *Ejido* and *comunidades* land tenure systems to industry (Brown 2004; De Janvry, Gonzalez-Navarro, and Sadoulet 2014). The endurance of *Ejido*s indicates that the land reforms carried out were done so by the national government with careful consideration of the relative political power of rural populations vis a vis industry during the economic restructuring of Mexico to increase mining activity.[[35]](#footnote-35)

The distinction between land titling and privatization is often overlooked to fit the conclusions of diffusion theory. PROCEDE marked a shift in the influence of industry interests over land tenure, however it did not result in a displacement of the *Ejido* system. This distinction is at best a misconception, and at worst, a common manipulation of the outcome of PROCEDE in the wake of the Constitutional reform to Article 27 to fit the theories of diffusion of globalization. Between 1991-2007, less than 6% of *Ejido*s privatized their lands following registration with PROCEDE (INEGI 2009). Instead, they elected to retain communal management, but leased lands to mining companies based on internal voting processes. Therefore, the objective of expanding commercial activity was successful, but the outright sale of commonlands to individuals did not take root. Outright rejection of PROCEDE was concentrated in the three southern states of Chiapas, Morelos, and Oaxaca, which comprise the vast majority of the 9.2% of commonlands that never registered with PROCEDE (Brown 2004; Perramond 2008).

It is a common oversimplification in the literatures on reform of Mexican political economy during the Salinas Presidency to equate land privatization withcompliance with PROCEDE. Teichman (2012), for example, suggests Article 27’s reform “effectively put an end to the *Ejido*...the new law...was instrumental in convincing the mass of poor indigenous peasantry, long hopeful that the state would fulfill the peasant aspirations of the Mexican Revolution, that the state had abandoned them” (52). For the end of the *Ejido* to be true would suggest that *Ejido*s have been sold following PROCEDE and their governing bodies disbanded. However, the retention of roughly ninety-four percent of existing *Ejido*s as commonlands – and not as privatized parcels prior to the agrarian reform – is often disregarded in the literature on Mexican land reform in order to advance a simplified narrative of rapid policy change. While the notion of abandonment of commonlands governance systems – the *Ejido* and *comunidades* systems – might be overstated, the general conclusion does reflect the reality that under land tenure reform, *Ejido*s and *comunidades* shifted from being strong veto players and bulwarks of the corporatist tripartite system throughout the twentieth century, to a weak veto player under neoliberalization.

The preservation of *Ejido*s, albeit under a new form that included layering of individual rights to lease lands for resource extraction, helped the PRI achieve the expansion of mining while also retaining the acquiescence of rural populations to the corporatist system under neoliberalization. Therefore, democratization does not explain the change in land tenure. Instead, agrarian reform and the rapid entry of mining firms into the countryside via long-term *Ejido* land lease agreements worked together to create new subnational authoritarian opportunities under market-led industrial expansion. PROCEDE was instrumental in this process as a PRI program to carefully maintain revolutionary land redistribution systems and constitutional rights of commonlands while also facilitating an expansion of mining concessions. Baitenmann (1998) argues “as was the case with the Salinas neoliberal project more generally, the so-called modernization of the *Ejido* sector has neither advanced, accompanied, or facilitated a democratic opening at the local level” (122). Others find that expanded individual land rights did not result in increased democratic conditions for local *Ejido*s (De Janvry, Gonzalez-Navarro, and Sadoulet 2014, 218). While the veto power of *Ejido*s and *comunidades* was weakened, they still remained an important source of political support for the PRI, which was experiencing slowly-eroding hegemony. Preserving the *Ejido,* instead of displacing it, indicates that rural populations remained influential in the authoritarian context and contributed to the PRI’s survival. For this reason, layering PROCEDE was an effective mode of gradual institutional change.

Leasing lands to primary resource development changed the power of *Ejido* and *comunidad* assemblies relative to pro-industry community members and municipal political authorities outside the *Ejido*, which could divide *Ejido* voting assemblies to push through land leases and sales (Penman 2016, 755). While the expanded right to buy and sell land might suggest more autonomy and individual rights of the land holder, the Agrarian Reform of 1992 and PROCEDE instead encouraged rent-seeking behaviour by local strongmen in *Ejido* governance. For example, Snyder (1999) argued that the land reform triggered “reregulation” projects whereby local bosses affiliated with the PRI sought to manipulate new land titles and agrarian markets to generate rents in primary resource sectors and establish new clientelist arrangements (296). In the past, a key check and balance in the leadership of the *Ejido* council was the appointment of the losing candidate to the oversight council, which the agrarian reform law eliminated (Diario Oficial de la Federación 1992a).[[36]](#footnote-36) Tetreault (2016) has identified the increasing authoritarian cooptation of *Ejido*sas a widespread national problem because mining firms use money to fuel “asymmetric power relations in their dealings with *Ejido*s and indigenous communities, resorting to various forms of deceit, cooptation, coercion and fraud in order to secure the land-rental agreements that they need to move forward with exploration and extraction activities” (649). Boni and Garibay (2014) reported fraud between companies and *Ejido*s in San Luis Potosí, where legal approvals on paper lacked consent by communities that do not fall under the *Ejido* or *comunidad* board that approved the mine project.

These institutional tensions at the micro scale helps explain why democratization cannot explain the reforms in land tenure. Imai et al. (2017) have found that Mexico hosts mining conflicts at a rate twice that of the rest of Latin America and struggles with democratizing at the local level. The subnational changes in democratic participation due to the conversion of Article 27 and the layering effects of PROCEDE had large impacts on authoritarian control over land tenure at sites of resource extraction. Zedillo’s administration did not change Salinas’s land rights framework for *Ejido*s and Indigenous communities.[[37]](#footnote-37) The Zapatista uprising in January 1994 created a public discussion of resource rights for Indigenous communities, but the fundamental contours of land tenure remained unchanged. Chiapas, where the Zapatista uprising occurred, is one of the two highest states in rejecting registration of Indigenous *comunidades* in PROCEDE (INEGI 2009).[[38]](#footnote-38) The result of the land tenure changes is that power and influence in NRG shifted towards international mining capital investment and domestic mining producers.

## Environmental policy

Environmental policy reform from 1988-2000 involved a mix of restructuring laws and policies from existing institutions, while also creating entirely new institutions as part of the PRI’s wider modernization of the national bureaucracy. Prior to the Salinas Presidency, environmental regulatory capacity was limited in ambition, resources, and scope. Based on the two main observed policy events in environmental policy during this time, I argue that layering was the primary institutional mechanism of change used to implement a centralized, executive-driven environmental ministry that would create modern written laws while ensuring that economic goals related to expanding mining production would not be impeded. Both the General Law of Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente, LGEEPA) and the creation of the Ministry of the Environment, Natural Resources, and Fisheries (Secretaría del Medio Ambiente, Recursos Naturales y Pesca, SEMARNAP) were part of aligning environmental policies and regulation of industry with the economic goals of the PRI, which included compliance with regulations in NAFTA’s draft agreements and the expansion of the newly-privatized mining industry (Gallagher 2004, 1). There were no provisions of NAFTA specific to the mining sector, but broadly the administrations of Salinas and Zedillo had to ensure compliance with the trade agreement. I now turn to the observed policy events that specifically changed environmental policy for mining.

### Creation of General Environmental Law (LGEEPA, 1988)

Environmental legislation remained tightly controlled by the national executive and served near-term political goals of the PRI. The creation of LGEEPA in 1988 under President Salinas was designed in lockstep with the economic liberalization agenda and to move Mexico forward in the technocratic goal of liberalization (Gallagher 2004, 66). At the end of his six-year term, President Salinas broke up the existing environmental bureaucracy as part of national administrative restructuring. The Ministry of Urban Development and Ecology (Secretaría de Desarollo Urbana y Ecología, SEDUE) was dismantled in order to create stand-alone ministries from its component parts pertaining to specific public policy domains. Existing environmental regulations under SEDUE had not focused on natural resources, meaning that mining was not beholden to clearly defined processes of environmental compliance for key industry practices, such as storage of mine tailings and disposal of toxic waste (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022; Hogenboom 1998, 820). The LGEEPA was the first major change, enacted in 1988 to modernize environmental policy and replace the Federal Law of Environmental Protection of 1982 (Ley Federal de Protección al Ambiente). A key element of this LGEEPA was the introduction of criteria for Environmental Impact Assessments (EIAs) of mining operations, and introduction of a process for introducing technical norms (*normas técnicas*) (Díez 2006, 42). However, in practice, the LGEEPA mainly focused on addressing pollution in Mexico City (López-Vallejo Olvera 2013, 108). Air pollution was the first public commitment by Salinas towards environmentalism, due to the public health concerns raised by Mexico City’s then standing as the world’s most air polluted city (Sandra Denise Herrera Flores, Interview, November 9, 2022).[[39]](#footnote-39) Despite the introduction of criteria for mining EIAs, there were no enforcement procedures attached. The lack of mining-specific regulatory requirements will become an important policy legacy in the PAN presidencies because terrestrial environmental policy related to mining continues to lag behind other regulatory enhancements, despite mining outpacing other tradable sectors in overall production growth.

After 1988, compliance to environmental laws was bound up in a series of trilateral commitments and side-agreements related to NAFTA, none of which pertained to mining practices specifically, but rather to industry as a whole (Daniel Basurto González, Interview, October 17, 2022). However, there were immediate concerns of the mining industry about the LGEEPA and its domestic regulatory functions because it included introduced new requirements of industry including EIAs, hazardous waste monitoring, and new water pollution standards that could potentially impact mining activities (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). As a catch all Federal law, the LGEEPA applies to all industries, and other new regulations can be added in to complement it and provide specific regulations for particular sectors. In particular, Grupo México and Industrias Peñoles were resistant to regulations that required new technologies and investments to comply with updated standards (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). However, the need for foreign investment in the mining sector, mainly from Canadian and American firms, meant that the mining industry did not actively lobby the government to make changes to the law (Armando Alatorre Campos, Interview, September 16, 2022).[[40]](#footnote-40) Interviewees noted that Mexico’s domestic mining companies lagged behind Canadian mining companies, who brought some regulatory practices with them as part of standardized operating procedures.[[41]](#footnote-41) Four years after the LGEEPA was enacted, an independent, national environmental prosecutor in 1992, the Federal Attorney for Environmental Protection (Procuraduria Federal de Proteccion al Ambiente, PROFEPA), was tasked with enforcing the LGEEPA against mining (SEMARNAT 2015, 82).

Interviews with former staff from SEMARNAP consider the LGEEPA full of ambiguous clauses relating to unattainable standards in enforcing mining standards.[[42]](#footnote-42) Much to the benefit of the mining industry at the time, the lack of enforcement helped expand mining production and drive foreign investment. Several interviews indicate that in mining, there are “perennial” issues with SEMARNAP’s EIA process at mines, mostly around EIAs and quality control of mine tailings.[[43]](#footnote-43) PROFEPA was tasked with enforcement of EIA of mines in 1997 through the introduction of SEMARNAT Norm 120 by SEMARNAP director Julia Carabias (Diario Oficial de la Federación 2012). Norm 120 was introduced to bring more technical EIA standards into the mining industry, due to the increase in exploration activity after 1993.[[44]](#footnote-44) Others have noted that PROFEPA has never had sufficient inspectors to carry out effective EIA at mines, a major explanation in a series of accidents throughout the years since its formation (Julia Lamberti, Interview, November 11, 2022). However, the requirements involve technical knowledge of hydrology, geology, and soil science (Diario Oficial de la Federación 2012). PROFEPA, as a less than three-year-old organization, had limited technical capacity because staff were biologists, wildlife specialists, or any background loosely related to natural sciences without the knowledge to regulate mining and test for contamination and dangerous industrial practices (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). Further, the mine tailings legislation, SEMARNAT Norm 141, does not specify what kind of qualifications are needed by the operators of mining waste management and disposal, but in conjunction with the LGEEPA, there is a theoretical requirement of technical site visits by inspectors (Rodríguez del Bosque 2018, n.p.).The chronic underfunding of PROFEPA gives *de facto* power to mining firms to set the regulatory agenda and self-monitor.

Both existing studies and several interviewees familiar with the formation of environmental policy in the 1990s suggest that the basic implementation of environmental policies under Salinas was to “enhance compliance with, and enforcement of, environmental laws, procedures, policies, and practices” associated with the NAFTA environmental side agreement, the North American Agreement on Environmental Cooperation (NAAEC) (Gallagher 2004, 67). While the upgrades were deemed satisfactory to ratify NAFTA, according to other international organizations, such as the World Bank, the new environmental laws were not adequately designed with mining activity in mind, and were therefore aspirational and lacking credibility (World Bank 1996, 5). In this way, diffusion played a role in the creation of regulatory enhancements, but the reason for the LGEEPA also reflects the PRI’s retooling of national ministries during the 1980s in response to domestic priorities and political reasons unrelated to external imposition of environmental standards. Catching up to the environmental standards of their neighbouring trade partners was a process that started several years later.

### Creation of SEMARNAP (1994)

SEMARNAP was created on December 2, 1994, by executive decree, on the second day of the Zedillo Presidency. It has since remained a part of the Executive Cabinet. In this institutional reorganization, mining remained under the control of the Secretary of Commerce and Industrial Development (Secretario de Comercio y Fomento Industrial, SECOFI), which entrenched it firmly under the guidance of industrial policy specialists and economists affiliated with the Autonomous Technical Institute of Mexico (Instituto Tecnológico Autónoma de México, ITAM) (Juan Carlos Belausteguigoitia, Interview, October 10, 2022). Prior to SEMARNAP, SEDUE was responsible for the national environmental mandate along with other unrelated responsibilities (Mumme 1992, 127). During the 1980s, when environmentalism as a diffusive policy issue grew in scope across Europe and North America, much of the environmental policy agenda setting and early hiring into the environmental wing of SEDUE drew from a network of environmental NGOs (Juan Carlos Belausteguigoitia, Interview, October 10, 2022). The expansion of environmental NGOs in the 1980s was caused by a combination of increased global attention to environmental issues by civil society and from a bottom-up earthquake response effort in Mexico City in 1985 (Díez 2006, 30; Gallagher 2004, 63). PRI leadership was concerned about their slipping credibility and wanted to keep civil society organizations within the fraying corporatist structure through direct engagement and public relations campaigns (Mumme 1992, 125).

Non-economist technical specialists from outside the PRI, namely experts from the natural sciences, built the technical capacity of the national environmental bureaucracy (Díez 2006, 46; Hogenboom 1998, 108). The appointment of Julía Carabias Lillo, a UNAM-trained biologist, as Minister of SEMARNAP in late 1994 under President Zedillo signalled a “boom time for environmental regulatory changes, through stacking the National Ecology Institute (Instituto Nacional de Ecología, the research and technical wing of SEMARNAP), with academics, many from the UNAM, trying to push environmental goals” (Juan Carlos Belausteguigoitia, Interview, October 10, 2022).[[45]](#footnote-45) The staffing of SEMARNAP with individuals beyond the immediate circle of the PRI reform agenda reflected a neoliberal strategy of maintaining close oversight of economic policy while permitting the gradual and non-economically invasive entry of new policy ideas into government ministries that would not de-rail the overall direction of change in NRG.

President Zedillo is widely considered to have created the most change in environmental policy of any Presidency during this study (Eugenio Barrios Ordóñez, Interview, January 31, 2023; Pacheco-Vega 2018, 105). He used his centralized executive authority to push through new environmental policy and did not acquiesce to stakeholders from civil society or opposition governments (Díez 2006, 43; Nashieli Gonzalez Pacheco, Interview, November 29, 2022). For example, on September 1, 1997, the day of the mid-term legislative election during Zedillo’s Presidency, Jorge Emilio González Torres, a Congressional Deputy and founder of the Ecological Green Party of Mexico (Partido Verde Ecologista de México, PVED) criticized the PRI government for putting Mexico in an “ecological crisis ” (Dirección de Servicio de Investigación y Análisis 2006, 101). Deputy González Torres identified PRI-created obstacles to environmental management and called for increased their attentiveness to public opinion (Dirección de Servicio de Investigación y Análisis 2006, 102).

The election results of 1997 were a watershed moment in Mexico’s democratization because for the first time the PRI did not control a plurality in the Chamber of Deputies. Following the PAN’s takeover of the Chamber of Deputies in 1997, opposition-proposed environmental initiatives increased (Díez 2006, 99).[[46]](#footnote-46) Zedillo also supported the implementation of state-level SEMARNAP environmental offices as part of wider moves to decentralize federal authority. However, at the highest levels SEMARNAP’s leadership was a relatively weak veto player in the wider Executive Cabinet and therefore unable to increase monitoring of industry without increased resources from the President. This created issues in the ability of a three-year old national ministry to coordinate and implement their brand-new mandate across 32 state-level offices that were mostly staffed with scientists. According to the former Deputy Director of SEMARNAP, the academics inside SEMARNAP were “good thinkers, but new to public policy” (Juan Carlos Belausteguigoitia, Interview, October 10, 2022). Under Minister Carabias, SEMARNAP faced delays in showcasing tangible results of policy choices to government leaders in the Executive and in Congress and resorted to blaming the Ministry of Finance and Public Credit (Secretaría de Hacienda y Crédito Público, SHCP) for lack of operational budget for their challenges (Díez 2006).

Huge power asymmetries meant that SEMARNAP rarely won victories in the Executive Cabinet against other interests, particularly mining (Juan Carlos Belausteguigoitia, Interview, October 10, 2022). For example, the former Deputy Minister of SEMARNAP could only recall one single instance during the Zedillo Administration when SEMARNAP won a grievance issue, which was between a salt factory on the Baja Peninsula and several communities along the peninsula that were complaining about the negative impacts of their salt extraction activities (Juan Carlos Belausteguigoitia, Interview, October 10, 2022). Conversely, SECOFI was, relatively speaking, “very powerful” (Juan Carlos Belausteguigoitia, Interview, October 10, 2022). The combination of control of mining policy by SECOFI and weakly enforced environmental regulations inhibited the ability of SEMARNAP to enforce the new legislation targeting industrial activities, such as mining pollution. A lack of resources from the SHCP and the influence of SECOFI impeded the ability to fund capacity building in PROFEPA to enforce better practices at mine sites (Daniel Basurto González, Interview, October 17, 2022).

To conclude this section, the creation of SEMARNAP set the institutional framework for the environmental ministry until the end of the study in 2018. Its creation as a layering mechanism in the Executive Cabinet in the context of economic liberalization meant that it established well-defined regulations, but without the political support and funding to enforce mining industry standards. Therefore, executive-level decisions about the new social and economic direction of the country also controlled the environmental policy of SEMARNAP. NGOS and environmentalists that were ultimately appointed to SEMARNAP were weak veto players in the context of Mexican environmental regulatory agenda setting, where industry goals and economic development goals truncated the environmental agenda (López-Vallejo Olvera 2013, 110). Despite the indications of increased civil society representation in environmental policy, democratizing pressures do not explain the shift during the Salinas Presidency. Instead, the PRI’s authoritarian governance carried through into the 1990s, and with a new goal of modernization of the national bureaucracy, they retained tight control over the formation of key policies and through shrinking the inner circle of leaders that determined agenda setting of public policy (Díez 2006, 39). The appointment of natural scientists to run SEMARNAP was an exercise in feigning the creation of an independent environmental bureaucracy, while not creating enforceable constraints upon the mining industry.

Despite the modernization of the environmental bureaucracy to create a perception of strong administrative capacity of the national government, it inadequately enforced these rules in practice against mining operations. The creation of new environmental institutions based on wider re-organization of extinct national bureaucracies formalized the rules of this NRG domain, while also allowing for the “gap between rules and their enforcement” to remain a permanent feature of environmental policy (Mahoney and Thelen 2010, 11). This was a deliberate strategy of the PRI to allow for unfettered expansion of mining activities.

## Labour policy

### Labour acquiescence to privatization

The political influence and enduring veto player status of mining unions impeded radical reforms to labour policy. Mining unions are among the longest-standing members of the labour movement in Mexico. Throughout the twentieth century, major trade unions were strong veto players in the PRI and their influence in the corporatist system helped to sustain a welfare regime during the development of state-led industrialization (Dion 2010, 4). The National Union of Mine, Metal, Steel and Allied Workers of the Mexican Republic (Sindicato Nacional de Trabajadores Minero-Metalúrgicos y Siderúrgicos Similares de la República Mexicana, SNTMMSSRM) – known colloquially, and henceforth, as *Los Mineros* – was one of the six major industrial unions formally affiliated with the PRI corporatist structure.[[47]](#footnote-47) Napoleón Gómez Sada, the leader of *Los Mineros* from 1961-2000, was a leader in the Mexican Labour Congress (Congreso del Trabajo, CT). He was a national senator and later a Deputy representing Nuevo Leon as a member of the PRI during the privatization of the mining sector during the 1980s and 1990s (Velasco 2001, n.p.; Senado de la República 1964). Beyond *Los Mineros*,the Confederation of Mexican Workers (Confederación de Trabajadores de México, CTM) also represented mining and metallurgical workers throughout Mexico. An important distinction between *Los Mineros* and other corporatist industrial unions was that under the PRI corporatist structure, other unions had single-contracts, while *Los Mineros* used a the central authority in Mexico City to bargain in conjunction with locals bargaining for distinct contracts at different mines (Roxborough and Bizberg 1983, 119). This fostered a sense of independence and radical unionism within union locals to break from rank-and-file acquiescence to PRI bosses at the state and municipal levels (Michael Snodgrass, Interview, January 26, 2023). However, in instances of local union branches staging work actions that were not sanctioned at the national level, *Los Mineros*’s central authority in Mexico City would crack down on radical locals (Tetreault 2016, 10).

Salinas used the corporatist model to his advantage in maintaining order during the privatization of the mining sector (Delgado Wise and Del Pozo Mendoza 2005, 83). The authoritarian union structure of *Los Mineros* helped the PRI during restructuring because Gómez Sada controlled the outcome of contracts at all sizes of mines, from rural mines with a few dozen workers, to the largest metallurgical smelters in urban centres (Michael Snodgrass, Interview, January 26, 2023). However, the size, geographically dispersed operations, and influence of local leadership in *Los Mineros* governance facilitated pockets of dissent to the PRI’s privatization of the mining sector. In 1986 in Monterrey, for example, Local 67 burned their PRI membership cards and walked off the job following the announcement of the closure of the 12,000-employee steel mill (Snodgrass 2007, 81). In 1989, the Cananea miners, who are unionized by *Los Mineros*, went on strike following the sale by the state to Grupo México (Bnamericas 2019, n.p.). Despite the presence of strikes at Cananea and elsewhere during the period of privatization, two former mining operational managers interviewed consider the relationship between *Los Mineros* and companies to be functional throughout the restructuring years in the mining sector (Armando Alatorre Campos, Interview, September 16, 2022; Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). The sector did not experience major interruptions in production due to labour actions, and, overall, mining production continued to grow. Between 1988-2000, an increase of 99.47% occurred in the total production of mining production in Mexico (measured in millions of pesos), boosted by the influx of capital from abroad to finance large-scale operations (Consejo de recursos minerales 1990, 23; Consejo de recursos minerales 2001, 23). The uninterrupted production in Mexico reflected the ongoing cohesion of major industrial unions with the power of the PRI corporatist structure, despite the marginalization of miners as part of the base of the party.[[48]](#footnote-48) The relative power of capital against unionized workers increased due to the endurance of strong central state authority over the mandate of deregulating capital to the benefit of domestic large-scale miners and foreign investors.

The unravelling of the parastatal mining structure came with the risk of labour unrest and mass defections from the PRI to opposition parties. Therefore, President Salinas was careful not to undo national legislation overnight, opting instead to court the veto player status of the CTM and *Los Mineros* in order to carry out capital-friendly efficiencies in the economy (Zapata 2006, 83). In seeking reform, strong veto possibilities and weak veto possibilities both create the conditions for constraints and possibilities of change by governments (Mahoney and Thelen 2010, 19). In the case of the Salinas Presidency, despite the PRI-authoritarian control over Congress and the executive, the government needed to balance a long-term goal of weakening the strong veto player status of incorporated unions in the party with retaining their political support in order to maintain discipline in the sector among workers. To do so, the government did not seek a fundamental reform of the Federal Labour Law (Ley Federal del Trabajo, LFT) (Dion 2010, 117). The long-standing legacy of *Los Mineros* proved helpful, and Napoleon Gómez Sada used his authoritarian control over the union to prevent independent labour actions against the privatization of the mining sector.

The use of the central authority of *Los Mineros* under Gómez Sada to quell union resistance by Salinas is an example of conversion. While no specific policy event preceded the change in the relationship between Salinas and the mining union, it was the deliberate redeployment of corporatist control to stave off worker resistance that likely allowed for the completion of the privatization of the mining sector with minimal work stoppages and interruptions. Despite the size and power of *Los Mineros*, the acquiescence of the union’s centralized leadership to the PRI government allowed for the privatization project to occur, which came with it a decline in the quality of contracts (Alzaga 2017, 271; Zapata 2006, 82). The relative power of *Los Mineros* therefore diminished, due to the goals of the state and of capital to attract foreign investment for the benefit of capital (Alzaga 2017, 247).[[49]](#footnote-49)

Authors have explained that there was little to no resistance to the privatization agenda by mining unions due to the fact that the sector was in such crisis that restructuring of the industry was seen as part of an existential survival of the mining industry (Delgado Wise and Del Pozo Mendoza 2005, 83). These findings affirm what the interviewing process provided from elites both from the mining industry as well as from the labour movement. President Salinas, in his first address to Congress, said that restructuring was actually part of a push to protect the viability of mining as a leading employer and to help preserve wages in the mining sector (Dirección de Servicio de Investigación y Análisis 2006, 47). The entry of foreign investment and foreign exploration companies shifted the domestic mining industry away from non-metallic minerals – e.g., stone, sand, limestone – towards increased focus on precious metals like silver and gold (Casado Izquierdo and Sánchez Salazar 2019, N.P.; Armando Alatorre Campos, Interview, September 16, 2022). As part of this shift in production, technical mechanization to extract metallic ores required fewer, but more specialized workers. Technical specialists, such as engineers, geologists, and excavation operators, became more in demand, while permanent layoffs of less specialized mine labourers increased (Zapata 2006, 83).

The end of the parastatal mining sector corresponded with the decline of unionized workers in industrial sectors more generally. The divestment of the government from mine and metallurgical ownership stakes resulted in layoffs, the suspension of contracts through the privatization of parastatal assets, and the rise of short-term ghost contracts, or employer-written contracts (Paul Bocking, Interview, December 14, 2022). In 1988, there were 95,600 workers employed in the mining industry; in 1993, there were 67,800, or a decline of 29.08% (Casado Izquierdo and Sánchez Salazar 2019, n.p.). The change in fortunes for mining reflects an overall reversal in employment fortunes across key industries: there was a 75% decline in real manufacturing wages from 1976 to 2002 (La Jornada 2002, n.p.). This timeline mirrors the timeline of examples provided of labour actions in the mining sector specifically. In 1980, workers’ wages and benefits comprised 36% of Mexican GDP; by 1991, it had shrunk to 21.1% (Caulfield 2010). Former miners stated that despite privatizations, wages remained stable and up to 35% higher than other full-time work in Mexico, allowing mine workers to buy homes on a single-income (Efraín Alva Niño, Interview, July 21, 2022). However, these wages are also potentially inflated by the high-risk nature of mining, particularly in underground mines, and the rise in practice of shorter-term contracts. While mining remained an overall well-paying sector, the privatizations of the sector represented a displacement of the institutional legacy of *Los Mineros* as a strong veto player in the PRI’s authoritarian governance of industrial sectors. However, while the shift from a parastatal model of ownership to a fully privatized one explains why the relative influence of the veto players in labour was diminished, there is a confounding observation of failed policy change, where veto players of labour were more successful in counteracting the strength of the neoliberalization project. I now turn to the failed attempts to reform the Federal Labour Law and the role of labour in that process.

### Failed attempts to reform the Federal Labour Law

The Salinas Presidency facilitated the rapid decrease in the influence of the mining sector in collective bargaining processes. The declining influence of mining unions was also exacerbated by stagnant market prices for precious metals. In addition to the privatization of the state-owned and parastatal mining firms, the national government increased its efforts to change the long-standing structure of bargaining and contracts in the mining sector, which involved the government as a major player in mining projects throughout the country (Zepeda 2021, 160). As existing labour contracts at mines ended and needed to be renegotiated between the unions and new private ownership, the state was no longer an employer. For example, at the Cananea mine in 1989, a new contract had to be renegotiated after the national government sold their remaining stake to Grupo México (Zapata 2006, 88).

As discussed in the preceding section, The Salinas Presidency promoted a public discourse of productivity and flexibilization in labour law as part of a new solidarity in Mexico to preserve sectors, despite their restructuring (Dirección de Servicio de Investigación y Análisis 2006, 47). This new direction, while a cornerstone of the PRI under the new technocratic culture, was also driven by pressures from the private sector in Mexico. The Employers Confederation of the Mexican Republic (Confederación Patronal de la República Mexicana, COPARMEX), long-standing and influential business advocacy organization, lobbied the government between 1988 and 1991 to reform the LFT (Bonilla González 2012, n.p.). COPARMEX created a proposal in 1989, where it called for a myriad of reforms, including the erasure of minimum wage, broader employer interpretations of labour law, and modifications to the enumeration system for long-term employees (Bernal Sahagún 1989, n.p.). Salinas and the SHCP considered reforming the LFT with some of these considerations in mind, but ultimately no reforms took place during the Salinas Presidency (Dirección General de Servicios de Documentación, Información y Análisis 2012; Bensusán and Middlebrook 2013, 48). Salinas considered shifting Article 123 of the Constitution and the LFT via layering or displacement mechanisms but decided not to, due to strong union resistance by the CTM, which got involved in negotiations following the COPARMEX proposal of 1989 (Bonilla González 2012, n.p.). Likewise, Zedillo did not further pursue reform to the LFT due to the erosion of the PRI’s support base and the rise in opposition power by the PAN (Zapata 2006, 100).

Nonetheless, via conversion, these Presidencies were able to convert existing practices in labour law, redeploying the LFT to expand and condone the practice of company unions outside of the corporatist structure. The Executive Cabinet also maintained close control over minimum wage commissions in Congress in order to block efforts to table legislation on minimum wage increases (Bensusán and Middlebrook 2013, 49). Space constraints prevent an in-depth discussion of examining the finer details of cross-sectoral national labour law amendments. However, the important takeaway is that the LFT did not ultimately get reformed, due to the ability of veto players in the labour movement to block it, which included the participation of *Los Mineros* in the CT. Nonetheless, labour relations via the LFT were reinterpreted to fit the new economic direction of the country. Ultimately, this weakened the position of unions as the private mining sector and new FDI increased its stake in the Mexican economy.

The privatization wave in mining and the failed reforms to the LFT was prompted by the PRI’s new policy direction of the Mexican government (Armando Alatorre Campos, Interview, September 16, 2022; Paul Bocking, Interview, December 14, 2022). To quote one interviewee involved in the NAFTA negotiations in 1992, the state’s sale and divestment of its stake in mining production was a “catalyst” in the cascade of institutional changes that occurred in the mining sector to shift towards a free-market mining sector (Armando Ortega, Interview, January 23, 2023). However, despite privatizations, labour was able to retain veto player status over deeper reforms to the general conditions of employment in the mining sector. While there was a reduction in the total number of workers in mining at this time due to both privatizations and low global prices, wages and terms of contracts remained better than in other industrial sectors (Casado Izquierdo and Sánchez Salazar 2019, n.p.). This continuation of strength shows the legacy of union contracts on setting wages in mining in relation to other sectors, despite the restructuring of the sector.

## 

## Regulation of mining capital

### The Mining Law of 1992

The Mining Law of 1992 was an overhaul of existing Mexican mineral laws, which date back to pre-independence. Throughout the centuries, the Mining Law has undergone several transformations in concurrence with evolving ownership regimes of the mining sector.[[50]](#footnote-50) The Mining Law, much like the LGEEPA for environmental policy, has been the primary regulatory document for regulating the economic activities of the mining sector since the restructuring of the sector during the Salinas Presidency. It details the regulatory procedures for concession acquisition, the rights of surface owners versus mining operators, the duration of titles, the royalties and taxation collection division of responsibilities, and environmental laws specific to mining (Cámara de Diputados 2014). Therefore, with all Articles from it taken together, it is most appropriately understood as a document relating to the regulation of capital.

Privatization resulted in two new main approaches to how the Mexican government regulated the economic development of the mining sector. In the Mining Law of 1992, the Salinas Presidency set the standard for the royalties collected from mining. Mining concessions granted to firms were charged five pesos per hectare (roughly .38 cents USD) for the first two years and then increased to 111 pesos after ten years (roughly $8.53 USD) (Tetreault 2015, 53). These are relatively inexpensive long-term leases of the subsoil relative to other concession costs and royalties in other jurisdictions, however the goal was to attract foreign investment, not to create a resource nationalist sector (Moreno-Brid and Puyana 2016, 150). A second, related change in the Mining Law was through new supports from the national government for the advancement of the private mining sector’s expansion. In 1990, FIFOMI was created to assist mining companies with start-up costs related to staff hiring, staff training, project creation, acquiring mining machinery, and logistics such as navigating permitting and concession processes (FIFOMI 2012, n.p.; Rodríguez del Bosque, 2018, n.p.). Through the Mining Law’s fifth transitory clause (transitorio), FIFOMI was formally integrated into the Mining Law through displacement of the Mining Development Commission, which had previously controlled mining concessions and production since 1939 (Diario Oficial de La Federación 1992b). The Mining Development Commission was a parastatal entity whose primary purpose was to buy and sell minerals and develop metallurgicals throughout the country on behalf of the state (Gurria Urgel N.d.). Under the new Mining Law of 1992, the Mining Development Commission was displaced and FIFOMI took its place to support the private sector’s assumption of these duties (Diario Oficial de la Federación 1992b).[[51]](#footnote-51) In conjunction with the Mining Law of 1992, FIFOMI no longer mined or invest in mining. There is no indication that the creation of the new Mining Law was based on diffusion pressures from foreign investors or foreign governments. Rather, it reflects an understanding within the economic planners of the Salinas Presidency that there was a need to transform existing legislation and administrative functions of related programmes – such as FIFOMI – for the support of the privatized mining sector.

In addition to financial supports, legal entitlements to access to the subsoil were written in to the Law in 1992. Article 6 of the Mining Law was added to establish that the national government holds legal precedence to prioritize mining activities over all other land uses (Gobierno de México 2014). In turn, this provides mining concession holders – e.g. domestic miners and foreign exploration firms – the supreme authority over other land uses. This is an example of layering, where a new law was simply added alongside existing national legislation in order to change the status of Article 27. The new Mining Law was designed in order to facilitate the entry of mining activities through a modern legal framework with a newly private sector in mind. As Salinas said in his fourth annual address to Congress:

“Our country has great wealth and mining tradition…[a new Mining Law] provides greater legal certainty to the concession exploitation regime…important projects have been initiated in which national private capital and some international firms participate” (Dirección de Servicio de Investigación y Análisis 2006, 241).[[52]](#footnote-52)

The Mining Law symbolizes the continuation of strong Presidential authority during the neoliberal reform period because this was a top-down piece of legislation that was delivered to Congress by the executive and easily passed by the PRI. It declared swift and immediate changes to the NRG of mining to encourage the entry of foreign miners and strip *Ejido*s and *comunidades* of veto power in matters of land tenure and resource rights. For directly impacted communities and environmentalists, there was a glaring tension after 1992 between Constitutional land rights of non-mining industry partners and the new Mining Law of 1992. Article 27, despite its reforms for individual land parcelling, still protects the *Ejido*s and the right to *Ejido* land by title-holders based on ancestral and citizen-based claims. However, this right does not extend to what lies beneath the land, which the Mining Law clarified to the benefit of the mining sector.[[53]](#footnote-53)

Numerous interviewees agreed that the Mining Law of 1992 under President Salinas was the single most significant piece of legislation in changing the NRG of mining of the study period because it removed preexisting barriers for foreign access to the subsoil.[[54]](#footnote-54) While agreements like the GATT and NAFTA were occurring at the same time as the creation of the Mining Law of 1992, privatization of the mining sector and the aim of attracting foreign investment to boost production of domestic mining producers predated the free trade agreements. However, NAFTA accelerated the desired reforms by domestic mining industry actors because as much as 75% of the national legislation in Mexico was examined to ensure compliance with the broad parameters of the trade agreement (Armando Ortega, Interview, January 23, 2023). Salinas considered free trade part of the national goal to “recognize the new rules of global competition, accelerate economic transformations internally, [and] increase our participation in world markets...we aspire for Mexico to be part of the first world and not of the third world” (Dirección de Servicio de Investigación y Análisis 2006, 90).[[55]](#footnote-55) This means that the main legislation of specific sectors needed to be overhauled to allow for the entry of foreign investment. As one interviewee from inside the mining industry stated, the Mining Law of 1992 facilitated the “unstoppable participation of Canadians in the mining sector,” who began creating Mexican subsidiary companies and acquiring exploration concessions in all 31 states (Armando Ortega, Interview, January 23, 2023).

### 

### The Foreign Investment Law of 1993

The domestic mining elites that once operated within a closed, parastatal market environment supported the liberalization of the mining sector (Armando Ortega, Interview, January 23, 2023; Tetreault 2016, 646). There was a broad consensus shared between the PRI and the mining bosses of the country that there was a need for an injection of capital to ensure the survival and profitability of the mining sector after the economic downturn of the 1980s. The Foreign Investment Law of 1993 allowed for the entry of foreign ownership and capital investment and allowed majority foreign ownership of Mexican companies up to 100% (Babb 2018, 172; Cámara de Diputados 1993). The law created juridical certainty for the interests of foreign capital in the country (Lemus 2018, 313). The entry of foreign, mainly Canadian, mining companies signalled a rapid re-shuffling of the industry from a domestic-oriented private industry to a highly globalized sector. Several interviewees from the mining sector stated that the creation of the Foreign Investment Law in 1993 was the most important economic legislation in the regulation of capital during the Salinas Presidency because it created a cascading effect of foreign investment into the mining sector.[[56]](#footnote-56) Figure 6 shows the FDI in mining from 1988-2000 and demonstrates an increase in 1993 after allowing majority foreign-ownership of mining firms.

### Figure 6. FDI in Mexico mining sector, 1988-2000 (millions, USD).

A graph of the number of years

Description automatically generated with medium confidence  
Source: Author’s own illustration using data from Instituto Nacional de Estadística y Geografía (2009a).

Global mining industry investors, from the largest multi-national mining corporations to the smallest Canadian junior exploration firms, entered Mexico with capital for mining production and partnered with existing domestic miners. The result within the technical apparatus of the sector was a “cross-fertilization” of Canadians and corporate experts operating via Mexican subsidiaries and managed by domestic technical experts trained in geoscience, geology, and engineering at Mexican academic institutions (Juan Alonso Ramírez Fernández, Interview, September 12, 2022; Armando Ortega, Interview, January 23, 2023). In his 5th annual address to Congress on November 1, 1993, President Salinas states:

“…our relationship with Canada is growing in importance, which is expressed by ongoing dialogue between governments and the rise of interexchange. In 1992 alone, Canadian investment rose 18%...we advance in diverse ways of cooperation in mining” (Dirección de Servicio de Investigación y Análisis 2006, 302).[[57]](#footnote-57)

Domestic mining industry specialists – such as economists, financiers, geologists, and engineers – benefitted from the entry of foreign capital. The PRI were able to successfully transform NRG and weaken the veto players associated with corporatism, to the goals of domestic capitalists and international economic authority. The rapid success of cross-hybridization of mining sector actors – foreign investors, foreign exploration companies, domestic technical specialists, and domestic large-scale mining firms – indicates that the changes were not met with strong veto players. Congressional opposition parties were not yet able to stop the PRI, given the endurance of PRI hegemony, but members of Congress on the left did voice their opposition to the implementation of the Foreign Investment Law (Jaime Cárdenas, Interview, November 3, 2022). The pivot to a privatized sector was taken up quickly. This undermines the notion of diffusion theories that suggest that the takeover was an act of dispossession of a key sovereign sector of Mexican industry.

Coupled with the land reform laws, the expansion of mining concessions was enabled by the weakened position of veto players long-associated with the PRI and the rising importance of domestic mining companies in partnering with foreign mining investment. NRG reforms Following these policy changes, Mexican and Canadian companies together began to dominate the mining sector in Mexico. Canadian firms were specialized in exploration, while domestic producers had the vertical integration and logistics needed to take ore to market. One mining executive involved in gold mining explained that exploration by foreign firms drove the expansion of concessions by both large-scale firms and junior exploration companies that sold their discoveries to foreign and domestic large-scale miners (Armando Ortega, Interview, January 23, 2023). He explained that “The expansion of concessions happened slowly, but it was unstoppable. During the 1990s, and the early twenty-first century, the trend was the participation of foreigners, including the juniors, who later sold their own assets to the big [domestic] ones.” (Armando Ortega, Interview, January 23, 2023). Once deposits are proven in a concession, companies are also allowed to transfer their concessions to other parties interested in taking the project forward. He further explained that the Canadian companies “…established Mexican companies, for example Gold Corp Inc., who established a Mexican subsidiary and that subsidiary constructed Peñasquito mine, in Zacatecas and Los Filos mine, in Guerrero using fresh money that was invested by the Canadians. This was happening everywhere” (Armando Ortega, Interview, January 23, 2023). Figure 7 details the notable expansion of concessions by surface area, 1988-2000 following the key legal reforms to the Mining Law of 1992, the Agrarian Reform Law of 1992, and the Foreign Investor’s Law of 1992.

### Figure 7. total concessions by surface area, 1988-2000 (hectares)

A graph of the number of years

Description automatically generated with medium confidence

Source: Author’s own illustration using data from Secretaría de Economía (2003); Gobierno de México (2014).

After 1993, privatization of mining and the rise in FDI made Mexico a global leader in the production of gold. Gold was not a major metal in the Mexican mining sector until the early 1990s, but from 1988-2000, gold production in Mexico went from a small share of global output to the 12th largest globally (Servicio Geológico Mexicano, 2010; Armando Alatorre Campos, Interview, September 16, 2022).

I have shown that, since the reform era, the joint-venture structure has endured and is an institutional legacy of the NRG reforms under Salinas de Gortari from 1992-1993. The survival of domestic mining bosses through economic restructuring is an important detail often overlooked, but still pointed out by others that have studied the mining industry in Mexico (e.g. Tetreault 2020). In the regulation of capital policy domain, this survival of parastatal bosses and their partnering with foreign mining junior companies marked a shift towards exploration of precious metals like silver and gold, with foreign entities leading the upstream exploration via mining concessions. The entry of Canadians was welcomed by domestic mining capital, because despite privatizations, the exit of government-run mines benefitted the large-scale mining companies already dominating the sector. The national government was focused on deepening the linkages between foreign investors, foreign exploration companies, and long-standing domestic producers in order to increase the participation of mining in the national economy. The fusion of domestic miners that survived state divestment with foreign Canadian mining companies is an important historical continuity of the power of domestic capital in Mexican political economy. The support of *Los Mineros* or, their lack of coordinated resistance, showed that there was an understanding that the parastatal sector would not survive as an exception to the rule of privatization of the national economy under Salinas. The role of domestic mining bosses and *Los Mineros* in the new neoliberal economy is an important dynamic in the change in NRG, but is overlooked by the diffusion literature that seeks to highlight the arrival of foreign capital and displacement of domestic ownership.

Section III – comparative analysis of NRG within Presidencies between policy domains

In section II, I detailed the observations of specific policy reforms and failed attempts within each domain of NRG, which helps contextualize the broader reform goals and explains the mechanisms by which reforms were gradually carried out at the level of specific actions. I now turn to comparing the relative change betweenpolicy domains during the Presidencies of Salinas and Zedillo to show how the PRI reformists targeted the three policy domains of land tenure, environmental policy, and the regulation of capital – but not labour – to gain ground for neoliberalization. I elicit probabilistic explanations for why these specific domains were mobilized to create wider change in NRG and ultimately shift the power and influence to the benefit of international mining capital and domestic large-scale producers. Policy changes in the NRG of the Mexican mining sector were substantial but varied across each policy area. While land tenure and the regulation of capital fundamentally altered the existing power and influence of rural populations and workers in the tripartite structure, environmental policy was modernized as part of a wider goal to upgrade the Mexican public administration under the PRI technocracy. At the most basic level, the PRI was pursuing a concurrent agenda of advancing a radical new economic agenda while using their shaken, but enduring, grasp on power to push through a new economic model in Mexico. With these general conclusions, I will now compare within the Salinas and Zedillo similar presidencies between all four domains.

Significant reforms to land tenure and the regulation of capital show that there was a major weakening of the influence of rural farming populations relative to the strengthening of domestic capitalists involved in mining and their need for foreign investment. Environmental policy ensured compliance with trade liberalization and NAFTA, while the PRI’s envisioned labour policy was unable to break the institutional strength of veto players from the labour movement. From 1988-1997, the PRI maintained their long-standing hegemony through control over Congress and the Presidency. The PAN and PRD formed an opposition majority in the Chamber of Deputies from 1997-2000, but did not pursue coordinated efforts to push through reforms to any of the four policy domains due to their large ideological differences and divergent views on the neoliberalization of the country (Díez 2006, 158).

Many of the significant legal reforms occurred during the Salinas Presidency and clustered around the middle of his six-year term in 1992. On November 1, 1992 during the annual presidential address to Congress, Deputy Alberto Carrillo Armenta of the Partido del Frente Cardenista de Reconstrucción Nacional (the Cardenist Front for National Reconstruction, a left-wing party) responded in the Congressional explanatory session by warning against the “large and profound constitutional reforms…[and] change of political practices and economic landscapes” of opening the country to foreign competition (Dirección de Servicio de Investigación y Análisis 2006, 201).[[58]](#footnote-58) In his argumentation, Deputy Carrillo Armenta stated that the project is neither limited to one Presidency nor to one single leader, but instead an “epoch change” for the entire country (Dirección de Servicio de Investigación y Análisis 2006, 201). He cited changes in the regulatory structure of mining, and the reform of Article 27 as two of the most significant changes since 1988. The PRI technocratic regime understood that there are institutional legacies best left untouched and instead used conversion as a mechanism to redeploy Article 27 under the changing context of land tenure to fit the expansion of the mining industry that Salinas envisioned (Streeck and Thelen 2005, 31). The use of PROCEDE was a part of the PRI’s domestic policy vision to convert Article 27 and these two programs were layering mechanisms on top of the old revolutionary land structure, in order contain opposition to the new interpretation of Article 27. The strength of the veto players in land tenure were powerful enough to make the PRI consider eliminating agricultural subsidies and *Ejido* lands, which explains why they opted for land-titling and cash-support programs over displacing rural supports entirely. These changes to land tenure shifted the weakened the relative power of communities and increased the power and influence of industry activities in the commonlands across the country. As section II shows, land tenure contained the largest number of observed changes in NRG from 1988-2000 and included the largest constitutional change when compared to other policy areas. This resulted in a rapidly changing land tenure system that shook the foundations of rural life and allowed for the entry of industry into the commonlands of *Ejido*s and *comunidades* for the first time in over seven decades. Opening the countryside by eliminating the agrarian supports in rural Mexico and registering *Ejido*s into individualized parcels was a large step toward bringing Mexico closer in line with the economic vision of Salinas.

While Salinas is responsible for the direct institutional reforms to land tenure and the regulation of capital, President Zedillo followed through on implementing these reforms, focusing on capacity building in remaining policy areas, such as environmental policy.[[59]](#footnote-59) Zedillo had to modernize the national environmental bureaucracy, which involved using strong central authority to implement new environmental regulations and a capable intelligentsia to oversee it. The appointment of natural scientists, over the influence of economists occupying most other posts in the Executive Cabinet, was an unexpected change, albeit one that did not interfere with the larger goal of economic liberalization of the national economy. While diffusive pressures from global understandings of environmental protection and the NAAEC side agreement for NAFTA influenced the development of SEMARNAP, the introduction of environmentalists into the Federal government bureaucracy was a confounding change, given the influence of the mining industry. However, while the new environmental bureaucracy was staffed with scientists, SEMARNAP remained centralized and did not implement onerous regulations on the mining sector. Despite concerns that NAFTA would result in environmental degradation, industrial airborne pollution declined due to the layering of new environmental standards into the wider Mexican economy (Gallagher 2004, 2). However, the expansion of mining production, which involved ill-enforced regulations for tailings management, increased pollution to the terrestrial environment (Julia Lamberti, Interview, November 11, 2022). The record of environmental policy shows that many new regulations were applied in writing, but not necessarily enforced in practice.

The regulation of capital was re-designed to allow for foreign ownership of mining operations, which brought the first iteration of foreign-majority ownership in Mexican mining since the *Porfiriato* of the late nineteenth century. The shift increased the influence of foreign capital through their partnerships with domestic producers that had largely absorbed the state sell-offs of parastatal mines. Economic reforms attracted what interviews with industry declared to be much needed new investments into mining and was welcomed by domestic entrepreneurs long associated with ISI (Delgado Wise and Del Pozo Mendoza 2005, 74). The state’s retreat from mining ownership came with a new attitude of reducing the regulation of capital and financially supporting technical capacity to discover more deposits and expand production. As a result, mining bosses under ISI survived the economic restructuring and partnered with foreign investors when the Foreign Investment Law of 1993 went into effect. Labour policy, on paper, was largely unchanged, because corporatist ties between the miner’s union and the PRI helped accelerate the privatization of the mining sector. However, the divestment of state-owned mining assets was effective in upending existing collective agreements and stripped miners of their historically robust collective bargaining power.

Despite the PRI’s success in converting Mexico from ISI to neoliberalism during these presidencies, the historical legacy of PRI corporatism was a key factor in the failed reform to the LFT. Federal government authority prior to 1988 was interwoven with parastatal ownership of the mining sector, which was undergoing government divestment through selling assets to foreign investors while maintaining domestic joint-ownership ventures. The divestment of the state in the mining sector resulted in a weakening of labour power among unionized miners, which was part of the larger economic restructuring, labour flexibilization, and change in NRG under the PRI technocracy. The breaks and continuities in the institutional framework of the PRI’s alliances with different veto players were carefully chosen by policymakers to shift the relative power of the main actors and stakeholders that are affected by primary industry activities, like mining. The reforms in each area targeted existing laws and legislation, with varying degrees of disruption to existing institutional frameworks, to push through the larger goal of changing NRG to meet the goals of the PRI technocracy. To carry out the reforms to NRG, it was not always in the best interest of policymakers to break off the tripartite alliances in the corporatist system, which explains why layering and conversion are the major types of institutional change that were pursued from 1988-2000. Choosing to layer on new programs and policies or convert the meanings of existing legislation to allow for new arrangements that would benefit actors such as private domestic capital, foreign investors, and new international trading partners without risking mass protest or defection from the ruling PRI party.

# Conclusion: analyzing main changes in NRG of the Presidencies

The scholarship on changes in these four domains are often siloed, which necessitates approaching NRG as a boundary-spanning conceptual framework and weighing analyses of institutional change together. It is largely accepted that that the PRI under the technocratic takeover of Salinas and Zedillo occurred in the aftermath of economic crisis and rising electoral competition at the subnational level across the country (Babb 2018). Based on the political survival of the PRI, these constitutional, legislative, and governmental programs that underpinned the deepest changes to Mexico’s NRG in seventy years were carried out in a semi-authoritarian context. While these hard facts are agreed upon, the extent to which reforms involved a mix of centralized decision making while balancing the interests of veto players from the PRI’s political base and from beyond Mexico – e.g. international organizations, such as the World Bank and global mining companies – becomes more contentious. In all of the four policy domains, the observed changes reflected an overarching goal by the PRI of economic transformation to unravel the existing corporatism and central economic planning that guided Mexican political economy for seventy years. However, each of the four areas of NRG were not targeted in uniform ways by the PRI Presidencies, based on the nuances of veto players and institutional legacies of each policy domain. As Mahoney and Thelen (2010) argue, institutional analysis must go beyond explanations based on “simply exogenous shocks or environmental shifts” and address the features and “change-permitting properties” that allow for actors to create change (3).

The largest change in the presidencies from 1988-2000 was clearly land tenure. Land tenure reform successfully fit commonlands rights within a market economic model dedicated to expanding the extractive frontier at the expense of the Constitution’s roots in radical agrarian reform. Through layering in social support programs for farmers, the mining sector was granted the legal mechanisms necessary for a new model of “free market mining” by 1992 (Tetreault 2016, 3). Combined with the steady increase in global commodity prices and expanding production in the mining sector, Mexico began to transform into one of the world’s leading mining jurisdictions from the mid 1990s through into the twenty-first century. This moved the influence and power over land tenure away from the rights of commonlands and *Ejido* governance towards the rights and authority of private industry. The national government also asserted more control over commands and *Ejido*s through the agrarian reform, which facilitated the expansion of privatized mining sector development in commonlands throughout the country.

Labour, while weakened in its contracts and overall support from the new PRI technocratic leadership, retained veto power through the enduring strength of the CT to veto reforms to the LFT. However, the small-scale farmer, dominating rural life across all 32 states, did not hold the same power over the party. Once the bulwark of the PRI base, under the project of modernization, the countryside was seen as an impediment to unlocking the economic potential of Mexico. Domestic mining bosses from the parastatal reaped the benefits of the privatization wave in mining, where deposits and existing projects were sold off at below-market rates in a capital strapped environment. This resulted in a concentration of mining in the hands of a few companies closely associated with the PRI. When the country opened to foreign investment, they were among the first beneficiaries of Canadian mining investment and new joint ventures. While *Los Mineros* survived the privatization wave and were able to work within the CT to block radical labour reform, their relative power and influence as strong veto players in the PRI corporatist structure was weakened gradually by the displacement of parastatal era contracts as new private ownership took over.

Despite the pressures to comply with components of the NAFTA agreement, many of these observed policy reforms predate economic continental integration. Such is the case in environmental policy, where a strong Executive mandate created the LGEEPA and asserted control over the environmental bureaucracy. The influence of the newly appointed natural scientists under Zedillo had limited resources and capacity to enforce their new regulations, which benefitted the PRI’s economic modernization agenda. The PRI underwent a shift in its leadership and in its goals to move the country into a new paradigm in the 1980s that increased the authority and influence of domestic entrepreneurs and capitalists associated with the private sector. While economic crisis in Mexico involved bail outs and support from the World Bank, IMF, and the United States, the transition from ISI to neoliberalism was not a project imposed from outside Mexico. Rather, it reflects a shift among the PRI leadership within an existing authoritarian structure to reform the economic model allow for foreign investment and support domestic oligopolies in existing industrial sectors, like mining. The institutional reforms of NRG from 1988-2000 comprise the legislative and regulatory foundations for neoliberal NRG in Mexico until the end of this study in 2018. The struggles in NRG after 2000 in the democratic era are rooted in the observations detailed in section II and serve as the basis for conflicts between the stakeholders involved in, or affected by, the activities of commercial, large-scale mining.

# Chapter 4 – “Unstoppable Participation:” foreign investment and democratic transition during Mexico’s mining decade, 2000-2012

Introduction

This Chapter explains changes in NRG during the two presidential administrations immediately following Mexico’s first electoral transition of power to an opposition party in seventy years: President Vicente Fox (2000-2006) and Felipe Calderón (2006-2012). While the global commodity super cycle was fuelled in part by increased global demand, I argue in this Chapter that it was the active intervention in NRG by mining industry technical experts that created Mexico’s reputation as one of the most open markets – with some of the best geological potential for mining – in the world. Further, I argue that the combination of high prices and the transfer of political authority from the PRI to the PAN created the conditions for the increased influence of mining industry ideas and interests into the existing national bureaucratic entities of NRG.

I find evidence of this increased influence through the examination of reforms to key ministries and laws, as well as the creation of new programs related to mining exploration. These observations explain that CAMIMEX successfully increased their influence over regulations and policy setting at the federal level via the entry of mining experts into the PAN bureaucracy and via routine interactions with the PAN party members of congress. Therefore, CAMIMEX has successfully constrained both weak stakeholders and strong veto players from civil society through their success in working with the PAN to create a mining bureaucracy consistent with free market mining practices. This increase in free market policies occurred at a time when other Latin American countries were creating nationalist NRG models to capitalize on the commodity super cycle.

I explain that NRG reforms were significant in three of four policy domains across this twelve-year period, which were implemented through layering and conversion to ultimately benefit domestic mining companies and foreign mining investors. The PAN took over institutions that were created by the PRI, such as PROCEDE (the *Ejido* land titling program), SEMARNAP, and a slowly eroding tripartite system that involved the CT and CTM on key issues of labour policy. The carryover of these institutional structures – and the actors that are crucial to their administrative functions – came with important legacies that weakened the PAN’s ability to challenge strong veto players in attempts to reform certain policies of NRG, mainly labour policy. Of the four within-case observations of policy change, land tenure was the most significantly impacted NRG domain. Land tenure involved the conversion of existing concession systems for mining titles to greatly streamline and facilitate more access to the subsoil by foreign exploration firms. Second to land tenure, the easing of foreign investment tax burdens for Canadian-based companies was specifically done through a combination of displacement of old fiscal policy and layering in new taxation rules to encourage the ongoing entry of Canadian mining capital and Canadian-based exploration firms to invest in Mexico’s mining sector. The layering of new environmental policies onto the existing structures of SEMARNAP – renamed The Ministry of Environment and Natural Resources (Secretaría del Medio Ambiente y Recursos Naturales, SEMARNAT) in 2000 under President Fox – were intended to create investor clarity regarding the regulations of mining. The endurance of labour power remained a strong veto player within the PRI, which created legislative constraints for the PAN to advance their overhaul of labour law in Congress.

There is not linear change in NRG across the four policy areas that is commonly argued in the study of these presidencies by democratization and diffusion scholarship. I build upon these studies in this Chapter by examining the policy legacies of NRG in mining from 2000-2012. For example, in Mexican democratization scholarship, some have argued that the ascendance of the PAN and PRD to challenge the PRI in Federal and subnational elections has led to increased civil society participation in NRG and environmental affairs in the lead up to and after the victory of the PAN in 2000 (e.g. Grindle 2007 127; Shirk 2005, 180). Others have said that subnational authoritarianism has constrained NRG participation (e.g., Benton 2016; Paley (2014). These studies are useful insofar as they draw conclusions based on subnational studies that have more to do with local context than with the outcomes related to national policy change of guiding legislation, laws, and policies of NRG.[[60]](#footnote-60) Similarly, diffusion arguments attribute changes to the insatiable demand by foreign mining companies for access to the Mexican subsoil (Cárdenas 2013 39; Studnicki-Gizbert 2017, 33). However, changes to NRG from 2000-2012 reflect the PAN’s long-standing ambition to increase mineral production in partnership with foreign capital investment and foreign exploration. The lack of uniform, linear change across all four domains is important because much of the literature on NRG of the mining sector overlook the policy process at the fine-grained level of institutional change at the policy domain level of national policy processes.

I begin the Chapter with detailed overview of the commodity super cycle, wider political changes in Mexico from 2000-2012, including various stages of changing the federal public bureaucracy and the judicial reforms. In section II, I apply the within-case analysis of the observed policy events in each of the four domains of NRG. Finally, I compare within the presidencies across the policy domains.

# Section I – Overview of political economy (2000-2012)

## Globalization and commodity super cycle

The commodity super cycle of the first decade and a half of the twenty-first century is a central exogenous factor that fueled the expansion of mining in Mexico. High prices for commodities such as copper, gold, iron ore, and silver contributed to the rapid ascension of the influence of the mining sector in the policy domains of Mexican NRG and is, therefore, important context. In the Global South more broadly, particularly in Latin America where almost half of total FDI (43%) is in natural resources, the rise in prices resulted in a historical opportunity for economic development and the expansion of social services for cash-strapped governments (CEPAL 2011; Haarstad 2012). Figure 8 shows the dramatic rise of global prices between 2000-2012 in Mexico’s four largest mineral exports: copper, gold, iron ore, and silver.

### Figure 8. global prices of copper, gold, iron ore, and silver (USD), 2000-2012

A graph of different types of prices

Description automatically generated with medium confidence

Sources: Author’s own illustration using data from Macrotrends n.d.; World Bank 2023.

Between 2004-2011, rents collected from the mining sector in Latin America quadrupled, and in some countries, these amounts were large percentages of GDP, ranging from 33% to 65%, which funded social development and boosted investments into developing other economic sectors (Buitrón Cañadas, Borja, Cáceres, and Hayes 2023, 4). Countries such as Bolivia, Brazil, Ecuador, and Venezuela attempted to reconcile historical asymmetrical relationships, such as between the rural as the primary site of resource extraction and the urban as the dominant recipient of taxes and royalties (Acosta 2011). Additionally, Bolivia and Ecuador also committed to using rents from mining and oil and gas extraction to elevate the organizational capacities and influence of indigenous and environmental groups in shaping public policy (Acosta 2011). While opportunities for improved development outcomes became a reality for many mineral-rich nations based on bullish commodity markets in the early 2000s, the increase in prices also illuminated the economic risk of resource dependency in the wider global context of trade agreements and investor rights to market access (Helwege 2015, 75).

The fully-privatized ownership structure and low royalty framework of the mining industry in Mexico during the commodity super cycle was different than many other resource developments model of their rent-seeking and resource nationalist neighbours elsewhere in Latin America. Despite rising prices in mining, Mexico’s national economic model remained committed to the neoliberalization pivot established in the previous decade. The shift in NRG away from community rights and towards private sector mining companies, along with the compliance with international investment norms created the institutional certainty that mining firms desire to build the confidence in Mexico as a pro-mining jurisdiction, despite the large swaths of communities across the country with economic and social needs that are at odds with the sector. The long history of mineral production in Mexico, combined with a mineral rights regime favouring private mining capital, and a long track record of logistical capacity for large scale production and transportation, resulted in a dramatic increase of FDI in the first decade of the twenty-first century.[[61]](#footnote-61) Between 2001 and 2012, the mining sector had a trade surplus of $12.6 billion USD, driven by higher commodity prices (Delgado Ramos, 2017, 3). The government during this time also gradually eliminated lingering parastatal-era deficits from the 1980s (Delgado Ramos, 2017, 3). The commodity super cycle was important in shifting the power of state and community rights over natural resources to the private sector because the rising price environment provided ample power and influence within the government and policy making sphere for mining companies to show their inherent value to the country. By 2011, the mining industry was the second most productive sector in the country, only after income generated by oil, making mining the largest private investor and the country's largest employer (Cámara Minera Mexicana 2012, 26). With the lone exception of the oil and gas industry, which were government-owned, attracting private investment across all sectors remained the overarching goal of the PAN government after assuming Presidential power in 2000 (Gobierno de los Estados Unidos Mexicanos Presidencia de la República 2001, 62).

## Democratization

### The Presidential election of 2000

The election of the PAN’s Vicente Fox in 2000 was a major watershed event in Mexican politics because it introduced a new paradigm in governing style and ideology. The PAN’s victory marked an acceleration of political liberalization, contributing to the weakening of the PRI’s corporatist relationships with organized labour in urban centres and rural campesinos. This began in 1997 with the PRI’s loss of congressional power under Ernesto Zedillo in 1997, which shifted the political balance of power away from the executive and towards increasing importance of the legislative and judicial branches (Zamora and Cossío 2006).[[62]](#footnote-62) The transition to a new party in the presidency for the first time in seventy years affected the policy process because most bureaucratic and administrative institutions were acquiescent to the PRI-led executive branch since 1929 (Langston 2017, 178). The ideational history of the PAN is rooted in a conservative Catholicism and anti-government sentiment that pre-dates neoliberal structural adjustment by several decades (Shirk 2005, 72). The policy agenda under Vicente Fox was shaped by the pro-business ideology of the PAN, that has roots in the Central and Northern states of the country where private industry and large-scale mining has been historically concentrated (Shirk 2005, 63). The changes under the PAN favoured mining capital and investor rights to natural resources over the interests of rural communities that once participated in PRI-led corporatist system. The PAN, therefore, were fulfilling a long-standing initiative to undo the PRI corporatism while working with the technocratic elements of the PRI that developed during the Salinas and Zedillo years.

In the Presidential election of 2000, of the five states with the highest total mining production that year – Chihuahua, Coahuila, Mexico State, Sonora, and Zacatecas – all but Zacatecas voted for the PAN (Instituto Nacional Electoral 2015; Consejo de Recursos Minerales 2001).[[63]](#footnote-63) The long ideological and regional history of the PAN thus challenges the theory that the PAN were fulfilling an externally imposed ideology, such as the Washington Consensus, because there was already a broad consensus within the PAN that aligned closely with pro-market ideas and neoliberal globalization. Section II will further demonstrate that, while the PAN’s ideological roots are not created from diffusive pressures, there was a broad alignment in national policy goals between the part and the mining sector, including the deepening of neoliberal reforms to continue attracting foreign investment into the mining sector. To achieve these goals, there was a complex political balance in Congress that had to be achieved in order to push through the PAN’s reform agenda. Lacking a majority in Congress, the PAN needed to rely on interparty relationships, which are important to highlight because they impacted the PAN’s ability to pursue specific policy actions to change NRG in favour of the mining industry.

The PAN years show a consistent use of informal policy coalitions by courting market-friendly blocs within the PRI to pass key legislation (Kerevel and Bárcena Juárez 2022, 13; Pastor and Wise 2005, 141). The Chamber of Deputies was fractious throughout the administrations of Fox (200-2006) and Calderón (2006-2012), which undermined the reform efforts of the PAN (Cejudo 2007, 14). Table three details the congressional legislatures between 2000-2012:

### Table 3. Congressional power sharing, 2000-2012

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Legislative Term | Congressional Party with Plurality | President in Power | Years | Coalition formation |
| LVIII | PRI | Fox | 2000-2003 | Ad Hoc |
| LIX | PRI | Fox | 2003-2006 | Ad Hoc |
| LX | PAN | Calderón | 2006-2009 | PRI-PAN |
| LXI | PRI | Calderón | 2009-2012 | PRI-PAN |

Source: Author’s own elaboration.

Three of the four legislative terms were not controlled by the PAN, and the PRI were the main party from which the PAN could cobble together informal voting blocs to advance Congressional bills and presidential bills (Estudio Nacional Electoral 2021a; Kerevel and Bárcena Juárez 2022, 13). According to one interview, during the PAN governments from 2000-2012, the PRI-PAN bloc voted together on issues of NRG and “rejected any reforms considered to be nationalist, or towards nationalization in any way” (Jaime Cárdenas, Interview, November 3, 2022).[[64]](#footnote-64) The PAN considered any policy seeking to increase state control over the economy as a step backwards toward the PRI’s authoritarian rule. Given the neoliberal reform era that was kickstarted by a new generation of PRI leadership, sufficient numbers of PRI Deputies were ready to support the PAN in Congress on an ad hoc basis for bills relating to pro-market legislation.

### Private sector stakeholders overtake bureaucracy

The distribution of authority from public and parastatal entities towards the private sector in NRG was an explicit and central goal of the Fox administration. President Fox was determined to establish a pro-business environment that would shake the clientelist foundations of government public administration, including the main ministries that oversee key policy areas related to NRG (Pacheco-Vega 2018, 104). Following the debt crisis of 1982, the PAN gradually recruited economic leaders and disillusioned pro-business members of the PRI (Caulfield 2012). The rise of the PAN as a legitimate opposition power, with resources for funding local elections and making inroads at the national level, capitalized on the nationalization of private banks in 1982, which led to a private sector backlash and a shift of financing and electoral support of PRI detractors towards the PAN (Caulfield 2010; Middlebrook 2001). Private sector actors started to run for political office for the PAN, which brought in new perspectives and beliefs about public administration and governance (Shirk 2005, 187). The Fox Administration hired and recruited people with managerial experience in the private sector as a core principle of governance to undo PRI hegemony. Of Fox’s top fifty-two appointees across the Ministries within the Executive Cabinet, 75% had no official party affiliation, and 8% came from other parties (Shirk 2005, 189). For example, Fox appointed Jaime Cristóbal Jaquez, a 12-year corporate manager of Coca-Cola Mexico’s soft drink and water division, as National Water Commissioner.[[65]](#footnote-65) Fox’s recruitment patterns were ostensibly non-partisan and tended to favour people with private sector experience (Shirk 2005, 194). Still, there were many examples where he continued to court PRI corporatist factions and made appointments from the pre-existing PRI apparatus.

As mentioned, the PAN has cultural, ideological, and organizational roots in Northern and Central Mexico’s most mining-intensive states. COPARMEX, the long-standing pro-market advocacy group, built an extensive network of technocratic-oriented bureaucrats that led and staffed government ministries from the PRI-technocratic era and into the PAN era (Caulfield 2010, 86). They were primarily, but not exclusively, trained in private universities, such as the ITAM in Mexico City, the Monterrey Institute of Technology and Higher Education (Instituto Tecnológico y de Estudios Superiores de Monterrey), and the Autonomous University of Nuevo León (Universidad Autónoma de Nuevo León) (Chand 2001, 115; Shirk 2005). These universities produce many of the country’s geologists, engineers, and other technical specialists that operate the country’s mining industry and appear on the lists of top-ranked programs for mining engineering in Mexico (Juan Alonso Ramírez Fernández, Interview, September 12, 2022). Overtime, the ability of COPARMEX to gain more of a footing in Mexican public policy has also come with more mining experts entering positions within agencies of NRG. As the observations in the land tenure section will show, these specialists become key agents of change in NRG via their permeation of existing NRG institutions.

### Human rights constitutional reforms

The victory of the PAN in the Presidential elections of 2000 also fuelled the separation of powers between the executive, legislative, and judicial branches. The Calderón Administration in 2008 created new pathways for communities and mining firms to contest violations by mining companies on constitutional grounds.[[66]](#footnote-66) The reforms were carried out to align Mexico with international law and legal practices that were the result of years of civil society mobilization putting pressure on the national government to address widespread abuses by the military and police forces that spiked during the Mérida Initiative, Calderón’s U.S.-funded war on drugs (Paley 2014, 6). Many of these abuses occurred alongside mining operations across the country (Sol Pérez Jiménez, Interview, October 14, 2022). These reforms to the Constitution and to human rights legislation under Felipe Calderón are important background considerations because the concurrent history of violence and social crisis in Mexico is unfolding at the same time as the change in NRG. Both phenomena involve a range of non-state actors that vie for influence and voice in the policy process. These reforms also are part of a gradual unravelling of an extensive web of PRI patronage that included police, judges, governors, mayors, and bureaucrats that no longer operated with impunity under the PAN government (Correa-Cabrera 2017, 88; Payan and Correa-Cabrera 2016).[[67]](#footnote-67) While process tracing of the human rights legislation during this time are exogenous to the NRG framework, and therefore do not apply to this analysis, the wider social elements of the public security crisis under President Calderón are important context in how communities access legal pathway to contest mining projects.[[68]](#footnote-68) These changes set the precedent for later constitutional reforms in 2011 by President Calderón that strengthened the *Amparo* Law, a mechanism of civil law used to block new policies on the grounds of unconstitutionality, which can be brought forth by any Mexican (Diario Oficial de la Federación 2011).[[69]](#footnote-69) The later judicial reform signed into law by President Peña Nieto (2012-2018) in principle made the justice system more responsive to human rights violations, including in mining communities. Many citizens file *Amparos* because there is not enough legal justification for the government’s action (Jaime Cárdenas, Interview, November 3, 2022). Indigenous groups and communities use the *Amparo* Law to oppose extractive projects.[[70]](#footnote-70) These constitutional changes did not directly change NRG as I understand them within four-policy domain analysis, but it is important context for the emerging pathways for directly impacted communities and anti-mining groups to contest extraction projects.[[71]](#footnote-71)

The aforementioned context and events in the political economy of Mexico under Presidents Fox and Calderón helps situate the observed changes to the four policy domains of NRG. The significant changes in the wider context of Mexican politics at this time help explain why the institutional continuities of the PRI after 2000, as well as the shifting distribution of influence and authority by different veto players in the mining industry, help advance my theory of change in NRG. Furthermore, the rising global prices in minerals during the first decade of the twenty-first century are also important for the institutional breaks and continuities in Mexico’s relatively nascent privatized mining sector. Following these contextual elements of wider Mexican political economy during this time, Table 4 summarizes the main observations and findings from 2000-2012 that will follow in Section II.

### Table 4. summary of observations and findings, 2000-2012

|  |  |  |  |
| --- | --- | --- | --- |
| **NRG Domain** | **Observation** | **Outcome** | **Explanation** |
| Land Tenure | National Mining Development Program (2001-2007) | Conversion of existing mining bureaucratic mandates to expand concessions | Technical departments were restructured by Fox Presidency, on the advice of mining industry, to shift priority to concession mapping over regulatory and environmental topics. |
| Land Tenure | Government supported mining concession expansion (2011) | Conversion of existing geological analysis and cartographic systems for discovering new mineral deposits | Federal government resources increased by 300%, driven by Calderón Presidency and increased lobbying from CAMIMEX. |
| Environmental Policy | Environmental impact assessments reforms | Layering of new additions to existing legislation (SEMARNAT Norm 120) | Regulations to clarify where mining can occur. CAMIMEX targets specific legislation to increase investor confidence in Mexico. Began to participate in policy discussions annually |
| Environmental Policy | National Water Plan (2007) | Layering of new Executive-decreed initiatives into existing legislation to give mining increased control of water infrastructure | Calderón appointed a CONAGUA director from the mining sector who helped develop a new initiative for public-private partnerships in water provision. Funded these efforts and provided grant to industry |
| Labour Policy | Abascal Project | A failed attempt by the Fox government to displace influence of PRI-aligned corporatist unions and independent industrial unions | Congressional constraint and PRI support of unions ultimately led to dissolution of the PAN effort |
| Labour Policy | Pasta de Conchos disaster, high commodity prices, and strike activity | Conversion (inconclusive in relation to NRG, labour policy). Changing conditions in labour dynamics in mining sector. SNTMMSSRM able to increase wages, membership sector-wide. | Conditions in labour dynamics in mining sector maintained the strong veto players status of *Los Mineros* strong veto players in the mining sector. The Pasta de Conchos coal mine explosion killed 65 people, leading to rolling strikes. To counter contagion of miners to join the union, wages increased for company unions and non-unionized workers. |
| Labour Policy | Labour Law flexibilization | Layering of labour contract practices and bargaining timelines through allowance of subcontracting | Inability to overhaul LFT led PAN to focus on incremental changes through small adjustments in existing institutions. Labour, despite PAN’s effort to weaken CT and other unions, remained strong veto players and blocked larger legislative overhauls through PRI alliances in Congress. |
| Regulation of Capital | Tax reform (2007) | Displacement of tax policy on Canadian mining for a new policy. Eliminated double-tax burden on Canadian mining companies, which diminished revenue collection by Federal Government of Mexico. | The influence of CAMIMEX over Federal fiscal policy aimed to support foreign mining companies, who are the main entities in exploration. |
| Regulation of Capital | Failed fiscal reforms in LXI legislature | A failed attempt of displacement of mining taxation. | The PRI sought to add clauses to increase the fiscal burden for companies. Without the power in the Congressional economic committee, they could not fulfill the mandate. |

Source: Compiled by Author

Following this consideration of the context of democratic shifts and global economic pressures, I now turn to the analysis of the observed policy events during the Fox and Calderón Presidencies in detail.

# SECTION II – change in NRG, within-case analysis of each policy domain

## Land tenure

From 2000-2012, I observe no major changes to the formal legislation and laws governing land tenure, which indicates a period of policy stability for land tenure when compared to other policy domains under Presidents Salinas and Zedillo (1988-2000). However, significant administrative shifts during the PAN presidencies deepened the reforms of President Salinas in 1992. Namely, the PAN continued shifting the distribution of authority over the subsoil from community rights to private sector interests to expand mining concessions throughout the country. In 2001, roughly half of *Ejido*s had been certified with PROCEDE, and the Fox Administration was committed to fulfilling the objective of titling as much of the commonlands as possible (Vázquez Castillo 2004, 176). In 2007, the census report by PROCEDE showed that the distribution of authority in land rights had firmly shifted to private ownership and subsurface entitlements to mining concessions (INEGI 2008). By 2008, INEGI released the government’s final report on the roll out of PROCEDE via the *Ejido* Census of 2007, showing that 92% of the commonlands – *Ejidos* and *comunidades* – had been successfully registered and titled (De Janvry, Gonzalez-Navarro, and Sadoulet 2014, 218; INEGI 2008). PROCEDE was instrumental in the process of marginalizing commonlands over other land uses to the direct benefit of private capital and primary natural resource sectors, including the mining industry. As the following section will discuss, the expansion of the concession regime in land tenure represents conversion of existing institutions and federal control over the commons to the benefit of international mining investment.

Land titling was central to the PAN’s goal of expanding mining and attracting foreign investment for future mineral exploration. In their 2006 report, in a section entitled “challenges and obstacles,” CAMIMEX states,

“Ejidatarios and commoners have a de facto conceptualization of property rights and the concept of ownership by legal right is secondary to them. They do not know, nor understand, that surface property rights are independent of the ownership of the subsoil…This ignorance of the law frequently generates confrontations between local communities and concessionaires.” (Cámara Minera Mexicana 2006, 10).[[72]](#footnote-72)

Certifying as many *Ejido*s as possible through PROCEDE facilitated a policy shift to distribute authority away from community rights and state oversight to private property rights. The outcomes of the land reforms during the PRI reform era were starting to take root in areas where PROCEDE was either not carried out in its entirety, or in cases where it was, but communities remain united in their opposition to mining. Mining interests still benefitted from the public utility clause of Article 6 of the Mining Law, which allowed for miners to occupy lands in cases of land contestation. As I discussed in Chapter 3, The Mining Law’s strength in overriding the protection of the commons is an example of layering, wherein in the Constitutional rights of commonlands remain, but have been weakened relative to the power of legal applications of laws granting legal supremacy to mining activities. Ultimately, this weakened the power of communities and other economic activities relative to the power of mining, which had become central to the PAN’s economic vision to grow Mexico’s economic competitiveness and “foster better exploitation of mineral deposits” (Gobierno de los Estados Unidos Mexicanos Presidencia de la República 2001, 111).[[73]](#footnote-73) Through the combination of the completion of PROCEDE, and the enhanced resources and technical capacities of the federal mining bureaucracy that are explained in the following section, the national government increased their knowledge of mineral deposits and land surveys for mining use, specifically. The PAN’s continuation of the land titling program is an important institutional legacy of the neoliberal era of Presidents Salinas and Zedillo, who had implemented this program in order to transform Mexico’s rural economy.

### National Mining Development Program (2001-2006)

At the onset of the PAN government, President Fox shifted land tenure towards the benefit of large-scale domestic and international miners through the Mining Development Program. This entailed enhancing the capacity of public institutions to better identify mineral deposits in Mexico to expand mineral exploration across the country. Among seven main problems identified, the miners in charge of the plan pointed to “legal complications in temporary occupations, easements and expropriations that are granted to mining concessionaires” (Secretaría de Economía 2003, n.p.).[[74]](#footnote-74) A second, related problem identified was the exclusion of protected natural areas from allowing mining (Secretaría de Economía 2003, n.p.). On March 23, 2001, the National Mining Development Program was launched within the larger National Development Plan. The program prioritizes concession expansion over other technical concerns regarding land use and conservation (Secretaría de Economía 2003, n.p.).

In conjunction with the National Mining Development Program of 2001-2006, the Mexican Mining Council (Consejo de Recursos Minerales) – was renamed to the Mexican Geological Service (Servicio Geológico Mexicano, SGM). Prior to this reform, the Mexican Mining Council was not in the Executive Cabinet and was an autonomous regulatory body in the Ministry of Energy (Consejo de Recursos Minerales 2003). The change to the SGM reflects the deepening of the mining sector’s participation in the economy and in the policy making sphere related to the mining appendages housed under the Ministry of the Economy in the Executive Cabinet. The plan was developed at a multistakeholder forum in Zacatecas led by mining producers and was attended by academics, technical experts from industry, and state government authorities. Notable is the omission of directly impacted mining communities, NGOs, or Indigenous communities (Secretaría de Economía 2003, n.p.). On February 28, 2004, the Chamber of Deputies formally approved the name change from the Mexican Mining Council to the SGM via an amendment to the Mining Law of 1992 (Diario Oficial de la Federación 2005a). This change was enacted by the Fox Administration to better reflect the goals of Article 9 of the Mining Law, which promotes the government’s commitment to expand the discovery and harvesting of mineral resources (Servicio Geológico Mexicano 2012, 4). A second modification in 2005 to the Mining Law added a clause prioritizing on geoscience by making the SGM “the leading institution in geosciences that actively participates in the economic and social development of the country” (Servicio Geológico Mexicano 2012, 5).[[75]](#footnote-75) This placed the SGM in a high-level of the Executive Cabinet via its position in the Ministry of the Economy and was housed in the General Mining Directorate (Dirección General de Minas, DGM), which coordinates and leads the disparate sub-agencies of the federal mining bureaucracy. The shift toward more executive attention to promotion of the technical capacity building of the national mining bureaucracy represents conversion of long-standing institutions. In this case, the SGM’s change in status via the National Mining Development Program of 2001-2006 was a redeployment of existing capacities towards greater coordination between the economic aspirations of the PAN and the technical management of the mining sector under the changing conditions of increased mining production and rising commodity prices.

The DGM employed technical specialists who, along with promoting mining, were also responsible for helping to develop regulations and standards related to data on land use and land delineation between mining concessions, protected areas, and other zoning considerations (Diario Oficial de la Federación 2005a). Previous studies of Mexico’s concession granting process and administrative capacities in the mining bureaucracy have identified capacity challenges in the DGM that leads to administrative error and granting of concession permits that exceed the required land size, which ultimately favours mining companies at the expense of other land uses (Morosin 2020, 922; Tetreault 2015, 53). Several interviews with former mining bureaucrats from the PAN governments noted that the interest in the Executive Cabinet in expanding concessions and mining permits did not come with the resources needed to allow the DGM to fulfill its expanded mandate of administering mining concessions and tracking other land uses.[[76]](#footnote-76) The DGM during the Fox Administration advocated within the Executive Cabinet and the Ministry of the Economy for increased funding, independence, and authority – similar to ministerial status such as SEMARANT – in order to assert greater technical capacity over decisions of granting or restricting mining concessions based on physical characteristics of the surveyed land, including groundwater resources and other land use considerations that would be important for other land uses (Karen Flores, Interview, August 30, 2022).[[77]](#footnote-77) Despite the concerns of DGM employees about the impacts of mining concession expansions, the large-scale mining operations continued to expand and dominate large swaths of the countryside (Luis Eduardo Gómez García, Interview, September 22, 2022).[[78]](#footnote-78) Ultimately, the requests by the DGM for more capacity to determine zoning between mining concessions and other land tenure was not elevated to a policy formulation level by political actors and was instead blocked at the level of internal discussions by Cabinet members (Francisco Javier Guevara García, Interview, October 18, 2022). This effort to secure technically informed regulatory oversight over land tenure in mining zones reflects a conversion of the institutional power granted to mining specialists in the mining bureaucracy towards the pro-industry interests of the Ministry of the Economy and larger pro-markets aspirations for the country as a whole. The lack of enhancing the regulatory functions of mining technical specialists represents conversion of the technical agencies tasked with overseeing mining, whereby the expansions of concessions became a priority, without the regulatory oversight keeping pace. The National Mining Development plan, and the blocking of expanding technical oversight into regulatory areas, reflects a general disinterest by the Fox government in strengthening the regulation of industrial practices vis-a-vis land-based environmental concern and a clear preference for expansion of the mining concession regime.

### Government-supported mining concession expansion

Mining exploration concessions grew exponentially during the Presidencies of Fox and Calderón and was an active joint-project between the Executive and the national mining capitalist class. Expansion of the concession regime was carried out via PAN government officials, PAN politicians, and with close support from business associations throughout Mexico, namely COPARMEX and CAMIMEX.[[79]](#footnote-79) Prior to 2000, 43,5000,000 hectares of concessions existed, comprising 22.2% of total national territory (Peréz Jiménez 2023, 19). President Fox added 24,900,000 hectares, a further 12.7% of total national territory designated as a mining concession, while Calderón added another 35,500,000 hectares, an 18.1% increase, bringing the total amount of national territory delineated for mining exploration to 53% of national territory (Peréz Jiménez 2023, 19). According to the SGM, by 2012, slightly more than 15% of the national surface territory of Mexico was delineated as an active mining concession, meaning active exploration, drilling, or production (Servicio Geológico Mexicano 2013). However, there are a range of interpretations of the different categories of concessions – such as the differences between granted concessions and yet-to-be explored allocations (called *asignaciones*, in Spanish) – that allow for different measurements of the extent to which mining has taken over the country.[[80]](#footnote-80) The expansion of mining was reflective of a decades-long shift in the institutional power of mining bosses within the PAN party.[[81]](#footnote-81) Evidence does not suggest that external actors imposed this shift in NRG. Instead, evidence suggests that this change is a national capitalist project, fulfilled by the PAN and with willing international partners.

Following Fox’s expansion of exploration concessions, President Calderón also supported mining by conversion, through the use of financial resources and technical capacities of the SGM and DGM. In his National Mining Development Program (2007-2012), he increased investments 300% from the previous National Mining Development Program of 2001-2006 (El Informador 2008; El Siglo de Torreón 2008). For example, in 2011, Calderón approved the launch of an ambitious digital upgrading of the national geological cartography housed in the DGM to enhance the technical understandings of the mining geology and geophysical characteristics of the national territory (Servicio Geológico Mexicano 2012, 27). The outcomes of these technical upgrades in the first year alone was the addition of 420 areas zoned for mining, of which 47 were converted to approved concessions (Servicio Geológico Mexicano 2012, 27). Mining industry executives and technical experts were supportive of this investment by the national government, and in interviews, several people suggested that it improved the reporting and transparency of the transactions of concessions and the geological discoveries that struggled under a lack of support during the Fox Administration.[[82]](#footnote-82) Mapping of national geological endowments helped establish the lands available and of interest to mining companies, which involved fieldwork conducted by public state universities, such as the Autonomous University of Nuevo Leon (Juan Alonso Ramírez Fernández, Interview, September 12, 2022). The upgrading of the DGM’s technical capacities in land surveying, combined with increased leasing of concessions to private, mostly foreign mining exploration firms, was part of the push to make Mexico a world leader in mining production. The PAN, through conversion, redeployed existing institutions – the DGM, SGM, and publicly funded universities to redirect resources for the expansion of mining exploration throughout the country.

## 

## Environmental policy

I now turn to the main observed changes in the domain of environmental policy. In the previous Chapter, I discussed the important changes that Presidents Salinas and Zedillo implemented in the late 1990s. These changes involved the introduction of many of the main environmental laws governing mining and primary industries, broadly defined. One lawyer specialized in environmental case law interviewed noted that, “an enormous challenge is how the law operates, because there are extensive laws in writing, but in reality, they are poorly and unevenly applied so they don’t always operate well” (Anonymous Human Rights Lawyer #1, Interview, November 1, 2022).[[83]](#footnote-83) In this section, following a brief discussion of the broader context of environmental politics from 2000-2012, I focus on the major policy events in written laws and consider their application in the regulation of mining. Evidence shows that environmental policy change was not necessarily caused by government interest in increasing democratic representation of environmentalists or based on diffusion pressures to catch up their standards to the neighbouring U.S. or other Latin American states. As the following policy events show, I argue that the changes were designed to maintain investor confidence in the expansion of the mining industry at a time of historically high prices and rapid expansion of mineral exploration throughout Mexico.

The democratic transition of 2000 is important context for understanding the broader environmental bureaucracy housed in SEMARNAT, which was at times used as a political tool by President Fox (Gallagher 2004, 65; Pacheco-Vega 2018, 104; Sandra Denise Herrera Flores, Interview, November 9, 2022). In an interview with the former subsecretary of SEMARNAT’s Environmental Regulation office (2006-2012), she noted that the PAN administrations were known for frequent Cabinet shuffles as part of a larger strategy of alliance-making with other political parties and would target SEMARNAT leadership.[[84]](#footnote-84) For example, in 2000, the PVED created a Congressional alliance with the PAN in exchange for Executive Cabinet appointments (Díez 2006, 152).[[85]](#footnote-85) Instead of rebuilding SEMARNAT, the ministry continued to be influenced by the Group of 25 (Grúpo 25, G25), an environmental alliance of early SEMARNAP natural scientists that Zedillo had appointed into key positions in SEMARNAT in the late 1990s. The continuity signalled a quasi-continuity of PRI-led environmental ideas (Díez 2006, 153; Nashieli González Pacheco, Interview, November 29, 2022). However, there were often tensions, due to a combination of leftover natural sciences-trained intelligentsia and the new executive-appointed SEMARNAT leadership, who were hired to imbue the ministry with PAN principles of market-oriented business models of administrative management (Díez 2006, 156; Shirk 2005, 177).[[86]](#footnote-86) Dr. Victor Lichtinger, a member of the G25, replaced Julia Carabias as the head of SEMARNAT and served from 2000-2003.[[87]](#footnote-87) Prior to his appointment and as a trained economist, he was Involved in NAFTA negotiations, particularly the trilateral negotiations to codify environmental provisions in the NAAEC (Díez 2006, 152; Nashieli González Pacheco, Interview, November 29, 2022). He fused the National Development Plan of President Fox with the National Environmental Program from 2001-2006 by incorporating sustainability narratives into fourteen of the national ministries in President Fox’s Executive Cabinet (López Vallejo 2013, 110). Environmental discourse became a window-dressing exercise for the PAN to obscure the aggressive expansion of mining. In interviews with former leadership from CONAGUA and SEMARNAT, interviewees noted that climate commitments were a central element of the PAN government’s international engagements but lagged behind in mining regulations and terrestrial laws relating to waste and closure of mine projects.[[88]](#footnote-88) [[89]](#footnote-89) [[90]](#footnote-90) I now turn to the specific policy actions related to mining in environmental policy.

### Environmental impact assessment reform and natural protected areas

Several interviews with government, industry experts, and an environmental NGO legal specialist asserted that while the PAN presidencies failed to substantively enforce mining-related environmental policies, they prioritized improving the perception that Mexico’s environmental legal and regulatory frameworks were predictable and easy to follow by foreign investors.[[91]](#footnote-91) During the Calderón Presidency, this was achieved by increasing the correspondence and collaboration between CAMIMEX and federal lawmakers. For example, during the PAN presidencies, CAMIMEX began meeting several times a year with SEMARNAT leadership, including participating in the “interexchange of experiences workshop PROFEPA-SEMARNAT-CONAGUA-CAMIMEX” that was started in 2002 (Cámara Minera Mexicana 2007, 18).[[92]](#footnote-92) In 2007, this workshop was attended by over 100 people split 60% from the public service and 40% from mining companies (Cámara Minera Mexicana 2007, 18). Much like the report from the National Mining Development Program (2003), there is a noticeable absence of directly-impacted mining communities and Indigenous groups.

CAMIMEX also would meet with state level agencies of SEMARNAT, as well as members of Congress (Cámara Minera Mexicana 2006; Cámara Minera Mexicana 2012). The CAMIMEX Legislative Liaison Committee met with thirteen different legislators in 2006 as part of their strategy to increase meetings with legislators from mining states to showcase the organized and cohesive nature of mining interests in the policy reform process of legislation regulating extraction and NRG (Cámara Minera Mexicana 2007, 37). In 2009, Raúl Noguez Rios, President of the Working Committee for the Water Commission and Legislative Liaison of CAMIMEX, wrote:

“Frequent changes in the regulations of major environmental and labour reforms create uncertainty in the interpretation, compliance, and application of many of provisions…creating a lack of certainty and difficulty in performing the necessary changes. (2009, 36).”[[93]](#footnote-93)

SEMARNAT, under the auspice of the Executive Cabinet’s goal to increase investment in Mexico’s mining industry, fulfilled these commitments during the PAN Presidencies (Gobierno de los Estados Unidos Mexicanos Presidencia de la República 2001). From 2009-2012, CAMIMEX reported that Mexico moved from the sixth position to the fourth most attractive mining jurisdiction for foreign investment, behind Australia, Canada, and the U.S., also making it the most attractive jurisdiction in Latin America (Cámara Minera Mexicana 2013). One industry expert attributed the increase in investment attractiveness to the collaboration between CAMIMEX and the Federal Executive (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022; Ramírez 2012). For the mining industry, a robust and predictable regulatory environment increased compliance, and in turn, attracted capital due to the minimization of contingencies that would increase investor risk. Contrary to competition diffusion theory, which assumes increased private capital investment is accelerated by deregulation, consistent, predicable regulatory adjustments in Mexico during this time was perceived by industry as helping increase investor confidence in Mexican mining projects.

One interviewee suggested that the PAN approach to commit to climate targets while not addressing terrestrial environmental regulations was a part of a “double discourse” in cases of environmental concern, but at the same time, the expansion of protected areas still rubs up against federal law that grants supremacy of industry to certain industrial uses. Their argument based on this lack of clarity was that protected areas in mining states become “banks of materials” for later exploitation (Anonymous Human Rights Lawyer #1, Interview, November 1, 2022).[[94]](#footnote-94) As discussed in the land tenure section, the National Mining Development Program of 2001-2006 identified the unclear delineation of mining adjacent to protected areas – known as “buffer zones” (*zonas de amortiguamiento*) – as a key hurdle to the growth of the mining industry (Secretaría de Economía 2003, n.p.). The outcome from that plan was that protected natural areas (*áreas naturales protegidas*) in mining intensive states were to be better delineated from mining concessions in order to provide more clarity to the DGM and to mining exploration firms (Secretaría de Economía 2003, n.p.). While the LGEEPA, Mexico’s supreme environmental law, ostensibly places restrictions on industrial activities in protected areas, the reality is that mining concessions can be granted in some cases where there are zoning overlaps between surface cartography for protected natural areas and mining concessions (Pérez Jiménez 2021, 75).

The prioritization of regulatory specificity related to environmental policy was carried out primarily through the changes to SEMARNAT Norm 120, the environmental impact assessment tool. Originally created in 1997 for monitoring the impact of mining activities on the environment in sensitive areas (see Chapter 3), it includes legal standards focusing on mining exploration projects in a variety of natural conditions, such as agriculture, livestock, different climates, tropical forest, oak forest, and other areas of cultural or ecological value (SEMARNAT 2011, n.p.). The original version “establishes the environmental protection specifications to carry out direct mining exploration activities, except for exploration for radioactive minerals and those intended to be located in protected natural areas” (SEMARNAT 2011, n.p.).[[95]](#footnote-95) In 2011, Sandra Denise Herrera Flores, Undersecretary of Development and Regulations of SEMARNAT, re-wrote SEMARNAT norm 120 to further specify that, in addition to protected natural areas, there are to be new scrutiny of mining “in sites under some category of conservation, derived from international instruments to which Mexico is a party” (SEMARNAT 2011, n.p.).[[96]](#footnote-96) This was based on the long-standing conflict over protected areas and buffer zones dating back to the National Mining Plan 2001-2006, where environmentalists were seeking to ban mining entirely in areas where concessions were adjacent to a protect area (2003). This reform, overseen by the Energy and Extractive Activities of the National Consultative Committee for the Standardization of Environment and Natural Resources Congressional Subcommittee (Energía y Actividades Extractivas del Comité Consultivo Nacional de Normalización de Medio Ambiente y Recursos Naturales), sought to better clarify the circumstances with which mining was permitted or forbidden in natural protected areas. It does not name any international standards relating to mining in protected areas to which Mexico is a signatory.[[97]](#footnote-97) As of 2011, no domestic companies nor Mexico itself were signatories to the International Commission on Mining and Metals (ICMM) or the Extractive Industries Transparency Initiative (EITI), the two primary international volunteer agreements that are used to promote better practices by governments and companies in mitigating environmental degradation from mining in sensitive areas. The addition of new requirements of EIAs, such as Norm 120, is an example of layering, whereby new elements are attached to existing institutions to change their status. In this case, the addition of regulatory specificity helps the mining sector’s advancement of extraction activities along protected areas in ways that will mitigate against potential legal incursions. It is therefore a marginal change, made by an executive ministry, to show a “fix” of existing law (see also Streeck and Thelen 2005, 24). However, the underlying intention is to destabilize other legal opposition to mining.

The ability of CAMIMEX to dictate government mining policy under the PAN meant that industry had little concern about NRG reforms contrary to their interests. Interviews with mining industry employees explained that the DGM, housed within the Ministry of the Economy, was involved in early conversations happening between CAMIMEX, other foreign national mining industry chambers, domestic mining companies, and multinational mining companies, as part of signing onto the ICMM (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). In 2001, CAMIMEX, Peñoles, and Grupo México were close to signing the ICMM, but they backed out in 2000, due to the “closed and conservative culture of mining” in Mexico (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). The PAN, with its historical linkages in Northern Mexico, had little reason to force the industry towards international best practices without a financial incentive to do so. The PAN wanted to increase mining activities, but without conditions related to improved compliance with voluntary reporting that mining companies were beginning to do in other jurisdictions in the Americas and around the world. The re-written Norm 120 in 2011 merely added to a fourteen-year-old law written during the Zedillo Presidency provisions to ensure that mining projects in buffer zones could not be easily challenged by opponents to mining exploration and production.

In an interview with the undersecretary that wrote the reform to Norm 120, she explained that a primary reason for the clause on buffer zones was to make it easier for mining companies to show they are complying with national law (Sandra Denise Herrera Flores, Interview, November 9, 2022). It was a vague federal law, with wide interpretation from SEMARNAT, that bundled EIAs with other regulations, such as endangered species protections and regulations over protected areas, and it was meant to alleviate industry concerns about unclear regulations (SEMARNAT 2011).[[98]](#footnote-98) Therefore, Norm 120’s updating to account for buffer zones was a layering mechanism designed to allow for mining concessions to enclose upon protected areas as much as possible while also still being able to show compliance with national law and thus stave off opposition to their concessions. Enhanced regulatory compliance is a key finding of the change in NRG during the PAN Presidencies, because it challenges the common assertion of diffusion theories on NRG that neoliberalism seeks to weaken environmental regulatory structures (e.g. Estrada Ochoa 2006, 148). In this case, the regulatory modernization was a tool of the PAN to window dress as environmentally conscious, while providing the interests of CAMIMEX and mining companies with the confidence that they can expand operations near protected areas.

### National Water Plan (2007)

The Calderón Administration, by Executive Decree, increased the federal government’s oversight of water monitoring activities and invited public-private partnerships to develop water infrastructure in mining regions (Diario Oficial de La Federación 2008). In 2006, José Luis Luege Tamargo, a chemical and metallurgical engineer that started his career in steelmaking, led CONAGUA. CONAGUA, as an entity within SEMARNAT and therefore part of the Executive Cabinet, used the National Water plan of 2007-2012 to reform federal management of water consumption (Diario Oficial de la Federación 2008, 2; Vázquez 2014, 486). On March 24, 2007, President Calderón announced government investment plans for public-private partnerships in the water sector, including 227 billion pesos in water projects, the largest investment in history in this area (Hernández López 2008). A day later, the General Director of CONAGUA, José Luis Luege Tamargo, announced immediate access to the fund by the private sector. This plan allowed industries to tap into funding to assist in the various processes in the development of water infrastructure – management, sewage, and wells – where industry is adjacent to communities (Diario Oficial de la Federación 2008, n.p.). This change greatly enhanced the ability of mining companies to control water supplies in areas in which they operate, with limited and ineffective capacity within CONAGUA to monitor the consumption of groundwater.

A primary goal was decreasing water subsidies for public services at the state and municipal level to achieve more efficient water use in high drought areas, while not raising tariffs for industrial consumption (Vázquez 2014).[[99]](#footnote-99) While not directly related to the mining industry, this is important in the wider context of the relative influence of veto players involved in the distribution of water. In these efforts, the government’s logic of reducing water consumption would be achieved by advancing the privatization of water infrastructure, with the authors of CONAGUA’s National Water Plan 2007-2012 describing the private sector as “indispensable” to water conservation (Secretaría de Gobernación 2008).[[100]](#footnote-100) In the Plan’s environmental sustainability strategy, the Federal government calls to “incentivize the rational use of water in domestic, industrial, and agricultural use” (Chamber of Deputies 2008, 52).[[101]](#footnote-101) The National Water Plan 2007-2012, released by CONAGUA in the same year as the National Development Plan, offers multiple options for private companies or associations to incorporate or increase their participation in the operation, service, and recycling of groundwater (Secretaría de Gobernación 2008). This includes mining companies’ ability to control community basins, reflecting a layering of new executive government programming onto existing national law to encourage the industrial uses of water with preferential treatment and consumption rights that communities (Centro de Estudios de Las Finanzas Públicas 2008, 4).

The National Development Plan in 2007 identifies agriculture as the principal culprit in inefficiencies in the use of water, claiming that the sector is operating at 46% of its total efficiency potential (Cámara de Diputados 2007, 51). Opposition members of Congress from the PRI, the PRD, and the PT were critical of the National Water Plan in the LX Congress. They argued that with a clear lack of capacity for enforcement over industrial uses, it unfairly targeted water-scare, but also water-dependent, rural farming populations(Diario Oficial de la Federación 2012, n.p.). Numerous studies have proven that Mexico’s monitoring systems are woefully underequipped for monitoring the differences in industrial usage, especially in states where mining and agriculture are both key economic sectors, such as Sonora, Mexico’s top mining state in production and highest level of irrigated land (Browning-Aiken 2012, 115; Stoltenborg and Boelens 2016), 453). The result of these investments in public-private partnerships led to a shift in the governance of water to the benefit of the mining industry and away from the constitutionally-derived claims of rural farmers in water scare areas.

The changes to environmental policy within these similar presidencies – notably, the incorporation of the goals of industry via collaboration with CAMIMEX and bringing in public-private partnership investments in the infrastructure of groundwater – reflect a commitment by the PAN to expanding free-market resource extraction and investor rights. The National Water Plan’s invitation of increased industrial involvement thus was welcomed by mining industry interests, such as CAMIMEX, who stated in their 2009 annual report that the sector “builds basic infrastructure such as roads, electrification, drinking water networks” (Cámara Minera Mexicana 2009, 3).[[102]](#footnote-102) Case studies from the literature on mining activities during the Calderón Presidency show that mining companies in several states worked with CONAGUA to secure greater control over irrigation access and development of infrastructure (Stoltenborg and Boelens 2016, 452; Tetreault 2020, 96). Layering new environmental policies supporting mining expansion into existing frameworks established by the PRI under Zedillo was effective in shifting the existing environmental governance of the Federal government to the mining industry’s authority and influence. With the expansion of mining projects under the conditions of rising prices for mineral commodities, mining companies were proactive in investing in their reach over water supplies.

## Labour policy

I now turn to the observed policy actions in the subdomain of labour policy. While mining was becoming more important to the PAN’s vision of economic growth, labour was able to hold onto key facets of their veto player status. Presidents Fox (2000-2006) and Calderón (2006-2012) both wanted to radically reform labour laws, increase hiring flexibilization, and loosen subcontracting practices in key industrial sectors, such as mining. There are important contextual elements based on the democratic conditions following the 2000 election that help explain the opportunities and constraints. In Chapter 3, I explained the strides taken by Salinas (1988-1994) and Zedillo (1994-2000) to weaken some of the pillars of labour strength from the ISI period, while not eliminating the union foundations of PRI political power. Following the electoral transition in 2000, the PRI congressional plurality (2000-2006) was in a difficult position between supporting President Fox’s ambitious mandate to radically weaken labour power to fuel FDI and holding on to their remaining constituent base of unionized voters left over from the corporatist rule from 1929-2000. Internally, the PRI was torn between courting stakeholders of the unionized voting base in the CT and courting the business elite that had taken over the national party throughout the 1990s, who formed a congressional alliance with the PAN to push through pro-market policies (Bensusán and Middlebrook 2013). For the PAN, the current version of the LFT undermined the radical changes sought to labour policy.

### The Abascal project

Throughout 2000-2012, both PAN administrations, through the Secretary of Labour, sought to break up *Los Mineros* in order to deepen neoliberal reforms to the mining sector. Both Fox and Calderón appointed anti-union labour secretaries, which oversee the National Conciliation and Arbitration Board (JNCA) in cases of labour disputes (Gobierno de México n.d.). President Fox appointed Carlos Abascal, a well-known anti-union businessman and former President of COPARMEX, as Secretary of Labour (Kohout 2008, 136). Coined the “Abascal Project,” President Fox introduced broad-sweeping, multi-sectoral proposals in Congress to weaken independent union actions, including requiring workers to follow additional steps of self-identification and attaining permits required from the labour ministry to receive permission to strike (Cámara de Diputados 2020; Human Rights Watch 2005). Fox wanted to weaken the institutional power of collective bargaining to effectively disempower industrial unions, such as *Los Mineros* (Kohout 2008, 147). The logic of this was that independent unions would not be able to attain strike permits from an anti-union Ministry. Labour Secretary Abascal later was promoted to Interior Secretary (Secretaría de Gobernación) under President Fox, signalling an ongoing commitment to anti-unionism that ran deep in the ideational fabric of PAN ideology dating back to the 1920s (Chand 2001; Michael Snodgrass, Interview, January 26, 2023). The attempted reforms were negotiated in a series of consultations from 2000-2003 that were brokered by the PAN, organized between twenty-two evenly-split business and union leaders, in a process called the *Process of Worker-Entrepreneur Dialogue for Labour Reform* (*Proceso de Diálogo Obrero-Empresario para la Reforma Laboral*)(Mayer 2003, 79). This initiative was an attempt by the PAN to displace the salience of incorporated and large industrial unions alike by activating a new labour culture in the Secretary of Labour and the JNCA.

Ultimately, the Abascal project to overhaul the LFT failed to pass through these rounds of talks due to unreconcilable positions between the business and union positions (Mayer 2003). Labour economists have argued that the Abascal project was part of a larger labour reform effort to deepen neoliberal reforms stretching back to the Salinas Presidency and even to his time as the Minister of Programming and Budget of Mexico (1982-1988) (Garavito Elías 2002, 78; Partida Rocha 2005, 193). While it is clear that the PAN wanted to weaken the PRI’s corporatist legacies, in this case, the enduring veto power of workers meant that the PRI supported labour, historically a central part of their party base. Without a majority in Congress, the PAN was unable to force through labour reform under President Fox. However, the efforts set the stage for less ambitious, but nonetheless impactful flexibilization and subcontracting reforms under President Calderón. These piecemeal changes will have direct and lasting impacts on the mining sector (Casado Izquierdo and Sánchez Salazar 2019, n.p.).

President Fox expected to initiate radical reforms to the LFT through a bloc including the PAN, PRI, and the labour leaders within the CTM that would support company unions (Bensusán and Middlebrook 2013, 93). Fox decided to enter a strategic “*de facto* alliance” with the CTM to fulfill wider prioritization of political and economic stability (Bensusán and Middlebrook 2013, 111). The endurance of labour confederations in a weakened union environment was a political tool of the PAN for splitting the labour movement. However, infighting in the CTM allowed for a resurgent independence by the mining union. Due to rising commodity prices and demands for mine site workers during President Fox’s Administration, *Los Mineros* carried out thirty-nine strikes between 2000-2005 and added material gains for their locals throughout the country (Tetreault 2016). Despite new alliances between the PAN and the CTM, *Los Mineros* experienced a resurgence in militance and importance as a bulwark of industrial unionization in an era of historic losses in political power and diminishing returns on contract negotiations across most industries in Mexico. The implication of such a reversal suggests that *Los Mineros* would not experience the uniform decline in relative power of workers in the same way that communities and Indigenous groups were weakened by NRG reforms during the PAN presidencies.

### 

### Pasta de Conchos disaster, high commodity prices, and increased strike activity

At the end of Fox’s term, labour unrest peaked and created a series of strikes that have followed different timelines, where some have lasted weeks, months, and in one case, over a decade. *Los Mineros* began rolling strikes in February 2006, following the death of sixty-five miners at the Grupo México-owned Pasta de Conchoscoal mine in the Northern state of Coahuila on February 19 (Alzaga 2017, 249). The subterranean coal mine suffered from an explosion from built up methane gas. At the Cananea copper mine, in July 2007, section Local 65 went on strike, an ongoing dispute still going on by the end of the Peña Nieto Administration in 2018 (Alzaga 2017, 249). Two other notable strikes occurred in 2008 at *Los Mineros* mines – overlapping with the Cananea strike – at the San Martín and Taxco mines in Jalisco and Guerrero, respectively (Bnamericas 2019). These strikes reflected a strategy of non-compliance with legal injunctions from labour arbitrators deeming the strikes illegal, and a direct statement of outrage by *Los Mineros* with the concurrent crises of Pasta de Conchos and the exiling of the union leader (Bnamericas 2019; Anna Zalik, Interview, January 27, 2023).[[103]](#footnote-103) At the Cananea strike, Labour Secretary Lozano was able to have the JNCA declare the strike illegal. In response, *Los Mineros* appealed the ruling in court, which was approved and allowed for the continuation of the Cananea labour strike, in accordance with Article 399 of the LFT (Cámara de Diputados 2022; Gómez Urrutia 2013, 198). This is an early example of the judicialization of disputes occurring in Mexican NRG in the neoliberal period – where different interest groups are relying on the JNCA, federal circuit courts, and the Supreme Court – to resolve issues, instead of seeking resolution through clear legal frameworks.[[104]](#footnote-104) However, strike petitions have been used in Mexico as a symbolic protest mechanism, even when a strike would be clearly illegal on the contract timeline (Dion 2010, 106).

On September 26, 2006, President Calderón announced one-time financial support for companies that operate mining projects in states affected by strikes via a tax break to mitigate the work interruptions (Cámara Minera Mexicana 2007, 14). In their annual report, CAMIMEX referred to this decree as “an act of solidarity with the affected companies” (2007, 14). In the same report, CAMIMEX spoke of the spillover of the labour unrest from Fox into the first months of the Calderon Administration, and their confidence in the new government’s commitment to uphold rule of law against illegal strikes (Cámara Minera Mexicana 2007, 14). However, Cananea, along with two other mines, went on strike in August 2007 for a new collective agreement and improved safety standards, which resulted in a JNCA decree rendering the strike illegal, which was subsequently overturned in federal court three months later (Bnamericas 2007). While the tax relief for mining companies impacted by strikes is not a policy event *per* se, the fiscal support of the mining industry in the face of labour disputes that were carried out in the aftermath of sixty-five fatalities in a mine shaft reflects the influence of the mining sector. It is a brazen example of layering isolated, small policies onto existing regulations and laws to work around structures such as the right of unions to strike, while also providing mining capital with financial support. Much like the larger tax reforms discussed on in the labour policy section of this Chapter, these seemingly small supports of the mining industry together reflect the national government’s commitment to supporting the interests of the mining sector.

The Pasta de Conchos disaster was followed by years of litigation and failed proposals in Congress, mostly by PRI legislators from mining-intensive states, who were vocal in their criticism of the PAN government’s failure to enforce safety standards in vertical shaft coal mines (Dirección General de Servicios de Documentación, Información y Análisis 2018, 51-52). These members of Congress were attempting to convert existing mining legislation and create new social interest clauses, which involved safety provisions, along with greater participation of unions in Congressional committees (Cámara de Diputados 2024; Dirección General de Servicios de Documentación, Información y Análisis 2018, 31-35). These efforts were also part of the failed conversion efforts by the PRI in the LXI legislature (2009-2012), detailed in the regulation of capital section. Despite the PRI’s majority in the LXI Legislature, which enabled increased efforts to propose bills scrutinizing the Calderón's Presidency and assign blame for the Pasta de Conchostragedy, the members of the PRI seeking reforms to labour policy related to supporting miners remained weak veto players in the face of the PRI’s larger strategy of an alliance with the PAN and the executive-led Congressional agenda (Kerevel and Bárcena Juárez 2022, 4). On February 21, 2008, PRI Deputy Jericó Abramo Masso, from Coahuila, proposed amendments to the Mining Law that would increase the regulatory oversight concerning safety standards for miners and also create a more wide-reaching liability against all mineral and metallurgical employers (Gaceta del Senado 2008, n.p.). On October 5, 2010, PRI Deputy Pedro Ávila Nevárez from the state of Durango, one of Mexico’s five-largest mining states, called for reforms to the Federal Labour Law and Article 8 of the Mining Law in support of increased safety for miners. Drawing from recent history, Deputy Ávila Nevárez argued that large-scale mining started with the parastatal era and has been irresponsibly expanded under the neoliberal economic model of mining at the risk of workers and residents of mining areas (Secretaría de Gobernación 2011, n.p.). He proposed targeted, state-level health and education supports of miners in mining regions, along with state-level labour rights supervisors tasked with enforcing Article 123, the Labour and Social Security provision of the Mexican Constitution. However, these proposals were not successful because the PRI-PAN alliance simply would not elevate these proposed bills past their committees (Kerevel and Bárcena Juárez 2022, 5). If the PAN were to support them, it would have been viewed as an implicit acceptance of responsibility for the Pasta de Conchos disaster for failing to set stronger safety regulations in the mining sector. Instead, the PAN continued to pursue pro-mining labour and fiscal reforms to continue growth of mining investment via layering new elements into existing institutions.

Despite the failures to reform safety standards, the Pasta de Conchos mobilization by *Los Mineros* and the high demand for workers in the booming mining sector at this time resulted in the strengthening of the veto player status of mining industry unions in the collective bargaining process (Alzaga 2017, 260; Efraín Alva Niño, Interview, July 21, 2022). Other mining industry unions with company contracts were indirect beneficiaries of the actions of *Los Mineros* because fear of the union’s strength pushed up the wages and benefits in the former (Efraín Alva Niño, Interview, July 21, 2022). Despite the internal divisions within *Los Mineros* over continued incorporation with the PRI-aligned CT in the early 2000s, the union was able to rebound from diminished numbers and mobilize in the aftermath of the Pasta de Conchos.[[105]](#footnote-105) The rank-and-file of *Los Mineros* that rallied around Gómez Urrutía continued to remain independent from the CT, Mexico’s central institution of corporatist-aligned unions (Mayer 2003, 81). The good fortune for unionized miners were also attributed to *Los Mineros*’s long history of institutional embeddedness, capacity for labour mobilization, and track record of militancy. Membership in *Los Mineros* reached 50,000 in 2006, representing at least 20% of all directly employed workers at mines or in metallurgicals in Mexico at that time (Sindicato Minero Mexicano 2012; Diario Oficial de la Federación 2006).[[106]](#footnote-106) The union was able to capture better contracts and higher wages and key in this process was the persistence of labour actions, including strikes and coordinated voting in the general elections of 2010 and 2012 against the PAN (Alzaga 2017, 250; Sindicato Minero Mexicano 2012). Mining sector employees, on average, made more than five times the national minimum wage and were the highest paid industrial sector in the country (Centro de Estudios de Finanzas Públicas 2014). This success of *Los Mineros* is contrary to the experience of unionized workers in virtually every other sector, which can be explained by a well-timed convergence of coordinated mining unionism and the global commodity super cycle that provided an essential point of leverage in contract renewal and collective bargaining. However, while gains among mining workers, led by pressure from *Los Mineros*, were observed during this time, these conditions do not directly relate to a specific policy reform, and therefore, changes in the influence and power of workers vis a vis government and industry are ambiguous, given the lack of specific institutional changes.

### Labour Law flexibilization

While the Mining sector has used subcontracting since the 1980s, it became more common practice after the Calderón Administration’s reforms. Subcontracting allows for shortened contracts and different terms between employer and employee than the right to contract negotiations for new terms every two years, as required by the LFT’s collective labour contract clause, Chapter III Article 399 (Chamber of Deputies 2022, 113). In mining, subcontracting grants companies the right to assign tasks at their mines to a third-party company who are not bound by the labour contract, which can save on labour costs. This is a major change in the hiring practices in the mining sector, which was historically bound to single-contracts with industrial unions such as *Los Mineros* and the CTM (Zapata 2006). President Calderón implemented Article 15-A of the Social Security Law (Ley del Seguro Social) in 2009, which codified initial steps of labour flexibilization (Diario de la Federación 2009). It allows the contracting companies to make social security payments to the IMSS in place of the subcontracting company, meaning, companies can suspend agreements with subcontractors and in turn manage the number of workers needed at short notice, without the constraints of collective contracts, dismissal clauses, and other benefits often rolled into an employer-worker agreement (Casado Izquierdo and Sánchez Salazar 2019, n.p.). In 2012, the law was reformed in the LFT, articles 15A to 15D as a part of larger flexibilization policies about hiring, firing, layoffs, etc. (Casado Izquierdo and Sánchez Salazar 2019, n.p). By 2013, roughly 65%-70% of all workers at large scale copper, gold, and silver mines across the country are subcontracted labour (Casado Izquierdo and Sánchez Salazar 2019, n.p) and use provisions such as productivity bonus clauses in contracts to attract workers through direct-hiring or company unions as a work around to collective bargaining (Partida Rocha 2005, 198).

The increase of subcontracting has had predictable effects on wages between subcontracted miners and unionized miners. From 2006-2012, *Los Mineros* were able to negotiate, on average, a 16% increase in wages, which accelerated the movement toward subcontracting whenever new mines were opening (Sindicato Minero Mexicano 2012, n.p.). For subcontracted workers, interviews cited a positive increase in wages for non-unionized workers, due to the adoption of productivity bonuses and the need to attract non-union workers during a time of high demand for minerals (Efraín Alva Niño, Interview, July 21, 2022). Others cite a wage gap, explained by both lower wages and the short-term precarity of subcontracted positions that leads to interruptions in renumeration (Casado Izuierdo and Sánchez Salazar 2019, n.p.; Paul Bocking, Interview, December 14, 2022).[[107]](#footnote-107) The successful implementation of the labour flexibilization reforms represent layering of new clauses into long-standing LFT contract and hiring practices based on short term employment. The combination of the enduring veto player status of *Los Mineros* and the high demand for mining sector workers during the commodity super cycle created optimal conditions for workers to negotiate better wages. In response, the PAN, determined to support the mining sector at all costs, resorted to piecemeal additions of new elements onto the existing LFT. The reforms enhanced the influence of industry to offer subcontracts and temporary work assignments, while not eroding the collective bargaining process at mines where there is a need for collective contracts with unionized employees.

Labour policy during the PAN governments was a central area of policy contestation between workers and a pro-business government seeking to accelerate labour flexibilization laws. As I have discussed in these discrete policy events, the change in labour policy in the mining sector during the PAN governments occurred through changes to the LFT more generally, as well as efforts targeting the mining sector specifically. The dynamics involved in the process of reshuffling broader labour-state relations in Mexico are often oversimplified in both the diffusion literature and in the democratization literature. The weakening of industrial unions was neither caused exclusively by a top-down legislative mandate of the PRI governments of the 1990s, nor by the PAN governments of the 2000s to align with NAFTA or align with other global labour practices. Based on the roll out of NAFTA and labour reforms targeting the mining sector[[108]](#footnote-108) at the national level, there were not diffusion elements of labour reform originating from externally imposed requirements because NAFTA negotiations almost a decade earlier set the standard for Mexican labour-business relations (Zepeda 2021, 73). Instead, the policy changes that Presidents Fox and Calderón sought to labour policy during this time reflected long-standing anti-unionism rooted in PAN ideology and a desire to weaken the remaining corporatist linkages between major unions and the PRI. In this way, the policy changes to mining labour during this time reflect institutional idiosyncrasies unique to the Mexican context, and were not based on pressures by external forces, such as foreign mining interests or investors. The failure of the Abascal reform shows that the existing legacies of corporatism and industrial unions created a strong counter-response to the aspirations of the PAN. In response, and due to rapidly rising commodity prices, *Los Mineros* was successful in reversing their decline, showing gains in membership, wages, and providing a focal role in the legislative defeat of President Fox’s labour reform agenda.

## Regulation of capital

Under President Fox, the PAN sought efficiency changes and enhanced management of government tax collection systems (Shirk 2005). However, there were political obstacles. PAN reformists found themselves in a difficult position between modernization of the SHCP – closing loopholes, upgrading business licenses processing, and enhancing enforcement – and keeping taxes low. President Fox attempted to do both by proposing lower corporate taxation and implementing a 15% general sales tax on routine consumer expenses, such as food, medicine, and tuition fees (Sullivan and Jordan 2001, n.p.). These were incremental upgrades to the wider tax code of Mexico, but not an actual overhaul to government collection of revenue for transformative social and economic development (Babb 2018, 195). In mining, there were similar proposed changes, which I detail below.

### Mining tax reforms of 2007

Early in the Calderón Administration, the aggressive expansion of mining concessions was going unchallenged by opposition political parties in Congress. The reason was that reforms to land tenure put in place by the PRI in the 1990s remained aligned with both the PAN government in control of the executive, and the PRI, who held the governing plurality in Congress for nine of the twelve years of the PAN presidencies (2000-2003, 2003-2006, and 2009-2012). Some minority party leaders on the left-wing of Congress in the PRD and the PT parties tried to introduce bills for increasing taxes on water intensive industries, such as beer and mining, but they were rejected by the PRI, PAN, and other Deputies within their own parties (Jaime Cárdenas, Interview, November 3, 2022). Other research has discussed the possibility that analysts at the SCHP explored heightened royalties on the mining sector; however, the government never acted on increasing the taxation regime of the mining sector until 2013, under Peña Nieto (Cornellisen 2016, 90).[[109]](#footnote-109) Several interviewees from CAMIMEX agreed that Mexico’s mining sector under the PAN was highly taxed (Efráin Alva Niño, July 21, 2022; Karen Flores, August 30, 2022). As the mining industry advocate, CAMIMEX blocked the chance of reforms to the royalty structure that would cut into the profits and operations of mining capital. As a result, the distribution of influence over NRG greatly favoured the mining sector’s interests in the regulation of capital and in fiscal matters.

President Calderón made important changes to existing mining tax laws and corporate income taxes, while maintaining the status quo of no mining royalties (Otto 2001, 13). While the net tax rate on mining remained 30%, a policy leftover from the De La Madrid Administration, there are adjustments, cost-claims, and loopholes available to mining companies that minimize the net rate (Auditoría Superior de la Federación 2012; Tetreault 2016, 7). For example, in June 2007, Congress signed into law a joint-decree tabled by the Senate Committee on Foreign Relations for North America (Comité de Relaciones Exteriores, América del Norte) and the Senate Committee on Finance and Public Credit (Comité de Hacienda y Crédito Público) that proposed to eliminate the tax burden of double payments on net earnings on mining activities (Government of Canada 2008; Gaceta del Senado 2007). Under this reform, Canadian companies operating under subsidiaries in Mexico are obligated to pay taxes in Canada, but not Mexico, on profits, dividends, permanent establishments (mines), and “immovable property,” such as mining machinery (Government of Canada 2008; Gaceta del Senado 2007). This reform is an example of displacement, whereby a new taxation mechanism replaced the old one in order to encourage investment. With a Congressional plurality and support from the PRI, the tax reforms did not face strong veto players that could block the new tax laws. The outcome of tax reform was transferring more policy benefits to the interests of foreign mining operations over the interests and needs of public finances and communities throughout Mexico.

According to a report from the Ministry of the Economy, the mining industry from 2005-2011, paid roughly 1.2% net tax, not 30%, due to the fiscal framework, and reporting irregularities that resulted in an internal investigation of the DGM (Auditoría Superior de la Federación 2012, 19). The concern was based on the idea by left-wing members of Congress and stakeholders in wider society – communities, unions, citizens opposed to mining – that mining fiscal policy was not keeping pace with the sector’s profitable expansion and therefore a missed opportunity for social redistribution (Tetreault 2016, 15; Yoatzin Popoca, Interview, October 24, 2022). The bilateral agreement with Canada to eliminate double taxation marked another victory for mining interests against the interests of stakeholders pushing for a greater distribution of mining revenues.

The key tax collection mechanisms were met with public scrutiny and protest by mining communities that considered these fiscal reforms as a further move away from attempts to capture more equitable shares of foreign mining company profits during a time of concession expansions and rising prices (Garduño 2015, n.p.). Given that Canadian subsidiaries became the dominant players in mining exploration following the NRG reforms of the 1990s, these new tax benefits to Canadian mining capital, coupled with existing preferential treatment for mining in the areas of land rights and environmental rights, further favoured foreign mining capital interests in Mexico.

### Failed fiscal reforms of the LXI legislature

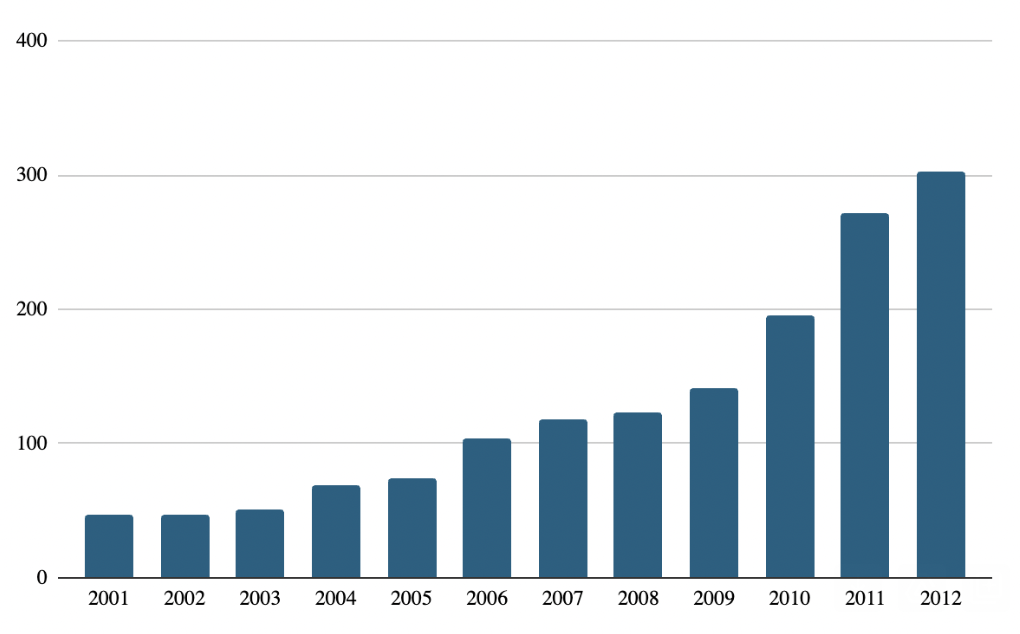
Opposition members of Congress from the PRD and PT, along with stand-alone members of the PRI, attempted some limited reforms to fiscal policy. As veto players who lacked legislative majorities, they were unsuccessful. The rising price environment and subsequent increase in mining investment and production overlapped with increasing Congressional attention to the negative impacts of large-scale mining in the country. In the LXI legislature (2009-2012), a Special Congressional Commission was formed, called the “Monitoring of the problems arising from mining conflicts in the country” (Seguimiento a la problemática surgida por los conflictos mineros en el país). Of the twelve sitting deputies, five were from the PRI, two each from the PAN and PRD, and three others from smaller parties (Cámara de Diputados 2024). Four members were representatives from Sonora, Mexico’s number one state in mining production (Cámara de Diputados 2024). Ramón Jiménez López, a PRD deputy, was one of two Secretaries of the Committee. In 2010, he had submitted a failed legislative proposal to add various new articles and reforms to the Mining Law, including the earliest attempts to formally add “social interest” to the legislation and devolve mining NRG to the authority of local communities. Part of the social interest clause efforts that began in the LXI legislature were reforms to existing federal law to mandate increased revenue sharing between industry and state, and industry and communities directly. On April 21, 2010, PRD Deputy Ramón Jiménez López proposed various amendments to Article 9 of the Mining Law of 1992, with express mention of regulating the open pit mining system. Among his reforms, he sought to reform the SGM’s governing body (*órgano de gobierno*). This is a multi-stakeholder body, and Deputy Jiménez suggested adding three union representatives from mining unions, one social mining organization representative, one member from the standing Congressional regulatory commission, and three *Ejido*s or *comunidades* representatives from directly impacted mining communities (Dirección General de Servicios de Documentación, Información y Análisis 2018, 31-35). [[110]](#footnote-110) In the Congressional session on July 18, 2012, PRI Diputado Miguel Ernesto Pompa Corella, from Mexico’s largest mining state, Sonora, tabled a series of reforms to the Mining Law of 1992. These ranged from minor adjustments of various definitions and fractional additions to existing articles, but notably added nine new articles to Chapter 8, the final Chapter in the law. While these nine new articles span different domains of NRG, there was a notable emphasis on the regulation of capital. Notably, Deputy Pompa Corella sought a general mining trust fund for affected communities to share in the wealth derived from their surrounding lands, along with direct benefit sharing agreements between companies and communities (Gaceta del Senado 2019, n.p.). Proposed reforms would have brought meaningful financial burden for companies; the latter would be a royalty payment to the government for re-distribution to affected communities, while the former would formalize the requirements of mining companies to engage in good-faith with communities directly and come up with a formal process of sharing profits with the community. These would have been the largest displacement of the fiscal burden on mining companies in Mexican history. This proposal was turned over to the Economic Commission (Comisión Económica) of the LXI Chamber of Deputies (2009-2012), where it ultimately did not advance for a formal vote in Congress. The PRI-PAN bloc in Congress meant that these kinds of checks on the unbridled support of the mining sector would not be disrupted. The Congressional Economic Committee could simply reject these proposals (Dirección General de Servicios de Documentación, Información y Análisis. 2018, 29). However, it is worth noting that these policy actions set an important precedent for later policy change in the next legislature (2012-2015) and under a new federal government. I now turn to analyzing changes within the similar presidencies of Fox and Calderón, between policy domains.

# Section III – comparative analysis of NRG within Presidencies between policy domains

I will now compare the PAN Presidencies across these four policy domains. In section II, I detailed the observations of discrete policy reforms and failed attempts within each domain of NRG. I identified all four domains as impacted by stakeholder interactions and attempted reforms. Based on the observations within each domain of NRG, I found that pre-existing institutional factors mostly enabled the PAN from fulfilling their NRG agenda, but there were also constraints disallowing total change in some domains. While land tenure, environmental policy, and the regulation of capital generally shifted for the benefit of international investment capital and mining sector interests, labour experienced a mixture of outcomes during this time, due to the gains made by *Los Mineros*, while also facing down two combative presidential administrations determined to weaken labour unionism.

Both Fox’s and Calderón’s National Mining Development Programs prioritized FDI and building investor confidence. The combined efforts of completing land reform under PROCEDE, the National Mining Development Program, and the concession regimes relating to land tenure created the first coordinated expansion of mining activity in modern history. Coupled with the rising price environment, the PAN was successful in increasing mining production from 2000-2012. Figure 9 details total mining production between 2001 – the first year of the National Mining Development Program under President Fox – until the end of Calderón’s Presidency.

### Figure 9. Mining production, Mexico 2001-2012 (millions of pesos, inflation adjusted)



Source: Author’s own illustration (Consejo de Recursos Minerales 2001, 2003; Servicio Geológico Mexicano 2010; 2014)

Tax breaks for Canadian mining companies and the blocking of early efforts by opposition parties to introduce mining fiscal reforms also helped the influence of mining capital grow as demand for global minerals sustained the demand for Mexico’s world-class mineral deposits. Similarly, the regulatory layering of EIA and the permission of mining in buffer zones with protected areas enabled mining companies to operate adjacent to, and at times within natural protected areas without fear of litigation or contestation. The addition of public private partnerships to water infrastructure planning under President Calderón’s National Water Plan also led to an increased role by mining companies in the management and distribution of water.

In labour, there were variant policy reform actions that both increased and also challenged the relative influence of unions to other veto players. The notable observation of this was the reinvigoration of mining industrial union militancy. The PAN attempted radical restructuring of the relative power of labour against the interests of the growing mining sector and the goals of the national government. However, the legacy of corporatism in the power base of the PRI created the necessary pressure onto the PRI to choose between deepening neoliberal reforms from the 1990s and standing up to the PAN’s labour reform agenda. As a result, the PAN had to pursue smaller and incremental adjustments to labour reforms, which resulted in stronger flexibilization in hiring practices in the mining sector but failed to dismantle union rights and protections. These reforms led to a sharp uptick in shorter-term contracts and the rise of company unions. However, at the same time, *Los Mineros* were able to disrupt dozens of mining operations through rolling strikes and a renewed militancy brought forth by being the sole influential independent mining union in the country. This renewed militancy and rise in membership rates created spillover effects into the mining labour sector as a whole, which resulted in higher wages. These gains in labour for miners specifically at a time of larger decline in union power across the Mexican economy is a notable departure from an otherwise steady growth in the power and influence of the mining sector over the domains of NRG.

The confounding observations of labour policy from 2000-2012 runs contrary to much of the democratization and diffusion arguments that dominate the study of political economy in Mexico from 1988-2018 because it throws into question the argument that specific historical moments – e.g., debt crises or elections – are the catalysts in institutional change (e.g. Caulfield 2010; Selee 2011; Woods 2005). While these theories are useful, they do not attempt to explain change in more than one policy domain, which is suitable for boundary-spanning regimes (Jochim and May 2010). The relative power of mining sector labour power improved while virtually every other industrial sector’s union density and wages declined (Zepeda 2021). The finding from the labour domain shows that, while democratization and diffusion of globalization theories are indeed important and useful theories, identifying the mechanisms of change in the policy process of federal politics helps explain why pre-existing institutional arrangements can constrain influential stakeholders that were able to otherwise push their interests through other policy domains.

Fundamentally, the PAN pursued their deepening of the neoliberal project to NRG from inherited institutional structures of the PRI reform period under Salinas and Zedillo (1988-2000). The PAN was not always able to spur dramatic changes to specific areas of the NRG that were sought after by the party’s rank and file, which includes domestic mining sector bosses and pro-mining communities from Northern Mexico, where the industry is concentrated. Despite the entry of a pro-mining culture into government under the PAN in 2000, the administrative capacity and bureaucratic neutrality of the Federal government – the ministries, agencies, regulations, legislation, laws, enforcement wings, and so on – at times constrained reform. In nine of the twelve years, the PAN had to work with the opposition and relied on informal policy coalitions (Kerevel and Bárcena Juárez 2022). Though coalitions with free-market PRI politicians in Congress enabled the Fox Administration to advance the relative power of mining capital against the statist factions of the PRI and the left-wing PRD, that bloc was not steadfast. Labour reform, for example, was a failed reform, showing continuity of the relative power of labour against the anti-unionism of the PAN. That the private sector takeover under both PAN presidents could not dislodge the PRI-labour bloc in Congress, despite the ability to push forward with other policy change later – such as land reform and tax relief for Canadian mining companies – indicates a key unevenness in the reform of NRG. Conversely, the PRI-PAN Congressional alliance was able to push through tax reforms to the benefit of the mining sector, based on a shared consensus to encourage foreign investment, given the agreement that mining on the whole was a strategic sector.

The Calderón Administration took power as mineral prices for key commodities – iron ore, copper, gold, and silver – changed from gradual increases to a historically unprecedented boom (see figure 8). Combined with the capturing of the legislative majority in 2006-2009, Calderón was able to target the policy areas most directly benefitting the mining sector: tax breaks for foreign mining investors and relaxation of labour laws to encourage the practice of subcontracting. The influx of foreign mining investment bolstered a pre-existing class of newly privatized domestic mining companies that had long standing linkages to national politics and the various institutions governing mining and NRG. The domestic mining technocracy, supported by the PAN and CAMIMEX, were able to secure resources to improve technical capacity over concession administration. CAMIMEX helped entrench a revolving door between pro-industry policy and the laws and administrative processes of the DGM and SGM, two agencies governing mining under the Executive Cabinet’s direct authority (Díez 2006, 80). This helped to fuel the expansion of the concession regime and mining production throughout the country, which further impacted mining states and rural communities within them. Additionally, the immense wealth was not felt by communities in mining regions, which opened the opportunity for opposition parties to establish new policy ideas for regulating mining.

The two PAN administrations that took power following the end of the PRI marked a shift in NRG from neoliberalism-in-writing to neoliberal-in-practice through the federal bureaucracy. The influence of the mining industry grew, based on the PAN’s goal of making NRG more pro-business and in turn, improve Mexico’s standing as an international destination for foreign mining investment. While the change in NRG entailed government-mandated support of private capital, foreign investment, and the expansion of the mining industry, the process by which changed occurred entailed grappling with a range of stakeholders and policies from the corporatist period that were still woven into key ministries and political parties. These legacies impacted what the PAN was able to achieve.

# Conclusion: analysing the main changes in NRG of the Presidencies

The PAN’s assumption of executive power from 2000-2012 involved both breaks and continuations of the PRI neoliberal reform era. A perceived lack of technical and industry experts in the federal bureaucracy by PAN leadership meant that the governments turned to mining experts to create regulatory policy across the four areas of NRG (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). The PAN defaulted to CAMIMEX for the government’s creation of new regulatory processes in all areas of NRG relating to mining. In some cases, CAMIMEX saw proposed legislation relating to the industry before lawmakers and would provide feedback prior to reforms to existing legislation (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). As a consequence, the ideas and interests of the mining industry permeated the DGM, SGM, SEMARNAT, and other institutions related to mining regulation and their activities. The PRI had implemented changes to laws and regulations, but capacity gaps remained that required restructuring of agencies at the micro level. The consequences of these policy changes for non-industry actors, communities, and unionized miners were mostly negative and resulted in a deepening of the neoliberal paradigm for NRG.

Twelve years of mining growth under the PAN ended, but the mining industry remained determined to continue their strong influence in the next Presidency. In the 2013 annual report from CAMIMEX (2013), reporting on the previous year of 2012, Humberto Gutiérrez-Olvera Zubizarreta, President of CAMIMEX, publicly stated concern over emergence of increased discussion of “an additional fiscal burden that makes [mining] uncompetitive and reduces the funding for exploration” (n.p.). He goes on to state that CAMIMEX intends to “contribute actively to the fruition of structural changes that the new government [of Peña Nieto] is planning…by working with congress and our government authorities.”[[111]](#footnote-111) While the report concerns the mining sector’s activities in 2012, these comments were foreshadowing events of the new PRI government majority in Congress, which is comprised of representatives that had tabled seven of the fifteen Mining Law reform attempts under the previous PAN government to reign in various elements of the growth in free-market mining (Dirección de Servicio de Investigación y Análisis 2018). In the Congressional session on July 18, 2012, PRI Deputy Miguel Ernesto Pompa Corella, from Sonora, Mexico’s largest mining state, tabled a series of reforms to the Mining Law of 1992 (Gaceta del Senado 2019). These included environmental suggestions for mine closure and remediation and overexploitation of mineral deposits.[[112]](#footnote-112) These proposed environmental amendments to the Mining Law were quickly dismissed by the Economic Committee (Dirección General de Servicios de Documentación, Información y Análisis 2018, 29). CAMIMEX was aware of the intentions by the PRI government that new reforms designed to create more regulatory burdens were likely to emerge under a new President. At the end of the Calderón Administration and following the knowledge that the incumbent president would be Enrique Peña Nieto of the PRI, the PRD and PRI opposition members of the Chamber of Deputies began to accelerate their criticisms of the environmental record of the PAN as it related to mining. However, the PRI also was caught between reigning in the historically unprecedented expansion of Mexico’s mining industry, with the fact that with it came record amounts of FDI from foreign, predominantly Canadian, mining companies. The PAN, after twelve years, had potentially triggered the “unstoppable participation”[[113]](#footnote-113) of foreign mining capital in the expanding extractive frontier throughout the country.

# Chapter 5 – The return of the PRI: new policy goals and impacts on the NRG of mining

Introduction

This Chapter analyzes the return of the PRI to power under President Enrique Peña Nieto (2012-2018). There was a 260% increase in the number of Congressional bills proposed to amend various mining legislation between 2009 and 2015, from five bills in the LXI legislature (2009-2012) under the Calderón government, to eighteen bills in the LXII legislature (2012-2015) under the Peña Nieto government. I argue that the increase in Congressional attention to the mining sector reflects the new government’s goal of re-asserting state-influence over mining revenues, while also encouraging the expansion of the sector during a decade of record high commodity prices, despite mounting opposition to the negative impacts of large-scale mining. I also argue that, during this administration, the main changes to NRG in land, labour, and environmental policy were not via wide-sweeping introduction of new legislation, but via incremental adjustments to administrative processes in individual domains of NRG. These incremental changes resulted in a deepening of the primacy of mining at the expense of community rights and the environment.

During this administration, the PRI contended with reform attempts from multiple stakeholders, while also pursuing their own goals of collecting more revenue from mining activities. The left in Mexico, responding to the record profits during the commodity super cycle and social-environmental damages of large-scale mining, ramped up their efforts of implementing social clauses into NRG policies concerning mining, including redistribution and stricter environmental regulations. Meanwhile, the PRI and PAN were pursuing pro-market reforms to Mexico’s energy sector as their number one policy agenda, which created tensions with the mining sector due to adjustments to fiscal policy to account for loss of taxation revenue from the liberalization of the state’s oil monopoly. This competition in the policy domains of NRG during the Peña Nieto Administration calls into question uniform explanations of change in NRG.

While the mining sector underwent fiscal reforms that sought to return some of the profits of mining to the affected communities, this was a political exercise carried out in the context of larger economic reforms to the primary resource sector and the goal of liberalizing the oil and gas sector. Interviews from non-state stakeholders, namely NGOs and industry representatives, mentioned ongoing concerns over transparency and state management of these funds. In land tenure, the PRI blocked legislative reforms seeking the implementation of social clauses into the Mining Law of 1992 to address mining profit redistribution and to enhance prior and informed consent regulations between industry and community stakeholders. Ultimately, land rights shifted to the benefit of communities only in extraordinary circumstances where communities could invoke the *Amparo* Law in federal court. This approach does not change the underlying land rights framework of the country. The scandal of the toxic mine tailings collapse at the Cananea mine in 2014, much like the Pasta de Conchos mine disaster in 2006 under the PAN government, laid bare an institutional legacy of neglect in environmental policy and enforcement at large-scale mines that has repeatedly failed to protect communities, workers, and ecosystems. The change in NRG under Peña Nieto shows how extant institutions and shifting distribution of power between stakeholders in NRG create change unevenly to the different policy areas as a wider attempt of deepening neoliberalism. Despite changes to signal a break from the policy legacy of the PAN, 2012-2018 included ongoing reforms in NRG to the benefit of large-scale mining interests.

# 

# SECTION I – Overview of political economy (2012-2018)

## Globalization and commodity markets in decline

The most significant policy initiative of the Peña Nieto Administration centred on energy reform by ending the oil and gas monopoly of state-owned PEMEX. The initiative balanced a radical reform of the oil and gas sector with preserving the macroeconomic stability of the Mexican economy. The energy reform caused the government to seek out new sources of revenue, including rents from other primary sectors such as mining. Tied to this were efforts to open bidding on electrical delivery and infrastructure modernization of the electrical grid, which is predominantly powered by fossil fuels (McDonald-Buller et al. 2021, n.p.). Mexico’s oil and gas infrastructure has been in slow deterioration due to a general lack of will to re-invest in new technologies (Daniel Basurto, Interview, October 17, 2022). Instead of investing profits in infrastructure, oil revenues have been used to fund the public sector. From 1990-2018, the estimates of the share of PEMEX contributions to total fiscal revenue was 25%-30%, indicating a high dependency on crude oil production and exposure to global oil prices (Duhalt 2020, 9; Moreno-Brid and Puyana 2016, 142). Peña Nieto initiated the Pact for Mexico (*Pacto por México*),a multi-party policy coalition designed to overhaul public policy across several different core areas of Mexican public policy, with a primary focus on the privatization of the energy sector (Alvarez Béjar 2014, 94; Vargas 2015, 110).[[114]](#footnote-114) This Pact is the legislative basis from which Peña Nieto’s objectives were carried out and included a formal commitment in 2013 to expedite the largest overhaul of the Mining Law since its creation in 1992 (Secretaría de Relaciones Exteriores 2012, 12-13). The bipartisan consensus of the PRI and PAN to overhaul the mining law for energy reform reflects the extent to which pro-business ideologies and domestic capitalists had permeated the highest levels of each national party in the past two decades since the neoliberalization of NRG began. Despite the centrality of oil expropriation to nationalist symbolism and the endurance of PEMEX through multiple economic crises that involved international debt relief, the reforms of President Salinas had entrenched a new culture of neoliberalism in primary resources that now was shifting to liberalization of PEMEX.[[115]](#footnote-115)

In mining, the commodity super cycle peaked in 2012, and began to decline during the Peña Nieto Administration. Between 2015 and 2016, copper prices fell 39%, from $3.61 USD per pound, to $2.20 USD per pound, before a short recovery, ending at $2.81 per pound in 2018 (Macrotrends n.d.). Figure 10 displays the price volatility in the global mining industry during the Peña Nieto Administration, which resulted in price declines of over 20% for copper, gold, and silver, before making a temporary rebound in 2016, followed by a price crash in 2017.

### Figure 10. Price Volatility (Global Annual Price Change, %), 2012-2018

A graph of different types of sales

Description automatically generated with medium confidence

Sources: Author’s own illustration using data from Macrotrends (n.d.) and World Bank (2023).

These price impacts were felt across the domestic mining sector. Combined with new mining fiscal pressures, this new environment for the mining industry threatened industry liquidity and depressed exploration, which the industry blamed on the new government (Armando Ortega, Interview, January 30, 2023; Cámara Minera Mexicana 2017, 3). However, the declining prices in mining around the world in 2013 were inescapable for resource-rich jurisdictions, placing external pressure on domestic politics and policy makers to find ways of compensating in public spending.

The falling price environment is crucial context because the NRG reforms of the Peña Nieto Administration were poorly timed for capturing mining rents. From 2007, the start of the accelerating price environment, to 2014, when it began to fall, the total amount of newly leased concessions fell by 63% (Diario Oficial de la Federación 2014). A reason for this is that concessions leased to companies are charged as fixed fees by hectare of the concession, regardless of current prices of minerals (Ramírez 2012). The fee structure means that mining companies halt new acquisitions when commodity prices drop because they become more expensive to finance when incomes are lower (Moreno-Brid and Puyana 2016, 149). However, the wider economic context does not explain the causes of change in NRG of the Mexican mining sector. It would not have been in the interest of the international mining capital to implement increased mining royalties, which is one of the main changes that was implemented during this time. Similarly, there were no observed wider processes of economic change happening throughout the Americas, and the NAFTA re-negotiation came later in the Peña Nieto Administration and was not targeting widespread adjustments to primary resource sectors in the same ways expected in the Mexican mining sector in the early 1990s. As a result, economic pressures provide important context for the institutional shifts in the domestic policy process, but they do not independently explain change in NRG.

## Democratization

Following twelve years of PAN rule, the PRI won the Presidential elections of 2012 under Enrique Peña Nieto, the former Governor of the State of Mexico in central Mexico. Mexicans were disillusioned by the failure of the PAN governments to deliver on their promises to fix deep-running issues, such as violence, corruption, and the deterioration of public security throughout the country (Paley 2014).[[116]](#footnote-116) During the PAN Administrations of Vicente Fox (2000-2006) and Felipe Calderón (2006-2012), the PRI held the most seats in Congress in three of the four legislatures – nine years out of twelve – from 2000-2003, 2003-2006, and 2009-2012. The PRI secured legislative control in 2012-2018 by reclaiming the presidency and securing a majority in Congress through an alliance with the PVEM, controlling 61 seats in the Senate, and 241 in the Chamber of Deputies (Estudio Nacional Electoral 2021). This victory provided Peña Nieto with a strong base from which to pursue his policy goals (Kerevel and Bárcena Juárez 2022, 2). In the 2012 elections, the PAN received third place in the Presidential elections, capturing only 25% of the vote, and 25% and 29% in the Chamber of Deputies and Senate, respectively (Estudio Nacional Electoral 2021).

Political linkages between opposition parties – namely the PRD and PT – and anti-mining organizations from civil society began to surface during the end of the Calderón Administration and grew into more cohesive and publicly-facing organizations during the Peña Nieto Administration (Sol Pérez Jiménez, Interview, October 14, 2022). Movements grew protesting the return of the PRI and the escalation of violence and state-corruption under the drug war. The Mexican Network of People Affected by Mining (La Red Mexicana de Afectados por la Minería, REMA) was established in 2008, and they intensified their anti-mining efforts in 2012 by working toward legislative reforms (Delgado 2010, 53; Karen Flores, Interview, August 30, 2022). These efforts with anti-mining activists became alliances on the left that led to the breakdown of the PRD later in the Peña Nieto Administration and the momentum of Presidential candidate Andrés Manuel López Obrador to establish the National Regeneration Movement party (Movimiento Regeneración Nacional, MORENA) (Boege 2013, n.p.; Yoatzin Popoca, Interview, October 24, 2022).[[117]](#footnote-117) However, during the Peña Nieto Administration, I will show that these changes to partisan alignments on the left, while important context for the failed reforms to NRG, do not explain changes in NRG. Failed reform attempts to the Mining Law in 2013 and 2014 and the role of civil society in the changes to NRG during the Peña Nieto Administration neither caused change to NRG policy during this time, nor did they create any meaningful pressure on the PRI. However, REMA was an important actor that helped spur increased attention to the mounting number of mining conflicts and negative social-environmental impacts of large-scale mining, and, according to one industry interview, “made a lot of noise” (Armando Ortega, Interview, February 6, 2023). However, the PRI ultimately held the legislative power and did not have to make decisions based on REMA, their allies in the PRD and PT in Congress, or acquiesce to other stakeholders in terms of government policy over the domains of NRG. Interviews with both mining Industry and NGO representatives verified that REMA was ultimately limited in their influence and ability to spur change to NRG.[[118]](#footnote-118) Following the consideration of the context of global economic pressures, I now turn to the analysis of the observed policy events during the Peña Nieto Presidency.

### Table 5. summary of observations and findings, 2012-2018

|  |  |  |  |
| --- | --- | --- | --- |
| **NRG Domain** | **Observation** | **Outcome** | **Explanation** |
| Land Tenure | Failed Mining Law reforms | Failed displacement of the Mining Law’s Article 6 and other amendments. | A Left-wing faction were unable to get reforms through Congressional committees in Congress. The PRI were pushing forward a pro-mining agenda that sought to extract more rents from the sector, but not to enhance the social clauses that would provide more influence to communities. |
| Land Tenure | Mining Law Reform of 2014 | Layering of new provisions to clarify land use priorities in relation to oil and gas reform. | Strong veto-players from the PRI were able to maintain the supremacy of pre-existing Article 6, albeit in a context of deepening the importance of extractivism to the PRI government. |
| Land Tenure | The *Amparo* Law and Constitutional reform | Conversion of judicial legal mechanism of Mexican government (inconclusive in relation to NRG, land tenure). | Unintended consequence is that mining communities used judicial reform. |
| Environmental Policy | Budget restructuring | Drift via deliberate neglect of public expenditures for SEMARNAT and PROFEPA to inspect mine sites. | The strong veto-player status of the PRI, which was committed to capturing more mining wealth, neglected the funding of capacity needed to enforce EIAs and mine inspections. |
| Environmental Policy | The Water Conservation Decree of 2018 | Conversion of water conservation planning in order to allow industrial takeover of water concessions previously held by community rights | Without changes to the National Water Law, there are formalized processes for water conservation and concessions, but ambiguity in water rights claims. This has helped mining companies secure more access to public concessions and override community claims. |
| Labour Policy | Steelworkers and steel dumping | Layering (inconclusive in relation to NRG, labour policy). | Rare agreement between Executive, industry and *Los Mineros* about the need to add government supports to protect steel industry from imports. |
| Regulation of Capital | The Mining Fund | Layering of new royalties onto the mining sector; targeted Mining Fund for production regions | The strength of PRI veto players in Congress and the Pact for Mexico’s focus on energy reform allowed for a new, minor royalty on mining. The PRI balanced new avenues of public revenue with decrease in revenues from energy sector liberalization and was able to enact laws through support from PRD. |

Source: compiled by Author

# Section II – change in NRG, within-case analysis of each policy domain

## Land tenure

### Failed Mining Law reforms

The Pact for Mexico provided an opportunity for the left-wing parties in Congress – the PRD, PT, and the Citizen’s Movement (Movimiento Ciudadano) – early in the Peña Nieto Presidency to seek changes to the Mining Law of 1992 to improve the influence of communities over early stages of mining approvals – namely, rural municipalities, *Ejido*s, and agricultural communities. During the LXII legislature (2012-2015), members of the PRD scrutinized various components of the Federal Law of Rights, National Water Law and the Mining Law of 1992 and sought to include “social interest clauses” to bring communities and *Ejido*s into the process of municipal-level approval of mining projects, subsequent revenue sharing, and other elements of NRG related to local interests (Sistema de Información Legislativa. 2014, n.p.).[[119]](#footnote-119) Congressional Deputy Trinidad Morales Vargas of the PRD, having tabled failed proposals to reform various components of NRG policy for social distribution and increased influence and power of communities in the previous legislature during the Calderón Administration, carried on his efforts during the Peña Nieto Administration (Secretaría de Gobernación 2013, 70). In the Chamber of Deputies on April 17, 2013, PRD Deputy Trinidad Morales Vargas proposed a package of mining-related reforms, including to reform Article 6 of the Mining Law – the legal supremacy law granting mining privileged use of land over all other activities – by introducing adjustments to the law requiring new processes of formal approval from *Ejido*s in order to proceed with mining projects (Gaceta del Senado 2013). In the proposal, Morales Vargas added language that “temporary occupation, easements and expropriations for mining use must be resolved after an opinion free from the ejidatarios, community members, residents, and other owners and possessors of the properties, without pressure or deception” (Gaceta del Senado 2013).[[120]](#footnote-120) This proposal would be a significant displacement of the Mining Law’s most controversial article, which for the past twenty years assured miners and investors that their plans were protected by law. Now, the PRD had created a proposed pathway to displace the preferential treatment of mining at the expense of communities and other economic activities. This was one effort built upon civil society coalitions.

Thirteen members of the PRD and PT drew from a broad coalition of civil society, affected communities, and opponents of extraction to pressure Congress to make the change to the Mining Law to undo the legal supremacy and public interest clause in Article 6 that allows for mining operations to usurp all other land use activities (Sol Pérez Jiménez, Interview, October 14, 2022). These Deputies wanted to instill language that beneficiaries of mining concessions would be “subordinated to the prior opinion of the community” (Secretaría de Gobernación 2013).[[121]](#footnote-121) A civil society coalition went all over Mexico getting thousands of signatures (Yoatzin Popoca, Interview, October 24, 2022). The bill to reform Article 6 was passed onto various committees, where it sat for six months until being withdrawn in October 2013, due to a lack of support at the level of the multi-party Congressional committees, and the guarantee that it would not be passed if held for a vote in the Chamber of Deputies (Dirección General de Servicios de Documentación, Información y Análisis 2018, 70). The Congressional effort was a precursor to bolder action.

Following failure to reform piecemeal laws, members of the PRD drafted a New Mining Law. In December 2013, Senator Iris Vianey Menzoda of the PRD argued that the mining industry “should be subordinate” to the government, but that in its current form, the Mining Law clearly favoured large-scale mining over the sovereign authority of the federal government to prioritize other land uses (Bnamericas 2013, n.p.).[[122]](#footnote-122) This effort was an attempt to convert NRG through legislative means towards what the PRD considered to be a more balanced approach of state authority to dictate the placement and management of mining concessions in relation to community land rights. The PRD tabled a new Mining Law on September 23, 2014, in the Chamber of Deputies, to replace the 1992 version (Gaceta del Senado 2014, n.p.). This new Mining law had the potential to convert NRG of mining across all four policy domains and represents an instance of failed displacement of the Mining Law by left-wing members of Congress that wanted the Mining Law to address social justice (Sistema de Información Legislativa. 2014, n.p.). The attempt to cultivate a new logic of action in support of social clauses in the Mining Law – e.g., redistribution of mining wealth and enhanced land tenure rights for affected communities – was not aligned with the PRI’s goals for land tenure. As strong Congressional veto players, the PRI was able to simply let the effort lapse in subcommittees. Among several draft proposals, Senator Vianey Mendoza and other PRD Congressional deputies proposed that mining production concessions will have a maximum duration of twenty to thirty years, down from the existing fifty years, and exploration concessions will have a maximum duration of five years with only one opportunity for a permit renewal (Sistema de Información Legislativa. 2014, n.p.). Like the two efforts prior, in 2012 under the PAN government, and in 2013 under the PRI, this new Mining Law failed due to divisions within the left-wing parties of Congress.

The different failures of the left in Mexico to table convincing proposals in the legislature to reform mining laws and regulations has been attributed to division within the PRD (Sol Pérez Jiménez, Interview, October 14, 2022). My findings are consistent with other academic perspectives as well as NGO perspectives as to why the left in the opposition parties in Congress were unable to enact reforms, which was exacerbated by the PRD’s lack of partisan priority on reforming laws related to mining (Fundar 2015; Vargas 2015, 110). Instead, it got the support of individual politicians who engaged civil society in these unsuccessful bottom-up movements (Jaime Cardenas, Interview, November 3, 2022). In addition, PRD Deputies were not influential in Congress under a PRI-controlled Chamber of Deputies. This failure to reform the Mining Law to add social interest clauses and shift more power to communities allowed policy legacies of NRG reforms by President Salinas two decades prior to persist. The shift in land rights failed due to the lack of political interest among the PRI and PRD. While there were sympathetic elements of the left-wing factions in the PRD, they were unable to table a credible bill in Congress to win enough votes. The PRI were pushing forward a pro-mining agenda that sought to extract rents from the sector, while not enhancing the social clauses that would provide more power to communities. This is a legacy of both PAN and PRI predecessors, who allowed for the expansion of mining activity in Mexico, despite the impacts to affected communities and ecologies.

### Mining Law reform of 2014

Energy reform involved the adjustment of laws related to NRG (Vargas 2015, 115). The Hydrocarbons Law (Ley de Hidrocarburos) required layering of other legislation via reforms to create a new privileging of oil and gas deposits (Gobierno de México 2013, 9). These reforms were introduced on November 8, 2014 and included a package of new elements attached to the existing institutions related to mining regulations, but were generally focused on adjustments to the Mining Law of 1992 (Cámara de Diputados 2014).[[123]](#footnote-123) The Mining Law, Article 5 Section I, was reformed on August 12, 2014, to ensure that hydrocarbons would be the highest public utility in land use in instances where other minerals were present or a concession was leased to a private entity (Diario Oficial de la Federación 2014, 4). Now, oil, gas, and public electricity held higher legal status over instances of overlap with metallic mineral deposits (Witker 2018, 742). The Mining Law reform of 2014 is a case of layering, by increasing the influence over land tenure by oil and gas authorities in Mexico as part of wider liberalization efforts. However, it did not represent a substantive diminishment of mining’s power and influence over land tenure because approximately 75-80% of Mexico’s total oil and gas production occurs offshore (EIA 2014, n.p.). There is no offshore mining economy, meaning that overlapping deposits is rare. Therefore, this reform is mainly a contextual change that does not directly affect the distribution of authority and influence in mining NRG, but situates energy priorities relative to mining in the few areas of potential conflict. It was a legal clarification in the event that hydrocarbons and mineral concessions overlapped in the subsoil, which, by virtue of the energy reform, was changed to privilege oil, gas, and electricity provision (Dr. Luis Eduardo Gómez García, Interview, September 22, 2022). The change still invokes subsoil primary resources – minerals *and* oil, and gas – as having public utility status over all other land uses, which shows that a new element was attached to an existing institution.[[124]](#footnote-124)

The regulation of capital section will explore in greater detail the implementation of fiscal reforms in early 2014, but it is worth mentioning important linkages to the land tenure system. The PRI was interested in capturing more rents from the existing land mining concession regime, calling it a “strategic sector of the country” in the National Development Plan of 2013-2018 (Diario Oficial de la Federación 2014).[[125]](#footnote-125) The goal was to increase concession leasing rates to capture more rents from mining exploration. The new requirements included increasing land concession payments by 50% if there are two-consecutive years that the concession is owned and left unexplored and implementing a 7.5% royalty on revenues for all metal minerals extracted, including an extra 0.5% on gold, platinum, and silver (Cámara Minera Mexicana 2015, 11; Cámara Minera Mexicana 2016, 55). Prior to 2014, the companies were only subject to the 30% corporate income tax rate (Cámara Minera Mexicana 2015). The PRI also wanted to simultaneously see production increased in mining, which they achieved by disincentivizing holding unexplored concessions through increased concession rates for unused concessions (Diario Oficial de la Federación 2014). The logic was that companies holding unexplored concessions would sell the title to companies willing to move quickly on surveying and prospecting for mineral wealth (Diario Oficial de la Federación 2014). As a result, policy change to the underlying land rights regime was not a goal of the Peña Nieto Administration. Instead, the mining industry was viewed as a rent-generating mechanism, and the existing concession regime was well-suited to the leasing framework of commonlands deemed unproductive by title holders (Browning-Aiken 2012, 118). However, capturing more mining rents became a goal of the PRI (Stargardter 2013, n.p.). The increase in payments by mining companies to the national government for exploration and extraction of minerals layered new elements onto existing revenue collection processes in land tenure to raise rents. I will address the veto player actions and debates concerning the fiscal reforms to the concession system in the regulation of capital section of this Chapter as they also relate to the regulation of capital.

### The Amparo law and Constitutional reform

The final observation of change in land tenure is related to wider constitutional amendments as part of judicial reform. President Calderón proposed expanding the basis upon which an *Amparo* can be claimed as a constitutional pathway to challenge unconstitutional rulings. As an unintended consequence, this reform to the justice system, which falls outside the scope of the NRG analytical framework, created new judicial precedent for human rights considerations in revoking mining permits, which were discussed in Chapter 4. Unintended outcomes are an example of conversion. The *Amparo* Law reform was led by civil society actors based on the human rights complaints against President Calderón’s War on Drugs early in his Administration (Paley 2014, 6). In 2013, Peña Nieto implemented various changes of federal law to codify Calderón’s original proposals and earlier reforms to the Constitution and The Organic Law of Federal Public Administration (Ley Orgánica de la Administración Pública Federal) (Diario Oficial de la Federación 2011; Diario Oficial de la Federación 2013). Filing an *Amparo* in the context of mining conflicts over land rights provides *Ejido*sand agrarian communities the avenue to a constitutional lawsuit – adjudicated in Federal court – to protect their communal rights. For example, in the event of a mining project that may have passed the permitting processes with the federal and municipal authorities but never engaged in good-faith prior and informed consent with local farmers, the community may file an *Amparo* (Fundar 2015). Its application in community-related cases has shifted the jurisdictional influence in NRG away from international influences and closer to the rights of communities. However, filing an *Amparo* is an inadequate and unrealistic replacement of a functioning legal framework for protection of community rights and is only viable in exceptional circumstances where communities can prove violation of human rights or the law.

While this reform indicates a change in land tenure during the Peña Nieto Administration to the benefit of communities, the *Amparo* does not block mining project approvals in most circumstances. Its use in mining conflicts was an unintended outcome of the judicial reform, which means it does not create a legal pathway for communities to veto mining projects or be influential veto players in land tenure. However, it is useful context for explaining the pathways for communities to oppose mining activities in exceptional circumstances. In cases of foreign-controlled mining projects, Mexico is bound to international rights of investors through treaties like NAFTA’s Chapter 11 investor dispute mechanism. Filing an *Amparo* is by nature a reactive legal mechanism, and in the context of the Mining Law, it can be used by directly-affected communities to challenge specific permits. The pathways for communities range from contesting violations of municipal environmental permitting or asserting patrimonial land rights, to larger constitutional protection of rights to water and Indigenous ancestral land rights. In some cases, the Supreme Court has sided with communities to revoke mining permits and water concessions from industry, but these are exceptional cases (Yoatzin Popoca, Interview, October 24, 2022). Filing an *Amparo* neither guarantees a positive outcome for affected communities, nor guarantees that the case will even be heard by the Supreme Court or local Federal Circuit Courts. The *Amparo* Law is therefore an example of conversion of a judicial mechanism, which in turn create opacity and contestation when it comes to actual resolution of legal issues between stakeholders. While these new pathways signalled an improvement to the relative power of communities in rare and extenuating circumstances, it does not create administrative or legislative changes for improved influence in relation to the mining industry. Additionally, this democratic element applies to many more facets of Mexican social rights and judicial processes. Therefore, it does not explain any changes in the overall division of influence and authority in NRG, as it did not change overall the overall balance of power, which still favours mining operations.

## Environmental policy

I now turn to the main observed changes in the domain of environmental policy. Following the peak of commodity prices and the PRI’s turn towards new mining royalties, Mexico was eager to capitalize on mining rents, while maintaining an industry-friendly regulatory environment. As Chapter 4 details, the G25 set the benchmark environmental policy during the Zedillo Presidency and these influences carried into the PAN era (Díez 2006, 162). The PRI’s takeover in 2012, however, ended the striking endurance of the G25’s foundational influence throughout the late 1990s and into the PAN Administrations. In SEMARNAT, the PRI appointed new leaders as part of routine turnover with the entry of a new president, which effectively ended the legacy of the G25, which the PAN had carried over from the Zedillo Administration (Díez 2006). There was a turn to even more pro-business attitudes in key positions of power. Both of Peña Nieto’s leaders of SEMARNAT – and Juan José Guerra Abud (2012-2015) and Rafael Pacchiano Alamán (2015-2018) – were industrial engineers and members of the PVED. Their careers in the private sector prior to their entry into politics signalled a change from the academic foundations of the G25 and its proximity to faculties of natural sciences at the UNAM. During this same time, the PRD sought enhancements of environmental impact assessments for mining specifically through a variety of proposed amendments rolled into wider reforms of the Mining Law (Diario Oficial de la Federación 2012; Dirección General de Servicios de Documentación, Información y Análisis. 2018, 72). The PRD argued that there was a need for enhancements that extend beyond the main regulatory mechanisms of SEMARNAT Norm 120 for environmental protection and SEMARNAT Norm 141 for tailings waste management, and to consider the interactions of environmental and social impacts for directly impacted communities (Centro de Estudios de las Finanzas Públicas 2020, 72; Diario Oficial de la Federación 2012; Diario Oficial de la Federación 2004). Like the other attempts to invoke changes to legislation to other policy domains during the LXII legislature, the lack of Congressional power on the left stifled efforts to enhance mining regulations.

The diffusion of global norms relating to environmental action featured in Peña Nieto’s electoral platforms, however there was actually increased environmental crises during his Presidency involving pollution, ground water contamination, and the high-profile mine tailings collapse at the Cananea mine (Pacheco Vega 2014, n.p.). In the Mining Development Program (2013-2018), the fourth goal states that “the consolidation of the competitiveness of the mining sector requires a more efficient, modern and transparent regulatory framework, and therefore it is essential to promote administrative simplification” (Diario Oficial de la Federación 2014b).[[126]](#footnote-126) Therefore, the PRI wanted to increase mining attractiveness in the regulatory space as part of their overall hope to raise public revenues from their new mining royalty reform. The layering of state revenue collection onto mining-related policies in a free-market mining model required drift in other areas – e.g., environmental regulations – in order to maintain an attractive jurisdiction for mining. The following sections explain the main policy events that ultimately benefitted the mining industry to the expense of communities and other non-industry stakeholders. In the first observation, I will demonstrate that austerity in environmental policy was an example of drift designed to allow for uninterrupted mining production. In the second, I explain how new processes for renewal of water permits ultimately shifted the institutional settings of ground water resource distribution between communities and industry even further to the benefit of the mining industry, which is an example of conversion.

### Budget restructuring

During the Peña Nieto Presidency, while mining production increased for the benefit of industry and the national royalty framework, environmental enforcement over mining declined in its capacities to inspect mines. Despite the rising international attention to climate change and commitments to international emissions standards by Presidents Calderón and Peña Nieto, the PRI enacted policies consistent with drift against the key environmental institutions for other environmental matters in the domestic sphere. Following small increases of the environmental budget during the Calderón Administration until the midterm of Peña Nieto in 2015, the government slashed budgets for the remainder of the term (Castro 2022, n.p.; Centro de Estudios de las Finanzas Públicas 2020, 11). SEMARNAT and PROFEPA both suffered budgetary austerity during the Peña Nieto Administration. PROFEPA is the environmental prosecutor responsible for inspecting mines. The PRI decreased SEMARNAT’s total budget by 44.7% between 2015 and 2018 (Centro de Estudios de las Finanzas Públicas 2020, 68). Similarly, the budget for PROFEPA, was cut in 2015. Following a steady increase under the PAN, PROFEPA’s budget plateaued from 2012-2015 under the PRI, before a decline of 11% from 2015-2018 (Castro 2022, n.p.). These decreases in environmental enforcement and site inspections are occurring at a time when large-scale mining projects are at historically high levels of production, which involve massive amounts of excavation and re-shaping of earth from mountainous landscapes.

One interviewee from PROFEPA pointed out that inspections are not carried out due to a lack of staff in their field offices, which are spread across the country in state-level offices (Juan Alonso Ramírez Fernández, Interview, September 12, 2022). In 2015, PROFEPA carried out 344 inspection visits to mining projects (PROFEPA 2016). In 2015, there were 976 mines in active production in Mexico, meaning that 35% received an inspection by PROFEPA (SGM 2016). In 2018, PROFEPA carried out 168 inspection visits to mines (PROFEPA 2019, 56), a decline of 51.2%. The Cananea tailings disaster in 2014 is particularly illuminating of the impacts associated with environmental austerity. SEMARNAT director Guerra Abud, blamed Cananea owners Grupo México for neglect and as the responsible party in the spill, stating it was the worst environmental disaster for the mining industry in the country’s history (Enciso 2014).However, an internal investigation by SEMARNAT discovered that, following the tailings collapse, PROFEPA had never visited the Cananea mine for an inspection in the entire history of the mine (Aristegui News 2018). It is worth repeating that Cananea is one of Mexico’s most oldest and well-known mines, the country’s largest copper mine, and the third largest copper mine in the world. Given its stature and sheer size, environmental NGOs were puzzled that PROFEPA had never inspected the mine tailings ponds and waste management processes at Cananea (Julia Lamberti, Interview, November 11, 2022). The Cananea mine tailings collapse showed the Peña Nieto Administration’s approach to environmental monitoring and enforcement to be “fragmented…[and] much talk with very little action” (Pacheco-Vega 2014, n.p.). Despite the public outcry of the Cananea tailings collapse, the PRI actually doubled down on austerity for environmental agencies.

Following the collapse in 2014, PROFEPA completed an inspection of Cananea in the immediate aftermath of the spill to investigate the issues with mine tailings storage but did not return at any other point in time during the reminder of the Peña Nieto Administration (Aristegui News 2018). This is despite other efforts taken in court to ensure that the mine paid its fines and carried out its responsibilities to the communities in terms of providing environmental remediation and sanitary water (Suprema Corte de Justicia de la Nación 2019, n.p.). One of the main issues with the staffing shortage also concerns turnover, where many inspector’s postings are for two years. This means that inspectors do not return to field sights more than once, and when PROFEPA goes back, they are new inspectors, which, for the river basin council near Cananea, who received more contact with PROFEPA following the high-profile spill, were faced with new people that were unaware of the particularities of the community consultation process (Julia Lamberti, Interview, November 11, 2022). As a result, PROFEPA in some cases is using incomplete details on key environmental practices like tailings storage and waste rock dispersion using insufficient information from companies that do not adhere to up-to-date industry practices.

The lack of staff and enforcement capacity of PROFEPA – and CONAGUA, as discussed in the following section – is a recurring point of concern for many non-industry and non-state stakeholders, such as NGOs and directly-affected communities. Existing literature on environmental politics have identified gaps between written law and the actual enforcement of those laws during the Peña Nieto Presidency (Challenger et al. 2018, n.p.; Pacheco-Vega, 2014, n.p.; Human Rights Lawyer #1, Interview, November 1, 2022). For example, there are 491,362 water concessions registered with CONAGUA, but roughly 180 inspectors, or 2,729 water concessions to every 1 inspector (McCulligh & Tetreault 2018, 584). Water concessions are therefore not adequately monitored, which results in overuse of subterranean aquifers and unreported contamination by mine tailings waste. Additionally, PROFEPA is unable to adequately collect fines based on their inspections. An analysis of PROFEPA’s process of collecting fines following issuing penalties (2011-2015) show that only 10.1% of fines were collected during this time, with 13.3% in process, and the remaining 76.6% have not been processed at all (Fundar 2020, 27). With a lack of field site visits by PROFEPA, contamination reporting from mine sites and other scientific information that SEMARNAT analyzes is routinely provided by the companies themselves (Fundar 2018). This is a direct consequence of the government’s lack of capacity to collect independent information on mining activities due to limited funding. The drift in environmental budgets not only allows industry to operate with few constraints, but also highlights issues of unmonitored consumption, a theme noted in several studies of Mexican water governance since the 1990s have also noted (see Pacheco and Basurto 2008; Radonic 2017; Stoltenborg and Boelens 2016). As the next section explains, there are important linkages between policies of drift in the enforcement of industry environmental practices and the lack of equitable water sharing between the mining industry and communities.

### The Water Conservation Decree of 2018

Legal battles and social-environmental conflict in mining areas began to emerge under the Peña Nieto Administration due to unclear rights of access to water in the Mining Law of 1992. Article 4 of the Mexican Constitution declares a universal right to water, stating: “Every person has the right to access, disposal and sanitation of water for personal and domestic consumption…The State will guarantee this right and *the law will define the bases, supports and modalities* for the equitable and sustainable access and use of water resources” (Constitución Política de los Estados Unidos Mexicanos 2023, 10).[[127]](#footnote-127) Despite this Constitutional provision, the National Water Law (Ley de Aguas Nacionales) of 1992 does not codify this right. Like other key NRG legislation related to mining activities, the National Water Law is considered outdated by anti-industry actors because it was written prior to the historic expansion of mining in the late 1990s and does not account for the massive increases in ground water depletion by mining activities.

Recent historical changes in processes regulating and managing groundwater have created contestation over water rights and concerns about the preferential treatment of industry. As noted in previous Chapters, the Mining Law during the period of 1988-2018 stated that industry has preference for land use under the legal supremacy of Article 6. It also states that water for mining production is a national priority (Cámara de Diputados 2014, 3). Given that mining is a public interest activity, companies do not need a water permit (Cámara de Diputados 2014, 3), which creates an advantage for mining companies over other actors in areas of water scarcity (Eugenio Barrios Ordóñez, Interview, January 31, 2023). Over time, the mining industry has been favoured over the Constitutional rights of agrarian communities to water (Enciso 2018, n.p.). Essentially, water disputes in mining regions favour mining companies, because “the main problem with the mining law is that it allows mining firms to basically extract all the water they want” (Eugenio Barrios Ordóñez, Interview, January 31, 2023).[[128]](#footnote-128) Some anti-mining activists claim that water gets siphoned off by industry, and then the government changes the reporting on the availability of water at a specific aquifer or region (Sol Pérez Jiménez, Interview, October 14, 2022).

Peña Nieto signed ten decrees on June 6, 2018, under the premise of freshwater conservation and guaranteeing water for up to fifty years for future generations, including ten major water reserves for conservation and upstream management to be jointly administered by CONAFOR and CONAGUA (Diario Oficial de la Federación 2018). However, critics, such as *Agua Para Todos* (Water for All),a civil society organization, were quick to point out that the declaration also involved adjustments to the water permitting system, by lifting existing consumption bans on 300 of the nation’s 756 official water basins, or 40% (El Universal 2018; Enciso 2018, n.p.). It was unclear how exactly these new reserves were going to conserve water in practice, when part of the announcement was lifting bans on consumption. As described in Chapter 4, bans on water permits were in effect in many parts of the country due to overconsumption from drought and industrial activities (Diario Oficial de la Federación 2008, 52). With the new declaration from Peña Nieto, any water concession that was not renewed prior to the decree, which were mostly held by farmer groups, communities, and towns unaware that their ground water rights came with expiration dates, were opened to new usage by the mining industry (Bnamericas 2018). Peña Nieto’s conservation decree, therefore, signals a preference for industrial uses of water and without enforceable policy change for the distribution and conservation of water in areas of mining concessions.

The 2018 policy change to the conservation and concession processes for water rights is an example of conversion. Peña Nieto’s new water conservation initiative re-interpreted the existing practice and retooled it in order to make water access more formalized. Previously, the national government’s practice was to acknowledge the rights of agrarian water concessionaires with constitutional protections despite not always holding active titles (Tetreault & McCulligh 2018, 583). According to Article 27, section VII of the Mexican Constitution, *Ejido*s and *comunidades* are entitled to land and its water resources (Constitución Política de los Estados Unidos Mexicanos 2023, 34). However, many of these communities did not follow permitting processes for decades, due to the fact that there are sometimes multiple concession holders through a poorly enforced partial transfer of water concessions between user types (Tetreault & McCulligh 2018, 583). Peña Nieto’s decrees in June 2018 were framed as correcting a long-standing issue of over consumption by concession holders. But, it also had the intended effect of creating a first come, first served administrative process of water concession permit renewal that favours industrial administrative capacities against those of rural communities.

The issue of water resource sharing is exacerbated by capacity issues in water concession monitoring. According to a former subdirector of CONAGUA, there is an obfuscation between *administration* of water with the *service delivery* of water within the government, which has been a recurring issue since the decentralization of water in the early 1990s.[[129]](#footnote-129) Municipalities now control most of water service delivery for community use. However, according to one functionary from CONAGUA, this system is “plagued with capacity issues” because there are roughly 2,500 municipalities in Mexico all with divergent budgetary resources as well as technical capacities to regulate and monitor water consumption (Eugenio Barrios Ordóñez, Interview, January 31, 2023). Water administration is further complicated and faces more scarcity concerns since the layering of private-public partnerships with industry in the previous Administration, when mining companies were allowed to develop water infrastructure to share with adjacent communities.[[130]](#footnote-130) Water consumption by mines is difficult to monitor due to the inability to enforce the clauses of the National Water Law requiring working water meters on all water concessions titles (Hoogesteger and Wester 2017, 77). The changes by Peña Nieto reflect conversion in the institutional framework of water rights and undermines the equitable sharing of groundwater revenues between communities and mining projects in areas of scarcity. The academic research published on this policy observation is small due to how recent the decrees occurred. However, Sánchez Albarrán, Sierra Martínez, and Urbina Martínez (2018) also argue that the opacity of industrial consumption of water relative to Constitutional rights of communities to water have been exploited during the Peña Nieto Presidency, based on the water decrees. Peña Nieto’s declaration of creating reserves for up to fifty years is an opaque statement with intended ambiguity that has helped mining companies secure more access to community concessions that have lapsed in their permitting processes.

The changes to environmental policy during Peña Nieto’s Presidency – notably, budget austerity for ministries that regulate mining activities and the changes in the governance of groundwater – reflect a commitment by the PRI to maintaining the status quo of encouraging free-market resource extraction and investor rights while also retooling the environmental bureaucracy with pro-industry leadership. In contrast, the PAN during the Calderón Presidency increased funding for SEMARNAT and enhanced mining-related regulations, albeit with a revolving-door style of consultation with the mining sector.[[131]](#footnote-131) The PAN also retained key intellectuals from the initial G25 led by Zedillo in the late 1990s. In contrast, Peña Nieto fired those people and cut SEMARNAT and for PROFEPA funding, which is a notable policy drift and part of a wider politics national budget austerity that also targeted the health, education, and finance ministries (Castro 2022, n.p.; Centro de Estudios de las Finanzas Públicas 2020, 36). In the courts, precedent-challenging cases, on the surface, might suggest the constitutional reforms of 2013 helped communities file grievances against mining companies via the *Amparo* Law. This would affirm the idea that democratic mobilization and changes in judicial pathways for communities spurred change in the domain of environmental or land rights. However, the lack of change to the main laws that provide the mining sector with preferential treatment means that the influence of other stakeholders, such as communities affected by mining and water scarcity due to mining activities, are unable to effectively protect their rights and counter the advancement of mining activities. Instead, the conversion of new water management to allow for new industrial permitting practices in previous areas of water bans, combined with the neglect of the key environmental ministries, exemplifies a change in environmental policy to the benefit of industry’s distribution of authority.

## Labour policy

Late in his term, President Peña Nieto initiated the most significant and wide sweeping reforms to federal labour law since the beginning of this study. On February 24, 2017, President Peña Nieto announced that Articles 107 and 123 of the Mexican constitution were to be reformed in order to create stronger independence between the executive and the JNCA and to give workers more rights over collective bargaining (Diario Oficial de la Federación 2017, n.p.). The Constitutional reform of 2017 was a direct response to the Trans-Pacific Partnership (signed in 2016) and United States-Mexico-Canada Agreement (USMCA) (which came into force in 2020), two trade agreement negotiations that partially overlapped with Peña Nieto’s Presidency (Trew et al. 2024). These trade negotiations led some to argue that external pressures prompted or explain the countours of the the labour reforms (Trew et al 2024, 9). However, Bensusán (2023) argues that, while the reforms may have “originated externally, the overall thrust and key features of the reforms were not foisted on Mexico from outside” (144). Across the literature, there appears to be agreement that there were external pressures from U.S. lawmakers and other countries for labour reform during the Trans-Pacific Partnership and USMCA trade negotiations, but that domestic veto players and affected stakeholders in Mexico – namely, unions involved in the most relevant sectors to cross-border manufacturing, such as auto manufacturing – were actively working with the PRI government to implement the reforms (DiCaro and Macdonald 2021, n.p.; Bensusán 2023, 146).[[132]](#footnote-132) However, the USMCA negotiations were finalized late in Peña Nieto’s term, due to domestic political delays over the required reforms to Constitutional Articles (Bensusán and Middlebrook 2020, 992). The USMCA was signed on Peña Nieto’s last day in office, November 30, 2018, showcasing the important linkages between passing the domestic labour reforms and larger economic goals of Mexico (Bensusán 2023, 146). All subsequent amendments to the agreement occurred under President López Obrador (2018-2024), when the renegotiated agreement went into effect in 2020.

These wider national labour reforms under Peña Nieto are useful background information that highlights strategies that the PRI pursued to undo some elements of PAN executive authority over specific policy domains, including labour. However, I do not treat these labour reforms – or the trade negotiations related to them – as an observable policy change with immediate implications for Mexico’s NRG in mining during the study. Following the Constitutional reform, the sequential roll out of specific labour policies and their outcome on the change in NRG after 2018 are beyond the scope of this study. Given that the labour reforms initiated by Peña Nieto at the end of his Presidency did not take effect until López Obrador assumed the Presidency, the outcomes on NRG were not evident during the period of my study. There is also no evidence that suggests mining industry veto players tried to block the reforms of Articles 107 and 123 because the mining sector benefitted from flexible hiring practices implemented during the Calderón Administration, which continued during Peña Nieto’s term.[[133]](#footnote-133) By 2017, five years after Calderón’s subcontracting policy reforms, and nearing the end of the Peña Nieto Administration, 43% of the work force in the mining sector were subcontracted, compared to the national average in other sectors at 16.6% (Cámara Minera Mexicana 2018, 176). Therefore, there are not failed efforts to block the observations in labour policy related to mining.[[134]](#footnote-134) In principle, however, the labour reforms had the potential in the future to strengthen the position of miners to bargain at mines using subcontracted labour and settle long-running strikes and are therefore worth mentioning briefly.

Following over a decade of major tensions and conflict between *Los Mineros* and the national government under the PAN, which included ongoing strikes at Cananea and other mines, the reforms by the PRI were welcomed by *Los Mineros* as closer alignment between the PRI and independent labour more generally (Los Mineros 2015).[[135]](#footnote-135) The perceived future outcomes of the reforms by the union were fairer bargaining processes and impartial labour dispute settlements with the JNCA, which had both been a long-standing grievance of *Los Mineros.* There was also potential for better bargaining at sites owned by U.S. or Canadian companies because the mining sector is mentioned in Annex 31-A of the USMCA (signed in 2018), which provides rights to rapid response and enforcement of worker’s rights to bargain at the facility (or mine) level (Bensusán 2023, 158). Molina Martínez (2015, 2) argues that the JNCA under the PAN governments had a track-record of bias against unions, such as a lack of criteria and evidence in dispute conciliation and the corruption of independent experts.For instance, Gómez Urrutia (2013), the leader of *Los Mineros,* complained that “the JNCA is, absurdly, part of the Executive branch even though it a quasi-judicial entity. This arrangement leaves politicians an opening to meddle in matters of a purely legal nature” (126). Under Fox and Calderón, anti-union arbitrators led the process, and Peña Nieto was committed to ending what was considered a PAN-aligned and anti-union arbitration system that had, effectively, been captured by the Executive branch (Maquila Solidarity Network 2017, 4). Under the reform of Article 107, the Executive Cabinet in Mexico was no longer allowed to control labour arbitration in the JNCA (Gobierno de México 2021, n.p.). With Congressional support, the reforms to Article 107 of the Constitution established better clarity over the JNCA’s standing as an impartial mediator (Diario Oficial de la Federación 2017). As part of the reform to Article 123, decentralized federal labour courts would handle judgements in labour disputes (Flores Medina 2015; Diario Oficial de la Federación 2017).

To restate, the outcomes of these reforms on NRG, through shifting influence or authority of workers and unions relative to other veto players, can only be observed under Peña Nieto’s successor, López Obrador. These examples of potentially enhanced authority and influence of mining labour over industry is an important future avenue of investigation of labour policy reform impacts on NRG in the subsequent Presidency of López Obrador.

### Steelworkers and steel dumping

Challenges in the steel industry, from extraction to downstream production processes, created a rare moment of policy unity between Mexico’s major steel companies, the Federal government, and *Los Mineros*. In May and December 2015, the Federal government announced rounds of anti-dumping duty on steel imports from China, Germany, and France to counteract the influx of cheap mid-stream steel products (Global Trade Alert 2015). The legislation to counteract the influx of steel is an example of layering new policies designed to protect domestic industry, with the larger objective to protect employment of Mexico’s, unionized and non-unionized, involved in domestic extraction of iron ore and steel production, which indicates a willingness by the Peña Nieto Administration to assert their authority over the open market in labour policy, to preserve the economic viability of domestic steel. On June 9, 2015, the Ministry of the Economy announced that it was going to begin charging fees on steel imports, to mitigate against what they considered to be dumping by Chinese and European steel producers (Los Mineros 2015, 5). The letter was signed by three of Mexico’s largest steel producers: Altos Hornos de México, DeAcero, and ArcelorMittal México, who, combined, comprise 70% of Mexican steel production. They warned that up to 10,000 jobs would be eliminated without protectionist measures against the dumping of lower cost steel from outside Mexico (Bnamericas 2015). *Los Mineros* shared in the consensus between the state and the industry based on the importance of steel production to the union’s membership base (Mexico Business Publications 2019, 13). In 2015, over 90% of national steel production remains in Mexico for use in the national supply chain (Cámara Minera Mexicana 2017, 243).

No significant observation of discrete policy actions by stakeholders in labour policy occurred during the Peña Nieto Administration. While these aforementioned shifts are context for the PRI’s minor adjustments to arbitration processes, labour bargaining rights, and protection of the steel industry to the benefit of workers, it did not create change to the overall distribution of influence and authority of workers over NRG. Like the PAN, the PRI sought to see mining production continue to grow, which was supported by the flexibilization measures of the Calderón Presidency. Similarly, the weakening of corporatist networks during the 1990s by the PRI supports the idea that the PRI was not going to reverse direction in their vision of neoliberalism in Mexico, including the successful privatization of the mining sector.

## Regulation of capital

One of the first major legislative agendas of the Peña Nieto Administration was an overhaul of fiscal matters. Chapter 4 traced the PAN’s inability to fulfill their goal of modernization of tax collection and expand new sources of public revenues. Instead, the PAN for twelve years tinkered with tax rates and largely left the revenue structure unchanged, which is seen in the World Bank (2023) and OECD (2022) data showing Mexico as well-below the tax-to-GDP average for both Latin America and OECD nations. These figures continued into the Peña Nieto Administration. In the OECD, Mexico consistently ranks as the lowest of 38 member countries, hovering around 15%, in comparison to the OECD member average of 34.1% (OECD 2022). For Latin America, of the 25 countries surveyed (excluding Cuba and Venezuela), Mexico has ranked 21st for lowest tax-to-GDP ratio, with an average of 16.7% since 2005, to the 21.7 Continental average (OECD 2023). Part of Peña Nieto’s National Development Plan (2013-2018) had at its core an “extremely broad” review of the tax system, involving “profound adjustments to make it more just, efficient and simple, as well as to advance in the strengthening of fiscal federalism” (Gobierno de México 2014, 285).[[136]](#footnote-136) Among general changes to taxes, mining was one of the primary targets, after decades of little to no action paid to the mining sector as a source of public revenues. With a successful 2013 tax reform underway, the Peña Nieto government imposed new mining taxes, including new concession fees, which industry considered to be a “significant rise” in taxes levied on mining, and was supported broadly by opposition parties under the umbrella of the Pact For Mexico (Karen Flores, Interview, August 30, 2022). Given the peak of the commodity super cycle and historically high mineral prices on the global market, combined with historically high production and foreign mining investment pouring into Mexico, the government mulled implementing a mining royalty collection.

### The Mining Fund

There were significant changes to the fiscal structure of mining royalty management under Peña Nieto. Some have attributed the mining royalty reforms of 2014 to earlier analyses carried out by the SHCP as early as 2003 under the PAN governments during their initial fiscal assessments of the Federal tax structure who did not go through with them due to an aversion to increasing barriers of entry to foreign mining capital (e.g., Cornelissen 2016).[[137]](#footnote-137) Others argue that the adoption of a regionally-targeted fund financed by mining royalties reflected an attempt to make extractivism more palatable to the general population (Tetreault 2020, 9). Despite these assertions, the evidence neither point to fears of capital flight on the right, or appeasement of anti-mining stakeholders on the left, for why these changes were implemented. Instead, I find that individual PRI and PRD Deputies introduced new mining royalties based on a general interest in capturing new rents from a well-performing industry at a time where prices were high. They also drew on a range of policy ideas for changing the revenue scheme that did not involve earlier SHCP analysis or community consultation measures.

There were two main ways that mining was targeted for fiscal reforms: first, overhauling the concession pricing levied against miners leasing land from the state for exploration and production; and second, through increased taxes on the total value of mineral extraction by the companies. In this process, the PRD were particularly active in proposing new royalties structures and adjustments to the Fiscal Coordination Law (Ley de Coordinación Fiscal). In April 2013, the Chamber of Deputies heard an Congressional explanatory statement from PRD Deputy Armando Ríos Piter, who called for a mining fund of 4.65% of total production that would be divided in an 80-20 split of mining funds for communities and for the Federal Government, respectively (Gaceto del Senado 2013). In addition, the proposed royalty would be adjustable to current market prices depending on the price environment in mining, which is notoriously volatile (Gaceto del Senado 2013). PRD Diputado Trinidad Morales Vargas proposed a 10% royalty on all mining for direct redistribution to the municipal government from which it was extracted (Sistema de Información Legislativa 2014). On September 25, 2014, the government’s expected implementation of the Fund for the Sustainable Regional Development of states and mining municipalities was implemented by the PRI via reforms to various laws, notably the Mining Law of 1992, Organic Law of Federal Public Administration and the Law of Rights (Ley de Derechos) (Diario Oficial de la Federación 2014). The Federal government levied a 7.5% royalty on all mining revenues earned and an extra 0.5% on gold and silver (Moreno-Brid and Puyana 2016, 150). The money was to be an 80% split for communities to use for social infrastructure and 20% split for the federal government (Secretaría de Desarrollo Agrario, Territorial y Urbano 2016). Concession tributes increased by 50% each year that the concession is owned past the lease, and payments double (100%) for inactive concessions – meaning, no exploration, operational construction, or production is taking place (Gobierno de México 2014). This royalty system is the largest overhaul to the tax framework of the mining sector and the first regionally targeted development fund in Mexico since the takeover of the PRI by President Gortari in 1988. As discussed in Chapter 4 and earlier in this Chapter, the Mining fund was a culmination of prior PRI and PRD efforts to capture rents from mining that were previously rejected during the PAN governments, who oversaw the initial expansion of the mining sector from 2000-2012.

The Mining Fund represents a shift in NRG, particularly in the regulation of capital, against the direction that it had been going in unidirectionally under the previous regimes of the PAN (2000-2012) and the PRI (1988-2000). Concession payments were designed specifically to carry out the goal in Peña Nieto’s Fiscal component of the National Development Plan of improving public sector finances through a review the framework of states and municipalities to make the tax structure more equitable to improve the distribution of the tax burden (Gobierno de México 2014, 286). The changes reflect the PRI’s intention re-capture a small amount of state-led influence back from international mining capital, and re-distribute authority and a small amount of ownership, albeit in the form of taxes, back into the public coffers and communities due to the ongoing expansion and profitability of the sector at the time of the negotiations in Congress about tax reform. However, in the process, the mining industry’s reaction to the fiscal reforms, combined with price declines across all major metals between 2012 and 2016, was that of vitriol and frustration with the reforms. Daniel Chávez Carreón, President of CAMIMEX, in 2017 blamed the decrease in investments on Mexico becoming one of “the most expensive places to invest in mining,” due to the “imposition of new duties, disproportionate increase in others [taxes], and a lack of judicial certainty” (Cámara Minera Mexicana 2017, 3).[[138]](#footnote-138)

Analyzing the annual reporting of CAMIMEX’s activities year over year show, from 2012-2017, a marked shift in attention to fiscal matters and engagement with members of Congress, beginning in 2012 shortly after Peña Nieto took office. [[139]](#footnote-139) As Chapter 4 detailed, there were failed attempts by the PRD and other left-wing parties in Congress to create explicit social interest clauses in the Mining Law during the PAN administrations. As a result, with the return of the PRI and their command over Congress, the mining sector increased their presence and lobbying with pro-mining Congressional members. Through CAMIMEX’s tax commission (Comisión de Impuestos) and their board of directors, CAMIMEX actively lobbied Congressional Deputies and Senators to oppose the proposed Mining Law (Cámara Minera Mexicana 2014, 146). In the months leading up to the mining fund’s implementation in 2013, business leaders from the mining sector took to public news outlets and approached members of congress to re-consider the implementation of further taxation on the industry (Mexico Business News 2013, n.p.). One mining elite, an executive board member and former director of CAMIMEX, stated that the Peña Nieto government initiated these taxes, as “a trade-off [for oil and gas reform] to convince the opposition actors in Congress from the Citizen’s Movement and the PVEM”[[140]](#footnote-140) (Armando Ortega, Interview, February 6, 2023; Sada 2013, n.p.). Throughout my industry interviews, a recurring point was made that Mexico’s mining industry must deal with a perennial public perception that the industry is not highly taxed.[[141]](#footnote-141) This new taxation collection from mining for targeted regional development was met with industry resistance, considered by the sector to be motivated by political factors (Rubén del Pozo Mendoza, Interview, September 14, 2022). However, the Pact for Mexico meant that all major parties – the PAN, PRI, and PRD – were beholden to the Federal Executive’s legislative agenda, and thus unable to reverse the intention to move forward with a fiscal reform to mining.

Following the implementation of the Mining Fund, pro-mining and anti-mining stakeholders both criticized its management. CAMIMEX did not release their first analysis of the Mining Fund until 2016. According to a former Director of CAMIMEX, at the onset of the Fund:

“There was a lack of transparency and a disappearance of the money for the towns and regions, and we noticed that some of the money wasn’t being properly spent. It’s a difficult equation because there was supposed to be state-level boards with municipalities and executive projects were supposed to be done by committee. Success was dependent on the organization of the municipality. Some of the money goes to the feds, and some to the municipalities. Regarding the portion to the Federal Government, there was no way to know what they were doing with the money. So, some adjacent municipalities got a portion of the tax from states, but the main communities won’t because it was earmarked for executive [led], targeted projects.”[[142]](#footnote-142)

The concerns about the executive-controlled 20% earmark of the Fund and the linkages between the state Fund committees and municipalities was shared by both mining industry representatives and social-environmental NGO’s.[[143]](#footnote-143) From 2014 to 2018, the mining industry was concerned about the Fund’s governance, transparency, and revenue management. There was immediate concern about transparency and corruption because these funds were to be reallocated on a regional basis to mining communities to return some of the value extracted from the physical surroundings. However, mining taxes are collected by the Federal government, not states or municipalities. Abdón Hernández Esparza, President of the Legislative Commission (Comité Legislativa) of CAMIMEX signalled that, beyond the increased cost to mining companies, there was a concern simply that the procedures for administering the funds needed to be easy to follow (Mexico Business News 2013). CAMIMEX continued lobbying the government about what the industry considered to be burdensome taxation and royalty payments, as well as drawing upon Fraser Institute economic freedom rankings to showcase to outside partners that new policy changes were damaging the industry’s competitiveness globally (Cámara Minera Mexicana 2015, 21; Cámara Minera Mexicana 2018, 88). Industry and civil society organizations both voiced concern that the Mining Fund would simply turn into a slush fund for an inadequately governed tax regime (Karen Flores, Interview, August 30, 2022; Sol Pérez Jiménez, Interview, October 14, 2022.

There are state committees, with representatives from all levels of government, from a mining company present in that state, and Indigenous community representatives. State committees had to report their use of the funds publicly and what infrastructure projects the funds were used for, which is of interest to mining companies. They discuss the needs in terms of projects. The Mining Fund was disbursed based on a complicated multi-stakeholder consultation system, where state representatives, municipal representatives, industry representatives, and indigenous representatives all converge to decide how to spend the money on infrastructure and development projects[[144]](#footnote-144) (Karen Flores, Interview, August 30, 2022). In the first two years of its implementation, the fund was disbursed to 199 municipalities, in 25 of Mexico’s 32 states, and generated approximately $330 Million USD (Cámara Minera Mexicana 2017, 3).[[145]](#footnote-145) One mining official noted that it created a lot of complications and transparency concerns, due to the plethora of stakeholder groups and unclear division of authority for deciding the who/what/where of distributing funds for social infrastructure projects (Karen Flores, Interview, August 30, 2022).[[146]](#footnote-146) There were “polemic problems” because one municipality would get a project, but not their immediate neighbours that are not considered a mining recipient municipality, given that the mine is not on their municipal territory, despite experiencing all of the same challenges and potential impacts of the operations (Karen Flores, Interview, August 30, 2022).[[147]](#footnote-147) Overall, by 2018, the back-end transparency reporting on the use of the Mining Fund was acceptable to CAMIMEX, who represents 90% of mining companies in Mexico (Karen Flores, Interview, August 30, 2022). By the end of the Peña Nieto Administration, it was also noted on the NGO side that there have been consistent reporting issues and suspected corruption, with a concern that Fund has mostly been money going into “transportation-related infrastructure, like highways, not social development.” (Sol Pérez Jiménez, Interview, October 14, 2022).[[148]](#footnote-148) Fundar (2019) discovered irregularities of the results of the mining fund’s management.[[149]](#footnote-149) Unfinished projects and corruption related to unspent funds are common concerns (Sol Pérez Jiménez, Interview, October 14, 2022).[[150]](#footnote-150) Rural, poor municipalities have more pressing needs relating to general human health and security, such as electricity upgrades, plumbing, sanitation, etc. that were not prioritized (Sol Pérez Jiménez, Interview, October 14, 2022). The roll out of the Mining Fund, therefore, appears to be fraught with issues pertaining to transparency and accounting.

Despite the implementation of the Mining Fund, the Peña Nieto Presidency was still concerned about the risks associated with a decrease in investment activity or capital flight that would come from over burdening the mining sector with sharp increases in their tax burden. As mentioned, the PRI’s mining royalty framework and increased rates on concessions were lower than initial propositions brought forth in previous bills in the Chamber of Deputies (Sol Pérez Jiménez, Interview, October 14, 2022).[[151]](#footnote-151) The amount collected for concessions was independent of prices, meaning that there was no accounting for upswings in prices, which would in turn increase the value of concessions. This is different from other South American states, who design their fiscal regimes to capture larger shares of rents when prices are high (Moreno-Brid and Puyana 2016, 149). In other words, the mining fund structure in Mexico is fixed and does not operate on a sliding scale where the rate adjusts depending on the price (or other variables, such as production quotas) (OECD n.d.). In 2013-2014, when the royalty framework was first introduced and prices were at their peak, concession payments were no higher than two percent of total value of production (Moreno-Brid and Puyana 2016, 149). The mining taxes on net production were far more lucrative than concession leasing payments but remain lower than the regional average of other South American jurisdictions through the use of tax incentives and exemptions (Auditoría Superior de la Federación 2012). In sum, the fiscal reforms to mining were part of a wider political calculus of the Peña Nieto Presidency, who wanted to pursue more revenue capture from mining than the previous PAN government while also maintaining foreign investor confidence. Placing higher taxes on mining, a privatized resource sector that is smaller relative to electricity and oil and gas, enabled the PRI to offset wider reforms of the electricity and energy sector. The layering of the Mining Fund in 2014 and the introduction of oil and gas public utility clauses into the Mining Law of 1992 is an overlooked policy process in Mexico during the Peña Nieto Administration. These concurrent reforms to mining legislation showed that policy change in one resource sector, like mining, can ostensibly bring in more redistributive fiscal tools, but in reality, as a bargaining chip to continue the neoliberal reforms at the higher level of the national political economy. The PRI was aware of the rising public discontent with the negative impacts of mining as well as its ability to generate immense wealth. The increased state role in the regulation of capital in mining affirms multiple interviewees that argued that fiscal reforms were part of a wider strategy of change in NRG towards export-oriented industrialization, which included both a private mining industry as well as a fledgling liberalized energy market.

The multistakeholder and regionally targeted governance of the Mining Fund, designed by the Federal government, caused a shift in governance of community-mining company relations that ultimately undermined the long-standing unliteral authority of companies over community relations. For mining executives, the new processes of rent capture and local multistakeholder engagement under the control of a Federally mandated process “was a hard rock to digest” because they had prior notice that it was going to be happening, and they had a clear understanding that it was part of broader assertion of Federal authority over mining fiscal planning (Armando Ortega, Interview, January 30, 2023). CAMIMEX viewed these new rent-seeking reforms as appeasing the left-leaning members of the Chamber of Deputies within the PRI, PRD and PT parties, despite the fact that the PRI ultimately had the decision on the final royalty framework, which did not stack up to the proposed royalty rates of the PRD. Further, the heads up given to CAMIMEX by the Executive Cabinet is a legacy of the shifting influence of CAMIMEX during the PAN administrations, where the mining industry was directly consulted prior to adjustments to legislation and regulation. Therefore, CAMIMEX remained an influential institutional stakeholder in wider policy matters directly concerning mining, despite the unwelcomed – albeit minimal – changes to fiscal matters. I now turn to the changes within the Presidency of Peña Nieto, between policy domains.

# Section III – comparative analysis within Presidency between policy domains

In section II, I detailed the observations of specific policy reforms and failed attempts within each domain of NRG. I identified three of the four policy domains as particularly impacted by stakeholder interactions and attempted reforms – land tenure, environmental policy, and the regulation of capital. I will now compare within the Peña Nieto Presidency between these three policy domains. From the left wing of Mexican politics, there were attempts to improve the relative influence and authority of communities against the power of existing legislation and the asymmetrical power of mining companies. However, these efforts failed. Attempted reforms by the PRD to the Mining Law of 1992 in both houses of Congress during the historically high peak of mining prices near 2013 shows that NRG in Mexico, even for the PRD, a party historically aligned with community rights in the rural and Indigenous Southern States, was beholden to the alluring revenues of the mining sector. The failures of the left-wing to reform land rights clauses of the Mining Law – notably, Article 6 – as well as the minor change to accommodate energy reform through the inclusion of hydrocarbons as a public utility – signal that the institutional changes enacted in the 1990s under Salinas are now hard-to-break institutional legacies that reflect an entrenched neoliberal-mined, pro-mining status quo that permeates all major political parties.

The Pact for Mexico, as a multi-party coalition, was keen at the onset of the new Presidency to balance new revenue collection frameworks from land-based rents while not triggering capital flight in the sector. Even the PRD and smaller left-wing parties were wary of making socialization of mining regulations a key policy platform and left it to stand-alone members or factions in Congress to pursue these reforms, with a tacit understanding that they would fail to reach a vote (Jaime Cárdenas, Interview, November 3, 2022). Alternatively, the PRI, back in power, targeted the mining sector for more state capture of royalties, but wholeheartedly endorsed the sector as a key pillar of economic growth in their National Development Plan (2012-2018) and Mining Development Program (2013-2018). This was one way that the PRI and PRD has alignments in reforms efforts, as earlier PRD proposed royalties endued up in the PRI-written Mining Fund royalty frameworks. However, the royalties were lower than what the PRD proposed, and the myriad of additional regulations on mining – e.g. shorter leasing terns for concessions and right of first refusal by communities – were rejected by the PRI. The Mining Fund was neither developed as a mechanism of resource nationalism, nor for stifling mining activity for the benefit of anti-mining stakeholders. Rather, the fiscal reforms were designed to capture more wealth from high commodity prices as a trade-off for the primary policy goal of energy reforms (Armando Ortega, Interview, January 30). In this way, the change in NRG was not caused by a shift in influence or authority of communities, or others opposing mining – it was caused wider goals of the PRI to make small changes while maintaining the confidence of international capital in the extractive sector. The Mining Fund simply layered new royalty collection onto the existing fiscal framework, while not disrupting the existing tax structure of no-double taxation that encourages foreign investment by partner countries, namely Canada.

While there is an observed change in the NRG policy domain of the regulation of capital for increased state capture of mining wealth, it was by institutional layering, which had minor overall effects on the existing influence of international mining capital and large-scale producers domestically. The focus on a narrow production royalty instead of a corporate taxation on foreign mining entities reflected a commitment to enticing FDI to flow to the sector, and for mining production to continue its steady increase of the past twenty years. Despite the increased burden of higher royalty payments on mining companies, and more stringent requirements of concessions holders to actively explore their holdings or face higher leasing rates after five years, the PRI maintained attractive investment conditions for mining companies than elsewhere in NRG domains, such as the environmental policy realm by suspending resources for mine inspections. In this process, the mining sector’s rent framework appeased the nationalist factions within the PRI, who were historically opposed to opening the state-owned PEMEX to market competition, while also pursuing a deepening of primary resource sector liberalization. The more than two-decades long private model for Mexico’s mining sector by the Peña Nieto Presidency is an example of institutional “stickiness,” whereby a combination of deeply entrenched policies and weak veto-players are unable to convert or displace the market-orientation of the resource sector (Mahoney and Thelen 2010; Pierson 2000, 255). As a result, the pathways to shifting the authority and influence in the favour of state control and community rights was limited to small changes in legislation and fiscal tools that could be taken away as easily as they are implemented.

Like in the regulation of capital, environmental policy changed significantly over the Presidency. The new SEMARNAT direction under private industry-minded leadership caused a shift in the distribution of power and influence away from the natural sciences leadership that carried over from the late 1990s. While there were efforts from the PRD to counteract the PRI’s austerity in environmental policy, it was less of a focus for the left than enhanced land tenure rights and royalties for communities. There is no evidence that the PRD sought to increase the SEMARNAT budget, or to improve the enforcement capacities of PROFEPA in light of the austerity after 2015. Similarly, as a remaining member of the Pact For Mexico, the PAN did not raise the issue of cutting SEMARNAT funding levels left over from the Calderón Presidency. Instead, enforcement of mining regulations declined significantly. This cutting of the financial resources by the PRI is an example of drift, which ultimately benefitted the mining industry. Less funding for SEMARNAT resulted in fewer site inspections by PROFEPA, which meant less risk of project interruptions in the case of violations of environmental law. While the Constitution was reformed to guarantee universal rights to water by Calderón late in his Presidency, the National Water Law of 1992 was not changed under Peña Nieto. This resulted in a maintenance of the status quo to the division of water concessions between communities and industries, based on existing administrative processes in CONAGUA. With the introduction of the Water Conservation Decree of 2018, one month before Peña Nieto left office, the rights of community concession holders to water rights became even more threatened. Additionally, rights of pluri-nationalism for Indigenous groups were entrenched by Felipe Calderón in the Mexican Constitution, but there are no amendments to the Constitution to guarantee indigenous territorial supremacy over Article 27’s state-ownership over the subsoil as well as the power of the Mining Law. The austerity in environmental spending for SEMARNAT and PROFEPA indicated that there was a major shift in the overall attitude towards mining, which was to allow for ongoing issues of enforcement go forward even more unchecked than they were before, which indicates a further shift to the benefit of the industry as a whole.

# Conclusion: analysing the main changes in NRG of the Presidency

The PRI’s return to executive power involved both continuing and dismantling certain policy legacies of both similar presidencies under the PRI (1988-2000) and the PAN (2000-2012). The selection of specific domains of NRG to target, while not changing others, reflects a compromise by the PRI between various influential stakeholders that the PRI responded to in the new paradigm of NRG under conditions of growing mining production, public scrutiny of mining, price volatility, and the wider energy reform (Fontaine, Narvaez, and Velasco 2018, 144). The consequences of these policy changes for non-industry actors, such as directly-affected communities and NGOs, were mostly negative and resulted in increased contestation over land uses, ecological crisis, and the enclosure of common-pool resources for the benefit of industry. This led to increased mobilizations of anti-mining actors and coordination with left-wing parties, which were observed in the failed attempts to make changes in NRG domains via Congressional reforms.

Unlike in the 1990s, where mining was targeted for privatization, under Peña Nieto the fiscal reforms of mining were done under conditions of public heightened scrutiny of mining. REMA, Indigenous groups, and NGOs gained more public attention following the decade of rising mining prices under the PAN. In light of recent high-profile mining disasters, like the Cananea tailing spill, and the historically high prices creating vast fortunes for multinational and domestic miners alike, public pressure, led to ensuing efforts by the PRD to implement more onerous rent-seeking mechanisms upon industry, as well as social clauses in the Mining Law to improve the influence and power of communities to oppose mining projects. The Peña Nieto Presidency was the first time that a sustained, multi-year long effort came to Congress to put forth legislation to give communities a formal, institutionalized right of refusal. This suggests that some democratic accountability increased to the benefit of communities, however it was not codified in formal legislation related to mining activities. Despite this paradigm shift in terms of emerging rifts on the left about the fundamental relationship between communities and the state vis a vis a globalized mining industry, the PRI institutionally maintained the neoliberal model of NRG of mining.

Diffusion pressures, while limited, provided an opening for changes in NRG to improve the authority and influence of communities. PRD Deputy Morales Vargas, in his proposed New Mining Law of 2014, wrote that “regulations must be observed as they are applied by national law, but also to the provisions of international treaties to which our country is a party” (Sistema de Información Legislativa 2014).[[152]](#footnote-152) Mexico has built into its constitution international laws to protect the rights of Indigenous groups, namely The United Nations Declaration on the Rights of Indigenous Peoples and Convention 169 of the International Labour Organization, The Indigenous and Tribal Peoples Convention (Constitución Política de los Estados Unidos Mexicanos 2023). The NAFTA Chapter 11 investor protection mechanisms can constrain signatory countries from reforming laws to enhance governance in areas such as best practices in mining. However, the system in place in Mexico for the regulation of each policy domain of NRG falls below the standards of their North American partners, particularly in the area of inspection and enforcement of mining regulations related to mine tailings and safety standards (Luis Eduardo Gómez García, Interview, September 22, 2022; Stoltenborg and Boelens 2016, 450).[[153]](#footnote-153) For example, according to the Natural Resource Governance Institute (2021), Mexico’s governance of mining activities scored lowest of the three largest mining jurisdictions in Latin America – Chile, Mexico, and Peru – on the composite score that measures value realization, revenue management, and the enabling environment. Similarly, the Extractive Industries Transparency Initiative recommended, following its analysis of the mining sector in 2017, that the regulatory oversight of the mining industry by the national government “lags behind” the performance of the petroleum sector as well as other mining jurisdictions when it comes to overseeing standards of environmental impact assessments and community engagement (Olivas Gastélum 2012, 36). This indicates that diffusive pressures, such as self-volunteering mechanisms from the global mining industry, or competition with other mineral producing jurisdictions, were not resulting in changes to NRG towards the influence of impacted communities.

The largest change in NRG within the Peña Nieto Presidency was to the regulation of capital. The Mining Fund was the largest change to mining-related taxation measures since the creation of the Mining Law in 1992 and caused an increase in the jurisdictional influence of national authority over mining taxation for the first time since the privatization of parastatal mining companies in the late 1980s and 1990s. In addition, the national government did determine that the negative impacts on communities – or the lack of compensation for mining communities – justified a fund where 80% of the money was to be directed back into mining communities throughout 26 of Mexico’s 32 states (Cámara Minera Mexicana 2017, 3). However, the Mining Fund is merely a layered approach to marginally improving conditions for directly-impacted mining communities while not overhauling mining ownership. The state-led reforms in mining royalty structures, while condemned by executives of large-scale mining firms and by CAMIMEX, did not destabilize the existing investment environment. As discussed in previous Chapters, mining production from 2012-2018 increased, despite the short-term challenges in price volatility (see figure 10). Some have argued that by the time the Mining Fund was implemented in 2015, it was “too little, too late,” as the commodity super cycle peaked and prices began to fall, despite ongoing production of large-scale mines across the country (Moreno-Brid and Puyana 2016, 152). Rather, price volatility, combined with the new Mining Fund royalties, was a short-term challenge for industry that did not impact change in NRG. Despite the decline in new concession leases, the production of mining increased, which maintained rents in one royalty – production – despite the temporary decline in concession lease payments during the price downturns from 2012-2015. The Mining Fund was not part of a move towards resource nationalism, and thus does not reflect the idea that Mexico was emulating a diffusive trend happening elsewhere in Latin America during this time. Instead, the implementation of increased royalties and taxes on mining were part of a larger restructuring of NRG reform to continue the privatization of the primary resource sector by liberalizing the electricity sector, and reforming PEMEX, Mexico’s state-owned oil company. Similarly, the austerity to PROFEPA, the environmental enforcement ministry, as well as the new water conservation law that stripped long-standing water rights from communities, effectively fused industrial consumption of land and water with new goals in the expansion of primary resource activities across the country.

The main changes under the Peña Nieto Presidency showed that, at the peak of a commodity super cycle, the mining industry in Mexico had been firmly entrenched as a powerful veto player. Revenue generation for the Federal government – while smaller in comparison to other jurisdictions in Latin America – remained a central priority for the PRI in their return to the Presidency. The government effectively balanced increasing their share of mining revenues while also maintaining positive investment conditions for the mining industry. This came at the expense of the environment and the communities in directly impacted territories and exacerbated the ongoing privileging of the consumption of Mexico’s natural resources for the mining industry. As the next Chapter will detail, the end of the Peña Nieto Presidency reflects the final form of the neoliberal Chapter in Mexico’s NRG, following three decades of institutional change.

# Chapter 6 – Conclusions

# Introduction

This Chapter summarizes the conclusions of the comparative analyses from Chapters 3-5. These Chapters, organized by presidencies, examined policy changes in Mexico’s NRG of the mining sector from 1988-2018. I focused on three levels of comparative analysis – within-case observations at the subsystem level of each policy domain in a Presidency, change between policies within a Presidency, and change across an entire Presidency. The nested comparison of these three levels together explained how discrete reforms in four main policy domains often aggregate to cause wider structural changes in the political economy of resource extraction jurisdictions overtime. In level one, I began process tracing of discrete policy events that explain the main changes to each policy domain of NRG during specific presidencies, which involved both successful reforms, unsuccessful reforms, and some inconclusive reforms. In level two, I identified why specific institutions within these observed events – understood as laws, legislation, executive-decreed national programmes, and administrative reorganization of key ministries – were targeted over other policy domains to create wider change in NRG to help shift the influence and authority of different veto players during a specific political party or Presidency. Additionally, inconclusive reforms may have involved observations of important veto players asserting their influence and power relative to other actors, but without a clear probabilistic causal explanation of change to specific policies or reforms. In the third and final level of nested comparison, I draw probabilistic conclusions about the overall shift in the influence of local, national, and international jurisdictional power, as well as the shifts between public, parastatal, and private authority in the control over public policy and the mining sector during the Presidency in question.

This conclusion Chapter is divided into three sections. First, I will I summarize the arguments and findings of the dissertation. I discuss the broader conclusions of change in NRG across all the presidencies from 1988-2018 and explain the implications of the larger transformations about who wins or loses in terms of jurisdictional influence, power, and authority among the central stakeholders, including ways that NRG shifted on the axes of jurisdictional influence and power of private and public actors over control of the mining sector. The second section discusses the theoretical implications of my findings for future applications of Historical Institutional (HI) and Political Ecology (PE) theories in multi-policy domain and boundary-spanning analysis of change in NRG. It also discusses the empirical contributions of the dissertation for explaining change in NRG and how it has contributed to existing scholarship on policy change, the mining sector, NRG, and political economy in Mexico in the neoliberal period from 1988-2018. This includes how my findings complement and challenge theories of diffusion and democratization. In section three, I end the Chapter by discussing the challenges, limitations of the study, and future possibilities for research on this topic, including expanding the project to account for the significant changes in NRG brought forward by President Andrés Manuel López Obrador (2018-2024).

# Section I – summary of arguments and findings across Presidencies

This dissertation answered three main questions related to the changes in the mining sector and natural resource governance policies during the neoliberal period of 1988-2018. These questions were: despite widespread privatization of domestic primary industries, neoliberal economic restructuring, and democratic reforms since 1988, why is there policy stasis in some policy domains of Mexico’s NRG, while other domains have been significantly reformed, changing the distribution of the costs and benefits of primary sector economic activities, like mining? Why have some domestic actors and international firms been able to influence the policy process to align policy with their preferences more than others? Similarly, why have some groups exerted more policy influence over time or across policy domains? To answer these questions, I selected the presidencies that led the transformation of the mining sector from a joint ownership model between the government and domestic mining producers, to a completely privatized sector comprised of joint-operations between domestic mining producers, foreign investors, and foreign mining exploration firms. Within these presidencies, four policy domains were analyzed – land tenure, environmental policy, labour policy, and the regulation of capital – which together define a boundary-spanning regime that I have defined as NRG. As discussed in Chapter 1, my definition of NRG is state-centred and institutional in its orientation, which I argue most effectively captures the formally separate yet interrelated pieces of legislation, constitutional amendments, government agencies, branches of government, and public servants that interact with political parties and nonstate actors such as advocacy groups like mining industry associations and NGOs that hold different levels of influence over public affairs. This wide range of veto players all carry relative power and influence in the outcomes of institutional change in the NRG of mining.

The case study analysis of the mining sector in Mexico emphasized the importance of domestic veto players and institutional legacies in explaining how and why policy change is not always uniform in the change from ISI neoliberal globalization of primary resource sectors in Latin American nations. Mexico was selected for the presence of observable reforms in all domains of NRG, the mining sector’s presence of the necessary competing veto players in the policy process from the parastatal era, and its status as a leading mining producer in the Western Hemisphere. In other words, this dissertation offered an analytical framework that applies to several other resource-reliant countries in Latin America with similar trajectories of policy reform and structural change in the political economy of NRG, along with nascent primary resource economies undergoing reform. I heeded the cautionary advice of Jochim and May (2010) and Baumgartner and Jones (1993) about the shortcomings of analyzing policy subsystems and sought out to develop a boundary-spanning approach to analyzing multiple policy domains as a singular regime of NRG. I do not argue that these discrete policy events happen in a vacuum outside of diffusion pressures, or political events, but I understand these events and initiatives as crucial mechanisms where opposing veto players and stakeholders vie for influence in the state-mediated institutions that ultimately determine “who gets what” and how power and influence is exercised. Therefore, I draw upon both HI and PE to examine the interactions between actors and their shifting veto player status throughout different presidencies.

The comparison of three different political periods, which are comprised of presidencies, helps delineate three distinct periods in the restructuring of Mexican NRG from ISI to neoliberalism. Table 6 summarizes the major changes between each NRG regime and their corresponding presidential administrations.

### Table 6. summarization of main findings across Presidencies

|  |  |  |  |
| --- | --- | --- | --- |
|  | **1988-2000**  **Laying the foundations for neoliberal NRG** | **2000-2012**  **“Unstoppable participation” of foreign mining companies** | **2012-2018**  **The return of the PRI and pivots in NRG** |
| **Most significant domain changes** | -Land tenure  -Regulation of capital | -Land tenure  -Environmental policy | -Regulation of capital  -Environmental policy |
| **Main Change challenging absolute shift from ISI to neoliberalism of NRG across all domains** | -Labour’s veto player status blocking structural reforms | -Labour ability to block anti-labour reforms via legacy of veto player status in PRI | -Political actors from PRI, PRD blocking social clauses in the Mining Law, despite enacting a new mining royalty under the guise of social redistribution |
| **Outcomes of distribution and authority** | -Major shift to the benefit of international mining capital, domestic mining companies.  -Weakening of rural population as veto players | -Major shift in exploration capacity of foreign investors.  -Influence of mining industry over government regulatory development | -Continued deepening of policy support for mining sector.  -The weakening of environmental enforcements and mine inspections benefitted miners |

Source: compiled by Author.

As a broad argument, from 1988-2018, I find that the mining sector’s historically unprecedented growth contributed to the overall increase in the power and influence of domestic mining groups that have close linkages to foreign exploration companies and associated mining investment capital. Observational statistics aptly summarize the extent to which the mining sector has grown and transformed the Mexican economy: in 1994, one year after the foundational changes of President Salinas to the Mining Law that allowed foreign majority ownership of mining, less than one percent of GDP came from mineral production value (World Bank 1996, 1). By 2019, over eight percent of Industrial GDP is derived from mining (Servicio Geológico Mexicano 2020). While the sector remained smaller than both oil and gas and manufacturing, the total production value of the Mexican Mining sector from 1990-2018, adjusted for inflation, grew by 4,943%, an average of fifteen percent per year.[[154]](#footnote-154) I argue that as the sector grew, so too did the power and influence of mining sector veto players – e.g., domestic producers, foreign investors, CAMIMEX, and technical experts staffed in the main national mining bureaucracies such as the DGM and SGM.

The shifting power and influence of mining sector veto players is a structural factor brought on by the increasing importance of the mining sector in the economy of Mexico and the elite economic planners of the national government under the PRI and PAN governments of this study’s time period. However, despite these structural factors rooted in larger macroeconomic processes, some institutional legacies of other veto players endured, which challenged the uniform reforms to NRG, but not all. For example, while labour retained political influence, rural populations and holders of commonlands were weakened significantly, despite their former importance to the PRI’s corporatist hold on power. The theoretical combination of HI and PE helped bring in the importance of institutional legacies to these structural changes, such as the enduring importance of some corporatist-aligned veto players, but not others. The nested observation approach to comparative analysis was therefore useful in finding out where certain institutional veto players were able to block some reforms to undermine potentially deeper neoliberal reforms and hence restrain a more radical reform agenda. In this analytical approach, the subdomains of NRG were particularly useful in explaining change, and interruptions to the unidirectional advancement of mining capital’s power and influence in the political economy of Mexican NRG.

## Land tenure

Land tenure was a fundamental policy domain that needed to be radically overhauled in order to facilitate the expansion of privately-owned primary industries across the country, including mining. The gap in influence between rural communities on the frontlines of mining projects and mining companies has changed significantly to the benefit of the mining sector since 1988. NGOs such as REMA, Fundar, and The Mexican Centre of Environmental Law – all representing directly impacted communities – have pointed out that there are structural problems with various national laws since their implementation in the 1990s up until 2018 (Anonymous Human Rights Lawyer #1 Interview, November 1, 2022; Julia Lamberti, Interview, November 11, 2022; Sol Pérez Jiménez, Interview, October 14, 2022). For example, disputes between firms and communities over Constitutional rights to land claims are carried out in lower Federal courts, where Indigenous groups do not have the same power resources and economic tools needed to mobilize evidence and mount expert-informed arguments about potentially illegal projects, or projects in violation of their rights (Yoatzin Popoca, Interview, October 24, 2022). Communities do not have the same ability to hire lawyers, create data, and wield scientific evidence as mining companies do to defend their interests in court. This gap in power between the two groups with the most to lose in the life of a mining project has clearly shifted to the benefit of companies, which began with the fundamental change to land distribution policies that stretch back to 1917 and the creation of Mexico’s modern Constitution.

The political economy literature on policy change during the Salinas Presidency frequently mentions land reform among the most important changes that occurred under the technocratic takeover of the PRI (Harvey 2005, 160; Teichman 1992; Woods 2005). Changing the intractable status of revolutionary land reform and collective rights to commonlands via adjustments to Article 27 of the Mexican Constitution – sometimes referred to as counter reform – was crucial in creating the economically competitive model that the neoliberal technocrats envisioned (Snyder 1999). The layering of PROCEDE complemented the legislative and constitutional changes enacted by Salinas. The fulfillment of PROCEDE was carried through by Presidents Zedillo and Fox, which underscored the transition of rural Mexico from collective lands to individualized ones, which was the precursor needed to begin the process of leasing lands to mining companies. The permission of land holders within *Ejido*s to lease land caused a shift in the land tenure system to the activities of mining exploration and mining production. The rights of mining concession holders have been given priority over all other land use claims, through Article 6 of the Mining Law, a change created in 1992 that has been in effect up to the end of this study in 2018. The result of these changes for land tenure has been a clear shift in the power and influence of mining companies throughout rural Mexico. The commodity super cycle during the Calderón Presidency (2006-2012), and the opportunism of capturing resource rents during the Peña Nieto Presidency, resulted in the deepening of mining’s influence and authority over land tenure. Based on these observations in land tenure, the reforms that shifted the influence and authority from peasant communities and *Ejido*s to the private sector interests of domestic and foreign mining capital reflect the consensus in the literature. However, my study discovered important nuance in the land reform process, which joins Brown (2004), Penman (2016), and Perramond (2008) who show how there was continuity in the overall structure of *Ejido*s, despite the layering mechanisms used to change the status and structure of their political power vis-a-vis other land uses, such as mining. My findings add important contextual information on the misconceived notion that *Ejido*s were eliminated under President Salinas, while showing how they were reformed in order to allow the access to mining firms. This is an important contribution to both the land reform literature and the extractivism literatures, because it provides detailed, process-oriented research on the linkages between wider changes in land distribution and the mechanisms of the policy process since the reforms took place.

## Environmental policy

Government regulation of mining activities was overhauled throughout 1988-2018. While there were extensive environmental laws and new industry-specific legislation created in the 1990s, with small reforms in the 2000s, the ongoing lack of funding and enforcement of these laws later into the Peña Nieto Presidency was caused by an institutional legacy of policy drift that extends throughout the course of the study. An interview with a senior mine project safety and environmental supervisor suggested that the lack of both formal, state-led enforcement of written laws, as well as voluntary self-monitoring has been present in the Mexican mining sector since the 1980s (Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). Early in the PAN governments discussed in Chapter 4, large-scale domestic firms were unaffected by the diffusion of global best practices that multinationals were increasingly adhering to as part of their CSR mandates, and, with an absence of specific mining sector specific environmental clauses in NAFTA drafted in the 1990s, there was no external pressure to increase funding for increased environmental enforcement domestically (Daniel Basurto González, Interview, October 17, 2022; Luis Manuel Arroyo Domínguez, Interview, October 28, 2022). The deliberate funding cuts to SEMARNAT by the Peña Nieto Administration detailed in Chapter 5 shows that there was a continued neglect in reigning in the activities of mining in the favour of putting public spending into other public policy initiatives, despite the historically high level of mining and associated expansion of mining concessions throughout the country. This neglect came to a boiling point with the Cananea tailings collapse in 2014, which created widespread discontent with large-scale mining. However, this disaster did not result in follow up reforms or meaningful increases in enforcement standards across the country. As a result, the NRG of environmental policy continued to benefit large-scale industry who go unburdened by environmental impact assessments and enforcement of the LGEEPA.

Academic literature on environmental politics of Mexico have argued that industry goals and economic development goals have truncated the environmental agenda in the neoliberal period (López-Vallejo Olvera 2013, 110). Pacheco-Vega (2018) has pointed out that SEMARNAT has not had an “excess of human capital that could undertake industries’ monitoring and enforcement visits on a regular basis” (95). In the case of mining, interviews with environmental NGO representatives confirmed that drift, via neglect of funding for the proper levels of staff, has indeed curtailed the ability of PROFEPA to fulfill the larger goals of SEMARNAT (e.g., Julia Lamberti, Interview, November 11, 2022). While the institutional architecture of a modern Mexican environmental bureaucracy was implemented in the 1990s, the subsequent governments did not see through the necessary growth in funding and sustained support in order to make the environmental mandate against mining enforceable and responsive to the rapid increase in mining operations throughout the country. Therefore, the mining sector enjoyed the assurance of clearly defined regulatory expectations that could be followed in principle, but not in practice, due to the lack of enforcement capabilities of Federal regulators. This arrangement proved favourable to the mining industry’s ability to establish their legal status over all other land uses.

## 

## Labour policy

The preceding Chapters emphasized the institutional and structural influence of domestic mining producers in setting public policy in the four policy domains of NRG, because the large-scale producers of the parastatal era were important participants in the corporatist structure of the PRI. Labour throughout the study’s timeline was weakened but retained influence in the democratic era as a key veto player of anti-labour reforms. *Los Mineros* throughout the course of the study remains a central strong veto player in blocking reforms to labour law, due to their influence in the PRI and PRD parties. While the economic crisis of the Mexican economy in the 1980s kickstarted the reform of the mining sector, President Salinas accelerated the privatization after 1988. Despite the state’s retreat from the sector, the corporatist alignment with *Los Mineros* remained intact. The PAN’s anti-labour and anti-corporatist ideology after 2000 sought to radically weaken collective bargaining, but *Los Mineros* were able to block their efforts through their influence over the PRI, who held the PAN’s Congressional minority-mandate in the balance. Therefore, over the course of four presidencies, *Los Mineros* were a critical veto player in slowing the influence and power of the mining sector and their alignment with the PAN government during the commodity super cycle to weaken unionism. The ability of *Los Mineros* to retain their veto player status from the ISI period well into the neoliberal period was an outlier in the Mexican economy, where there was an overall decline of union power across the wider national economy (Zepeda 2021). The enduring influence of *Los Mineros* over the PRI in the 1990s, and their subsequent leverage over the PAN during the commodity super cycle of the early 2000s was a key check on the overall power of the neoliberal reformists of both the PRI and PAN to undo labour laws and policies that were targeted. In short, while the policy domains of land tenure, environmental policy, and the regulation of capital were overhauled, I find evidence that labour policy change was challenged at different moments by the legacy of *Los Mineros*. The difference between the shifting influence and power of groups in labour policy versus the other three domains of NRG is a key finding that throws into question the overall arguments of ISI to neoliberalism of the sector from 1988-2018.

## Regulation of capital

The PRI presidencies of Salinas (1988-1994) and Zedillo (1994-2000) focused heavily on the broad goals of modernization of the NRG related national administration, including the ministries, bureaucracies, legislation, and laws that regulate the mining industry. In this process, the Federal government needed to reform the Constitution and laws that related to mining that had largely been unchanged since the 1960s in order to facilitate the entry of foreign participation in the sector. In the privatization process of the late 1980s and early 1990s, the transition from a parastatal mining sector to a privately-owned one involved unloading mining assets from the Federal government to a select few domestic producers that had been joint-owners in the mining sector. In 1995, eighty percent of mining production was controlled by five companies in Mexico (World Bank 1996, 4). Therefore, there was a symbiotic relationship between large mining companies and the PRI as it implemented a new economic model for the mining sector which only got stronger under the PAN governments. In turn, the sector became highly globalized and was able to partner with international investors, which was the underlying goal of both the government and the domestic producers, due to a lack of capital needed to rescue the sector from bankruptcy. Therefore, the transition from ISI to neoliberalism involved important policy legacies between government and mining elites that pre-date externally imposed ideas about liberalizing primary sectors. Overtime, these veto players began to permeate the PRI and PAN parties as key influential players in the making of NRG policy to support a privatized mining sector.

My findings on redistributive aims of mining rents contribute to a nascent literature on the regulation of capital of the mining sector in Mexico in the past decade. The evidence across the presidencies of 1988-2000 and 2006-2012 in particular show a general pattern of the Federal government actively supporting the mining sector through maintaining, and, at times, loosening the tax burden, which is consistent with Moreno-Brid and Puyana (2016) and Tetreault’s (2016) assessment of the regulation of mining capital. However, during the Peña Nieto Presidency (2012-2018) there was a small shift in NRG towards more rent-seeking. Indeed, Peña Nieto changed the structure of rent-seeking from the mining industry, albeit in a way that did not trigger a significant shift in the overall distribution of influence and power of the mining industry. Rather, it signalled a political attempt of the Federal government to balance the liberalization reforms of the oil and gas sector with the mining sector’s fully privatized and low-tax burden relative to other mining jurisdictions in the Americas (OECD 2023). The PRI also blocked social clauses from entering the Mining Law, despite their introduction of the redistribution-oriented Mining Fund to better compensate communities on the frontlines of mineral extraction. These findings were generated by triangulating interviews with industry representatives present for the mining sector reforms with government documents on the proposed and final amendments to the fiscal structure of mining during the Peña Nieto Administration. It helps show why mining was targeted for fiscal reforms as part of wider economic goals during this time, while not significantly reforming other NRG domains, such as labour and land tenure.

The subdomains of NRG proved useful in organizing the main findings and explaining the ways in which mining capital’s power and influence in the political economy of Mexican NRG shifted over time. The empirical observations were borne out through the analytical framework that combined HI and PE to understood why the institutional formations of neoliberal NRG were forged based on institutional legacies and opportunities for empowering elite stakeholders that previously had to contend with key veto players from the ISI period. I now shift the focus to the theoretical implications of the study and the contributions to HI and PE studies of NRG and Mexican political economy.

# Section II – theoretical implications and contributions to the study of NRG

## Theoretical contributions of the Political Ecology and Historical Institutionalist synthetic framework for explaining change in NRG

This study of NRG has drawn on a synthetic theoretical framework and used the strongest components of HI and PE. HI provided a theory and set of assumptions that helped explain why institutions influence the strategies and opportunities of veto players involved in policy change (Pierson 2000). Given the Marxian ontology underpinning much of the political ecology extractivist literature, I reasoned that HI would enhance the structural components and provide a temporally-bound theoretical tools to trace and explain outcomes on the transformation of NRG. I found that there are important institutional explanations for the ascendance of mining capital in the policy and political processes of shifting the mining sector from ISI to neoliberalism, which affirms Bartley et al. (2008) who point out that “power struggles occur within an institutional context” (171). For the within-domain case analyses of policy observations, HI was effective in the identification of veto players and their relative power and influence on competitors seeking to block or advance reforms. Through process tracing, the study identified probabilistic causal links between veto player actions and the institutional formation of new policy arrangements that shifted the relative influence and power of stakeholders. PE showed how stakeholders have varying levels of structurally derived power based on their relative position in domestic and global economies of primary resource extraction, which involved the presence of larger economic factors external to Mexico. My study drew upon both approaches to explain why there were clearer pathways of institutional change for the benefit of domestic mining producers and foreign mining capital than others, while also showing where there were policy legacies among some veto players – mostly labour – that were able to stave off a uniform reform agenda in NRG.

Structurally, political ecology theories helped explore the ascendance of foreign mining capital and its profound impact on the relative power of different actors in NRG. There is a rise of mining industry-aligned programs and legislation passed as mining production increases in the twenty-first century that is of interest to HI but overlooked in the PE literature to focus instead on fundamentally conflicting ways of life, such as community formation in Indigenous communities and “global capitalism’s drive for cheap raw materials” (Morosin 2020, 917). While these dynamics are observed and significant to the overall change in NRG, there are limitations to the story of an unfettered march of the influence of mining capital over other veto players in the institutional sphere. The observations show that structural factors, such as economic conditions favourable to the growth of international large-scale mining companies and the rising price environmental for metals, were preceded by existing neoliberal reform agenda among the Salinas and Zedillo technocracy prior to the entry of foreign mining capital. For example, the new rights of foreign investors to hold majority ownership of Mexican mines were opened up in 1993, prior to the mining sector’s increased power in public affairs and the influence of CAMIMEX in domestic regulatory formation. Therefore, theories of PE, while identifying the crucial role of structural power in overtaking political processes, is not always sufficient for explaining the change in NRG and mapping the institutional processes by which these shifts are mediated by governments and the policy process.

In Chapter 3, I explained that the presidencies of Salinas (1988-1994) and Zedillo (1994-2000) were attuned to the institutional legacies that played an important role in how the Federal government approached the transformation of NRG to the benefit of mining capital. Therefore, while the mining industry was undergoing historically unprecedented growth after the privatization of the industry, the Federal government was attuned to the constraints and possibilities of reform based on the legacies of two main groups within NRG: *Ejido*s and labour. These findings reinforce existing studies where HI complements structural analysis to provide the historical and social contexts for power relations (e.g. Franceschet and Díez 2012). From 1988-2007, which spans three full presidencies and includes the first year of President Calderón (2006-2012), the transformation of the *Ejido* governance regime was carefully carried out to preserve the fundamental 1917 constitutional legacy of land redistribution for rural farmers, while also creating the necessary conditions to be able to parcel it to individual land holders and thus allow for leasing for mining activities. While the *Ejido* endured as a form of land tenure, the political legacy of rural populations was not strong enough to counteract the goals of the PRI to reform the land tenure system as part of a larger push away from ISI. Meanwhile, the enduring influence of the mining industry’s labour unions served as an important check on the PRI and PAN’s efforts to weaken labour laws. In Chapter 4, I showed how, despite the new PAN government under President Fox, *Los Mineros* worked with the larger labour movement to maintain political support with the PRI and block anti-labour reforms that the PAN sought in Congress. The boom in mining production during the study, combined with labour’s importance to the PRI’s political power, increased the relative position of workers in the sector and the ability to slow the unidirectional neoliberal project in NRG. These findings show that the structural forces and institutional legacies are both important considerations in explaining why the shift from ISI to liberalism in the NRG of Mexico’s mining sector unfolded to the benefit of mining capital, both domestic and foreign. However, explaining the influence of capital in institutional formation is informed by the theoretical tools and processes of HI.

The theoretical synthesis of HI and PE helped combine the strengths of each, while minimizing their gaps in explaining the process of shifting Mexico’s NRG in mining. This study advances an effort of comparative public policy scholarship to combine multiple theories to create a new research agenda (Cairney 2013, 2). There are similarly positioned approaches in PE that have combined structuralist and considerations of political formation in extractivist jurisdictions that place currency on the role of institutional legacies (e.g. Bebbington 2012; Tetreault 2021a). Similarly, in HI, there has been uses of concepts and theoretical tools from outside the theoretical tradition – primarily economics and political economy – that provide additional contexts that HI does not necessarily centre (e.g. Dion 2009; Thornton 2021). These syntheses help build out theoretical traditions and provide new insights on for understanding the linkages between national policy formation, institutional legacies, and the larger structural considerations of capital accumulation.

## Implications for alternative theoretical explanations of NRG

This dissertation engaged with a large literature on the political economy of Mexico from 1988-2018, which includes a range of explanations on the causes of policy change and changes in the relative power of veto players from government, industry, and society. Mining was chosen as a typical case study in the wider shift in the economic structure of Mexico from ISI to neoliberalism. Therefore, the analytical framework and process tracing method is potentially applicable to other cases of economic transformation of primary resource sectors in Latin America during this time. The four-policy domain analytical framework served to explain how discrete policy events can trigger larger shifts in the wider distribution of influence and authority in industrial resource sectors that are often key to the economic performance of an entire country. In conducting this research, I engaged with the major contributing literatures to the wider study of Mexican political economy from 1988-2018 to understand how these theories of change are aligned or challenged by my findings on policy change.

### Diffusion of globalization

Studies of the transition from ISI to the neoliberalization of Mexico’s political economy has focused extensively on the linkages between external economic actors and the technocratic leadership of the PRI (e.g., Teichman 2007). International actors, namely the World Bank, were acutely involved in the wider economic restructuring of Mexico (Woods 2005; Thornton 2021). World Bank-led financing capacity building programmes in the mining sector encouraged liberalization, land reform, and technical upgrading of the mining bureaucracy, including the DGM (McMahon 2010, 31; World Bank 1991). These diffusive pressures are undeniably important and observable in the institutional reforms of the 1980s and 1990s; however, neither interviews nor the diffusion literature on the mining sector reform in Mexico suggest that these reforms were mandatory or tied into the larger economy-wide negotiations. The World Bank’s 2001 Report on the two hundred million (USD) mining loan details the negotiation process, which did not include this loan’s connection to larger reforms in the Mexican economy from earlier economic crises of the 1980s. This suggests that the reform agenda was carried through by the interests of the PRI technocracy of the Salinas Presidency with the support of domestic mining producers and the tacit support of mining unions, due to the need for survival of the sector. Further, the bulk of the privatizations of the mining industry preceded the entry of the World Bank’s mining sector reform loan in 1991 by several years (OECD 1993). Process tracing of the observed discrete policy events show that domestic actors were predominantly making changes based on domestic economic priorities, which complemented the interests of lending-organizations like the World Bank but were not imposed from outside the country. The consensus of the tripartite model to reform the sector is an important explanation for the cause in sector-wide change from a parastatal model to a privatized one at the onset of the study. These reforms were the basis from which the mining sector was able to penetrate the policy making process during a time of record prices on the global market.

### Democratization

My findings have built upon democratization studies, but in the context of the NRG domains. My findings argue that, despite occasional congressional deadlock and the opening for civil society to find support among factions of parties, the democratic transition in 2000 did not result in transformative net gains for stakeholders outside of politics and industry. Lehoucq (2006) and Kerevel and Juárez (2022) have both pointed out that after 2000, members of the PRI in the Chamber of Deputies did not always vote in a unified bloc regarding support or opposition to the PAN’s reform goals. This resulted in a left-ward shift among voters towards the PRD, or identifying as an independent (Lehoucq 2006, 16). As a result, the fractious nature of policy making in NRG after 2000 and the unsuccessful attempts by members of Congress to reform major elements of NRG legislation in the name of social redistribution, such as the Mining Law and National Water Law, have caused policy failure for changing influence and authority to the benefit of communities affected by mining. My findings, therefore, show that the combination of stagnant Congressional support by the PRI and the PAN for democratic movements, combined with the rising price environment of the early 2000s and into the PRI Presidency (2012-2018), resulted in sustained support for mining industry interests.

While discrete policy observations showed that there was not a hegemonic ability to push radical NRG reforms, the initial reforms of the 1990s under Presidents Salinas – and carried forward by Zedillo – proved to be useful for the PAN governments pro-business agenda after 2000. From 2000-2012, there is a noted increase in collaboration, connectivity, and interaction between CAMIMEX – the Mexican mining industry chamber – and the Mexican government. A notable example of these increased collaborations includes formal mining development programmes under Presidents Fox, Calderón, and Peña Nieto. A revolving door culture of hiring mining industry experts to occupy positions within the main Executive Cabinet industry at the highest levels of managerial, directorial, and ministerial positions of NRG and the federal mining bureaucracy also occurred under the presidencies of Fox, Calderón, and Peña Nieto.

Some democratization theorists point out that the transfer of power in 2000 should have created stronger legal and administrative institutions, better transparency, and effective regulations (e.g. Grindle 2007; Shirk 2005). In mining, while some piecemeal reforms were made for regulatory clarity to improve the conditions for investment predictability, these were not reforms that addressed the concerns that groups outside the sector had regarding distributional issues around topics of great importance to communities, such as water rights and collective bargaining. Despite citizen mobilizations and their linkages to PRD and PT lawmakers in Congress, the efforts failed to persuade the PRI-PAN alliance in Congress, which under Peña Nieto was aligned on the policy of maintaining the status quo concerning land tenure and concession rights of mining companies. In this way, while some reforms were enacted, they were skewed towards ensuring that mining investment remained undisturbed by the interests and demands of other stakeholders.

The judicial reforms started under President Calderón later in his Presidency meant that stakeholders in NRG – communities, companies, and workers – could, in theory, rely on courts to resolve issues in exceptional circumstances. The judicial reforms of 2011 under Felipe Calderón extended the human rights of Mexicans to challenge unconstitutional laws and court decisions via the *Amparo* Law.[[155]](#footnote-155) Based on societal and external political pressures to address mounting violence, the *Amparo* Law was an initiative to link international standards with the national Constitutionalism, which, in writing, bestowed more rights to communities vis a vis the mining industry. The reforms provided more pathways for Indigenous communities to demanding free, prior, and informed consent over mining and other primary resource industry activities on their lands (Cooney 2013, 19). This was, however, an unintended effect of the judicial reform. The adoption of *Amparo* reforms in 2013 brought to light the difference between constitutional interpretation and the legal administration of written laws. According to a former Deputy, mining projects are only suspended based on the grounds of a citizen-introduced *Amparo* if there is evidence of violating an environmental impact assessment (Jaime Cárdenas, Interview, November 3, 2022). However, the spectre of a court-ordered project suspension is a major deterrent for companies seeking to see their projects go forward uninterrupted. Therefore, the environmental violations by the company are the main concern, not human rights considerations, such as damage to local ecologies, interruption of other economic activities, or depletion of water. The judicial pathway of temporary interruption of projects, or slowing down of mining projects, has led to inconclusive improvements in the influence and authority of communities over mining firms. An enduring challenge for opponents of mining is that, other than the *Amparo,* there are few legal channels for communities to pursue opposition to extraction on their lands. This is due to a strong imbalance in power resources between communities and the mining industry.

The asymmetry between communities and mining firms in accessing financial, technical, and legal resources needed to fight NRG cases in court meant that *Amparo*s*,* like other Supreme Court cases, first go to Federal court. This means that the capacity of communities to mobilize the specialized legal representation required to bring cases before the Supreme court is challenging from the beginning of the process (Yoatzin Popoca, Interview, October 24, 2022). Communities must rely on the availability and willingness of human rights organizations with legal support capacity to help file an *Amparo* and mobilize the necessary paperwork and evidence to advance the case.[[156]](#footnote-156) Communities are, therefore, facing limited municipal and state-level avenues for challenging mining activities on or close to their lands. As a result, the changes in NRG to increase the potential veto player status of communities in policy processes – e.g., the *Amparo* orthe declaration of the right to clean drinking water in Article 4 of the Constitution – was not an intended outcome of the *Amparo* Law. Therefore, the state aggressively supports the expansion of mining concessions while communities continue with limited pathways to contest mining projects.

# Section III – challenges, limitations of the study, and future possibilities

While my theoretical synthesis of HI and PE elicited the findings I have summarized above, there were lingering challenges and limitations in the research process that need to be addressed. The study contributed to existing understanding of the changes to NRG in Mexico’s mining industry, but there are potential challenges in generalizability. Further research should stretch to other cases in Latin America to confirm if the four-policy domain framework would apply in cases where the mining industry is structured differently, or if there is not an observed shift from ISI to neoliberalism. For example, in the case of Chile, a major mining jurisdiction, the most produced mineral is copper, which is state-owned. However, both Chile and Mexico followed similar timeframes of liberalization and increases in trade as percentage of overall GDP. Further, Mexico has a unique land tenure structure, given its specific history of revolution and land redistribution at the beginning of the twentieth century. The *Ejido,* as a key institutional consideration in policy change and as a potential veto player, is inherently unique to the Mexican case study. There may be historical idiosyncrasies in other countries that share similar conditions and cause different mechanisms of change across time and across policy domains.

Nevertheless, the general pattern of ISI to neoliberalism of the policy domains suggests that the domestically-oriented, and historically-constituted institutional legacies of influential veto players will be important factors in the roll out of policies in NRG. The state-centred institutions at the national level also will likely remain key to mediation and decision making in how rights and entitlements to land and its natural resources are distributed, which is a strength of my four-policy domain analytical framework. The fine-grained within-case analysis at the level of individual observations helps situate, challenge, or nuance other prevailing theoretical explanations such as the diffusive pressures of globalization and the rise of new players in domestic politics as many resource countries of Latin America began to democratize around the same time in the 1990s. Additional research should also be conducted on other primary resource activities drawing upon this analytical framework, such as oil and gas production, forestry, and fisheries, to confirm if there has been a lack of uniform change across the NRG of these sectors. This research would provide more application of the four policy-domain analytical framework to other sectors.

I also encountered data collection limitations, which originated in the COVID-19 pandemic. Based on McMaster University travel restrictions, I was faced with a choice between remote interviewing and using digital government archives, or waiting an unforeseen amount of time for travel restrictions and the global pandemic to subside in order to conduct community research. In order to attain research ethics approval to begin interviewing, I had to commit to remote methods and rely on Zoom and phone calls. With the financial support of the IDRC, I used fieldwork funding to hire in-country research assistants, who helped with limited archival data collection and scheduling interviews. I believe that if I had traveled to Mexico, I would have had access to other elite interviews. While I was successful in acquiring key interviews with elites from the Mexican government and state-level Ministries, I struggled to make in-roads with union officials from the SNTMMSSRM for virtual interviewing. I could also not access in-person union library archives. Therefore, I relied on non-member colleagues of the union based in Canada and academic experts on the union to fulfill process tracing of key reforms and political engagements involving the SNTMMSSRM. In addition, Zoom interviewing likely caused two suboptimal interviews, who were somewhat unforthcoming in answering my questions. While one requested anonymity from the beginning, and therefore may have been unforthcoming due to a fear of personal safety, the other seemed to be unhappy conducting the interview over Zoom. Other than these two interviews, the process of remote interviewing was successful. One upside of the remote interviewing was that almost everyone was punctual and some even mentioned that it is more convenient for fitting it into their busy schedules.

There was one key finding that was difficult to verify. In Chapter 4, I discuss the advancement of regulations of mining by the PAN presidencies (2000-2012). In one interview with an industry senior manager, it was stated that this advancement in regulatory clarity was carried out as a tool of boosting foreign investor confidence in Mexico as an attractive mining jurisdiction. The interviewee stated that these efforts, such as SEMARNAT Norm 120, were window dressing because the PAN and domestic firms were resistant to ratifying the ICMM during talks with other signatories at The Prospectors and Developers Association of Canada (PDAC)[[157]](#footnote-157) in Toronto in the early 2000s. While a potentially significant finding, there was no evidence available to me digitally to verify this. When I asked other interviewees about this meeting in Toronto, responses included that it was probably true, but they had no knowledge of it. I believe that if I were able to access in-person archives of CAMIMEX and the Ministry of the Economy in Mexico City, I may have come across non-digital documents that verify this finding. Nonetheless, I was able to find evidence that some of the measures to boost regulations were connected to larger economic goals, but without the information concerning PDAC and the ICMM. Despite minor logistical setbacks from the COVID-19 pandemic, my research helps provide a detailed account of NRG during the shift from ISI to neoliberalization of 1988-2018.

I was successful in interviewing leading experts from the industry, along with government officials and NGO representatives to elicit a range of insights on the policy change in NRG across this time period in the mining sector and across different presidencies. Going forward, there remains gaps in the research on these policy domains in other presidencies, e.g. during the latest Presidency of López Obrador (2018-2024). During this period, there are already clear instances of policy reform that reverse the ISI to neoliberalism period of this study. For instance, López Obrador enacted significant fiscal and land tenure-related reforms, including the nationalization of lithium deposits in 2022, shortening the initiation terms for new mining concessions from fifty years to thirty years, shortening the renewal terms for existing mining concession from fifty years to twenty five years, and cutting the total mine life cycle from one hundred years to fifty five years (Cámara de Diputados 2023; Minería y Desarrollo 2024). López Obrador also strengthened prior and informed consent processes in 2023, ended the public utility clause of the National Mining Law (Article 6), increased royalty costs for concession permits, and proposed moratorium on all open pit mines (Cámara de Diputados 2023; Minería y Desarrollo 2024). These are profound changes in NRG of mining that suggests a new paradigm that will expand our understanding of the ongoing shifts in the influence and power of veto players as they relate to politics and the distribution of natural resource wealth in Mexico.

# Bibliography

Acosta, Alberto. 2011. “Extractivismo y Neoextractivismo: Dos Caras de la misma Maldición [Extractivism and Neoextractivism: two faces of the same curse].” In *Más Allá del Desarrollo,* edited by Miriam Lang, and Dunia Mokrani, 83–118. Quito: Fundación Rosa Luxemburg/Abya Yala.

Akchurin, Maria. 2015. "Constructing the rights of nature: Constitutional reform, mobilization, and environmental protection in Ecuador." *Law & Social Inquiry* 40 (4), 937-968.

Aguila, Emma, Alisher R. Akhmedjonov, Ricardo Basurto-Davila, Krishna B. Kumar, Sarah Kups, and Howard J. Shatz. 2012. "Mexico’s Economic Management." In United States and Mexico: Ties That Bind, Issues That Divide, 67-102. Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation. Accessed March 22, 2021. <http://www.jstor.org/stable/10.7249/mg985rc.19>.

Alvarez Béjar, Alejandro. 2014. “Economic Integration and Energy in Mexico, Before and After NAFTA.” International Journal of Political Economy 43 (2), 82–99.

Alzaga, Oscar. 2017. “Las Luchas Mineras del XXI en México” [Mining struggles of the 21st century in Mexico]. *Revista Latinoamericana de derecho del trabajo, Editorial Bomarzo: Argentina,* 247-281*.* Accessed March 17, 2023: <http://www.relats.org/documentos/ORG.Alzaga.pdf>.

Antúnez, Montserrat. 2023. “Del PRIAN a Grupo México Exfuncionarios de Zedillo, Fox, Calderón y Peña le lavan los desastres a Larrea [From PRIAN to Grupo Mexico: Former Officials of Zedillo, Fox, Calderón and Peña Wash Larrea's Disasters]” *Sin embargo.* <https://www.sinembargo.mx/05-10-2023/4417898>.

Appendini, Kirsten. 1998. “Changing agrarian institutions: Interpreting the contradictions.” In *The transformation of Rural Mexico: Reforming the Ejido Sector,* edited byWayne A. Cornelius and David Myhre, 25-38. San Diego: Center for U.S. – Mexican Studies, University of California, San Diego.

Aristegui News. 2018. “Rio Sonora Report: the Omission that took the lives of thousands. Informe #RíoSonora: la omisión que quitó la vida a miles, Aristegui Noticias),” August 6, 2018. <https://aristeguinoticias.com/0608/mexico/informe-rio-sonora-la-omision-que-quito-la-vida-a-miles-reportaje-multimedia/>.

Assetto, Valerie J., Eva Hajba, and Stephen P. Mumme. 2003. “Democratization, decentralization, and local environmental policy capacity: Hungary and Mexico.” *The Social Science Journal* 40 (2), 249–68.

Auditoría Superior de la Federación. 2012. “Informe del Resultado de la Fiscalización Superior de la Cuenta Pública 2010, *Secretaría de Economía*” [Report on the Result of the Superior Audit of the Public Account 2010” *Ministry of the Economy*]. <http://www.asf.gob.mx/Trans/Informes/IR2010i/Grupos/Desarrollo_Economico/2010_0809_a.pdf>.

Babb, Sarah. 2018. Managing Mexico: Economists from Nationalism to Neoliberalism. Princeton: Princeton University Press.

Bacon, David. 2016. “When the River Turned Yellow,” *The American Prospect, July 13, 2016.* Accessed March 27, 2023. <https://prospect.org/world/river-turned-yellow/>.

Baitenmann, Helga. 1998. “The Article 27 reforms and the promise of local democratization in Central Veracruz.” In *The transformation of Rural Mexico: Reforming the Ejido Sector,* edited by Wayne A. Cornelius & David Myhre,25-38. San Diego: Center for U.S. – Mexican Studies, University of California, San Diego.

Barry, Tom. 2014. “Mining Water in Sonora: Grupo México’s “Irregular” Water Permits in the  Sonora, Yaqui, and San Pedro River Basins,” *Americas Program,* December 15, 2014.

<https://www.americas.org/mining-water-in-sonora-grupo-mexicos-irregular-water-permits-in-the-sonora-yaqui-and-san-pedro-river-basins/>.

Bartley, Tim, Krister Andersson, Pamela Jagger, and Frank Van Laerhoven. 2008. “The Contribution of Institutional Theories to Explaining Decentralization of Natural Resource Governance.” *Society & Natural Resources* 21 (2): 160–74. <https://doi.org/10.1080/08941920701617973>

Baumgartner, Frank R., and Bryan D. Jones. 1993. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.

Bebbington, Anthony. 2012. *Extractive Industries, Social Conflict and Economic Development: Evidence from South America*. London: Routledge.

Bebbington, Anthony, Abdul-Gafaru Abdulai, Denise Humphreys Bebbington, Marja Hinfellar, and Cynthia A. Sanborn. 2018. *Governing Extractive Industries: Politics, Histories, Ideas* (New York: Oxford University Press).

Bebbington, Anthony, and Jeffery Bury. 2013. *Subterranean struggles: new dynamics of mining, oil, and gas in Latin America*. Austin: University of Texas Press.

Beer, Caroline. 2001. “Assessing the Consequences of Electoral Democracy: Subnational Legislative Change in Mexico,” *Comparative Politics* 33 (4), 421-440.

Bennett, Andrew. 2008. “Process Tracing: A Bayesian Perspective.” In *The Oxford Handbook of Political Methodology,* edited by Janet M. Box-Steffensmeier, Henry E. Brady, and David Collier.

Bensusán, Graciela. 2023. “Labour reforms in Mexico and international trade negotiations From the North American Free Trade Agreement to the United States–Mexico–Canada Agreement.” In *Integrating trade and decent work Volume 2: The potential of trade and investment to address labour market issues in supply chains*, edited by Marva Corley-Coulibaly, Franz Christian Ebert, and Pelin Sekerler Richiardi, 143-175. Geneva: International Labour Organization. <https://ghum.kuleuven.be/ggs/publications/books/wcms-903192.pdf#page=143>.

Bensusán, Graciela and Middlebrook, Kevin J. 2013. *Sindicatos y política en México: cambios, continuidades y contradicciones* [Unions and politics in Mexico: changes, continuities, and contradictions].México: FLACSO, UAM, CLASCO.

-----. 2020. “Cambio Político desde afuera hacia adentro: influenceia comerical Estadounidense y reforma de los derechos laborales en México [Political change from the outside in. U.S. trade leverage and labor rights reform in Mexico].” *Foro Internacional*, June, 985–1039. <https://doi.org/10.24201/fi.v60i3.2670>.

Benton, Allyson Lucinda. 2016. “How ‘Participatory Governance’ Strengthens Authoritarian Regimes: Evidence from Electoral Authoritarian Oaxaca, Mexico.” *Journal of Politics in Latin America* 35(2): 37-70.

Bernal Sahagún, Victor Manuel. 1989. “La ofensiva conservadora y la Nueva Ley Federal del Trabajo [The Conservative Offensive and the New Federal Labor Law].” *Momento Económico* (46). ISSN 0186-2901 <http://ru.iiec.unam.mx/1932/1/num46-articulo1_Bernal.pdf>.

Biz Latin Hub Group. 2019. “Who are Latin America’s Leading Mining Economies?” <https://www.bizlatinhub.com/who-are-latin-americas-leading-mining-economies/>.

Bnamericas. 2007. “Judge rules strikes may continue at G-Mex's Cananea Cu mine,” October 09, 2007 <https://www.bnamericas.com/en/news/judge-rules-strikes-may-continue-at-g-mexs-cananea-cu-mine>.

-----. 2013. “Senadora propone nueva ley minera en México que proteja derechos humanos [Senator proposes a new mining law in Mexico that would protect human rights]” December 26, 2013. <https://www.bnamericas.com/es/noticias/senadora-propone-nueva-ley-minera-en-mexico-que-proteja-derechos-humanos>.

-----. 2015. “Mexican steelmakers demand action against dumping 'tsunami,'” July 2, 2015. <https://www.bnamericas.com/en/news/mexican-steelmakers-demand-action-against-dumping-tsunami>.

-----. 2018. “Mexico denies water reservoir privatization,” June 19, 2018. <https://www.bnamericas.com/en/news/mexico-denies-water-reservoir-privatization1>.

-----. 2019. “Timeline: Grupo México Strikes,” Bnamericas, August 5, 2019. <https://www.bnamericas.com/en/features/timeline-grupo-mexico-strikes>.

Bodin, Örjan, and Beatrice I. Crona. 2009. “The Role of Social Networks in Natural Resource Governance: What Relational Patterns Make a Difference?” *Global Environmental Change* 19 (3): 366–74. <https://doi.org/10.1016/j.gloenvcha.2009.05.002>.

Boege, Eckart. 2013. “Minería: el despojo de los indígenas de sus territorios en el siglo XXI [Mining: the dispossession of Ingenous people from their territories in the 21st century]" *La Jornada del Campo,* 15 de Junio. <https://www.jornada.com.mx/2013/06/15/cam-mineria.html>.

Boni, Andrew and Claudio Garibay. 2014. Sustainable mining, indigenous rights, and conservation: conflict and discourse in Wirikuta/Catorce, Sun Luis Potosi, Mexico. *GeoJournal* 80 (759-780). <https://link.springer.com/article/10.1007/s10708-014-9593-3>.

Bonilla González, Marcos Rodolfo. 2012. “Reforma Laboral 1982-2010 [Labour reform 1992-2010]” *Época* 4 (21) <https://stunam.org.mx/8prensa/8forouniver1/forouni21/8fu21-2.html>.

Brown, Jennifer. 2004. *Ejido*s and *comunidades* in Oaxaca, Mexico: impact of the 1992 reforms. Rural Development Institute.

Browning-Aiken, Anne. 2012. “Disjuncture between Economic Policy and Sustainable Use of Natural Resources.” In *Neoliberalism and Commodity production in Mexico,* edited by Thomas Weaver, James B Greenberg, William L. Alexander, and Anne Browning-Aiken. Boulder: University Press of Colorado.

Buhmann, Karin, Alberto Fonseca, Nathan Andrews, and Giuseppe Fonseca, 2024. *Routledge International Handbook on Meaningful Stakeholder Engagement*. New York: Routledge.

Buitrón Cañadas, Viviana, Danilo Borja, Freddy Cáceres, and John P. Hayes. 2023. Interactions between oil and environmental policy in Ecuador. *School of Public Policy Publications* 16 (23), 1-38. <http://dx.doi.org/10.11575/sppp.v16i1.77157>.

Cairney, Paul. 2013. “Standing on the Shoulders of Giants: How Do We Combine the Insights of Multiple Theories in Public Policy Studies?: Combining the Insights of Multiple Theories.” *Policy Studies Journal* 41(1): 1–21. <https://doi.org/10.1111/psj.12000>.

Cámara de Diputados. 2007. “Plan nacional de desarrollo 2007-2012, cámara de diputados lx legislatura comité del centro de estudios de las finanzas públicas centro de estudios de las finanzas públicas diciembre 2007 cefp / 096 / 2007 escenarios, programas e indicadores” [National development plan 2007-2012, chamber of deputies lx legislature committee of the center of studies of public finances center of studies of public finances December 2007 cefp / 096 / 2007 Scenarios, programs and indicators].

<https://www.cefp.gob.mx/intr/edocumentos/pdf/cefp/cefp0962007.pdf>.

-----. 2009. “Nota No. 383: Diputados Cárdenas Gracia y Fernández Noroña proponen la nacionalización del agua” [Note No. 383: Deputies Cardenas Gracia and Fernández Noroña propose to nationalize water] <http://www3.diputados.gob.mx/camara/005_comunicacion/b_agencia_de_noticias/005_2009/10_octubre/09_09/383_diputados_cardenas_gracia_y_fernandez_norona_proponen_la_nacionalizacion_del_agua>.

-----. 2012. “DECRETO por el que se Declara reformado el párrafo quinto y se adiciona un párrafo sexto recorriéndose en su orden los subsecuentes, al artículo 4o. de la Constitución Política de los Estados Unidos Mexicanos” [DECREE by which the fifth paragraph is declared reformed and a paragraph is added sixth, going through the subsequent ones in order, to article 4. of the Constitution Politics of the United Mexican States]. <https://www.diputados.gob.mx/LeyesBiblio/proceso/lxi/203_DOF_08feb12.pdf>.

-----. 2014. “Ley Minera” [Mining Law]. <https://dsiappsdev.semarnat.gob.mx/datos/juridico/leyes/LEY_MINERA.pdf>.

-----. 2020. “Ley Federal de Derechos” [Federal Bill of Rights]. <https://www.diputados.gob.mx/LeyesBiblio/pdf_mov/Ley_Federal_de_Derechos.pdf>.

-----. Cámara de diputados. 2020. “Boletín N°. 2062: Coinciden Grupos Parlamentarios en necesidad de aprobar la Reforma Laboral, pero en varios aspectos difieren” [Bulletin No. 2062: Parliamentary Groups agree on the need to approve the Labor Reform, but in several aspects they differ] <http://www3.diputados.gob.mx/camara/005_comunicacion/a_boletines/2005_2005/agosto_agosto/14_14/2062_coinciden_grupos_parlamentarios_en_necesidad_de_aprobar_la_reforma_laboral_pero_en_varios_aspectos_difieren>.

-----. 2022. “Ley Federal Del Trabajo” [Mexican Labour Law]. <https://www.diputados.gob.mx/LeyesBiblio/pdf/LFT.pdf>.

-----.2024. “Seguimiento a la problemática surgida por los conflictos mineros en el país” [Follow-up to the problems arising from mining conflicts in the country]. <https://sitllxi.diputados.gob.mx/integrantes_de_comisionlxi.php?comt=117>.

Cámara Minera Mexicana. 2006. “Informe Anual 2006, CAMIMEX” [Annual Report 2006]. <https://www.camimex.org.mx/application/files/8115/7064/7321/Info_2006.pdf>

-----. 2007. “Informe Anual 2007, CAMIMEX” [Annual Report 2007]. <https://www.camimex.org.mx/application/files/7915/7064/7296/Info_2007.pdf>.

-----. 2009. “Informe Anual 2009, CAMIMEX” [Annual Report 2009].

<file:///Users/johnhayes/Library/CloudStorage/Dropbox/ResourceGovernance's%20shared%20workspace/CAMIMEX_2009.pdf>.

-----. 2012. “Informe Anual 2012, CAMIMEX” [Annual Report 2012]. <https://www.camimex.org.mx/application/files/4315/7064/7098/Info_2012.pdf>.

-----. 2013. “Informe Anual 2013, CAMIMEX” [Annual Report 2013].

<https://www.camimex.org.mx/application/files/2115/7064/7055/Info_2013.pdf>

-----. 2014. “Informe Anual 2014, CAMIMEX” [Annual Report 2014]. <https://www.camimex.org.mx/application/files/4615/7064/7022/Info_2014.pdf>.

-----. 2015. “Informe Anual 2015, CAMIMEX” [Annual Report 2015]. <https://www.camimex.org.mx/application/files/9515/7064/6970/Info_2015.pdf>

-----. 2016. “Informe Anual 2016, CAMIMEX” [Annual Report 2016]. <https://www.camimex.org.mx/application/files/3515/7064/6931/Info_2016.pdf>.

-----. 2017. “Informe Anual 2017, CAMIMEX” [Annual Report 2017]. <https://www.camimex.org.mx/application/files/6415/7064/6872/Info_2017.pdf>.

-----.2018. “Informe Anual 2018, CAMIMEX” [Annual Report 2018]. <https://www.camimex.org.mx/application/files/7815/7064/6813/Info_2018.pdf>.

-----. 2019. “Informe Anual 2019, CAMIMEX” [Annual Report 2019]. <https://www.camimex.org.mx/application/files/1815/7064/6694/Info_2019.pdf>.

Cárdenas, Jaime. 2013. “La minería en México: Despojo a la Nación [Mining in Mexico: Disposession of a Nation].” *Cuestiones Constitucionales* 28 (January):35–74. <https://doi.org/10.1016/S1405-9193(13)71275-7>.

Casado Izquierdo, José María, and María Teresa Sánchez Salazar. 2019. “*Los Mineros* en el México neoliberal” [*Los Mineros* in Neoliberal Mexico]. *Investigaciones Geográficas*, no. 98 (April). <https://doi.org/10.14350/rig.59787>.

Castro, Alejandro. 2022. “México: crece la crisis ambiental, pero cae el presupuesto,” *Causa Natura, October 3, 2022.* [*https://causanatura.org/visualizacion-de-datos/mexico-crece-la-crisis-ambiental-pero-cae-el-presupuesto*](https://causanatura.org/visualizacion-de-datos/mexico-crece-la-crisis-ambiental-pero-cae-el-presupuesto)

Caulfield, Norman. 2010. *NAFTA and Labour in North America.* Chicago, Illinois: University of Illinois Press.

Cejudo, Guillermo M. 2007. “New Wine in Old Bottles: How New Democracies Deal with Inherited Bureaucratic Apparatuses. The Experiences of Mexico and Spain” *Documento de Trabajo del CIDE*, 190, Available at SSRN: <https://ssrn.com/abstract=2503575>.

Centro de Estudios de Finanzas Públicas. 2008. “Nota Informativa: El Programa Nacional Hídrico 2007-2012 [Informative note: the national water program 2007-2012].” <https://www.cefp.gob.mx/notas/2008/notacefp0192008.pdf>.

-----. 2014. “Indicadores de la Minería” [Mining Industry Indicators] <https://www.cefp.gob.mx/indicadores/gaceta/2013/iescefp0172013.pdf>.

-----. 2020. “Evolución del Gasto Público en el periodo 2006-2020” [Evolution of Public Expenditure in the period 2006-2020]. <https://www.cefp.gob.mx/publicaciones/documento/2020/cefp0522020.pdf>.

Centro Mexicano de Derecho Ambiental. 2022. “Pueblo masewal gana lucha en contra de la minería.” [Masewal people win struggle against Mining]. March 18, 2022.

<https://www.cemda.org.mx/pueblo-masewal-gana-lucha-en-contra-de-la-mineria/>.

Comisión Económica para Ámerica Latina y el Caribe [CEPAL]. 2011. “CEPAL presenta su Estudio económico de América Latina y el Caribe 2010-2011” [CEPAL presents their economic study of Latin America]. <https://www.cepal.org/es/comunicados/cepal-presenta-su-estudio-economico-america-latina-caribe-2010-2011>.

Challenger, Antony, Ana Cordova, Elena Lazos Chavero, Miguel Equihua, and Manuel Maass. 2018. “Opportunities and Obstacles to Socioecosystem-Based Environmental Policy in Mexico: Expert Opinion at the Science-Policy Interface.” *Ecology and Society* 23 (2): art31. <https://doi.org/10.5751/ES-10066-230231>.

Chand, Vikram K. 2001. Mexico’s Political Awakening. University of Notre Dame Press: Notre Dame.

Collier, David. 2011. “Understanding Process Tracing,” *PS: Political Science & Politics* 44(4), 823-830.

Collier, David, & Ruth B. Collier. 1991. *Shaping the political arena*. Princeton: Princeton University Press.

Consejo de recursos minerales. 1990. “Anuario estadístico de la minería Mexicana 1988” [Annual statistics of Mexican Mining 1988]”.

-----. 1993. “Consejo de Recursos Minerales, Anuario estadístico de la minería Mexicana, 1992” [Annual statistical report of Mexican mining, 1992].

<https://www.sgm.gob.mx/productos/pdf/Anuario_1992.pdf>

-----. 1997. “Consejo de Recursos Minerales, Anuario estadístico de la minería Mexicana, 1996” [Annual statistical report of Mexican mining, 1996].

<https://www.sgm.gob.mx/productos/pdf/Anuario_1996.pdf>.

-----. 2001. “Anuario estadístico de la minería Mexicana, 2000”

[Annual statistical report of Mexican mining, 2000]

<https://www.sgm.gob.mx/productos/pdf/Anuario_2000.pdf>.

-----.2003. “Anuario estadístico de la minería Mexicana, 2002” [Annual statistical report of Mexican mining, 2002].

<https://www.sgm.gob.mx/productos/pdf/Anuario_2002.pdf>.

Constitución Política de los Estados Unidos Mexicanos [Constitution of Mexico]. 2023. <https://www.diputados.gob.mx/LeyesBiblio/pdf/CPEUM.pdf>

Cooney, Jim. 2013. “Mining, Economic Development and Indigenous Peoples: “Getting the Governance Equation Right,” *McGill University Institute for the Study of International Development (ISID) Montreal, August 5-10, 2013*. <https://www.mcgill.ca/isid/files/isid/mcgill_2013_summer_forum_-_final_report.pdf>.

Cooper, Richard. 1994. *Boom, Crisis, and Adjustment The Macroeconomic Experience of Developing Countries, 1970-90.* Washington, D.C.: The International Bank for Reconstruction and Development of the World Bank. <https://documents1.worldbank.org/curated/en/424101468172128425/pdf/multi0page.pdf>.

Cornelissen, Sean. 2016. *Canadian mining and Mexican economic development*. (Master’s Thesis). Ottawa: Institute of Political Economy, Carleton University. Retrieved from <https://repository.library.carleton.ca/concern/etds/12579t11p>.

Cornelius, Wayne A. and David Myhre. 1999. *The transformation of rural Mexico: Reforming the Ejido sector*. San Diego: Center for U.S. – Mexican Studies, University of California, San Diego

Correa-Cabrera, Guadalupe. 2017. *Los Zetas Inc: Criminal corporations, energy, and civil war in Mexico.* Austin: University of Texas Press.

Courchene, Thomas, and Alberto Díaz-Cayeros. 2000. “Transfers and the Nature of the Mexican Federation.” In *Achievements and Challenges of Fiscal Decentralization: Lessons from Mexico,* edited by Marcelo M. Giugale and Steven B. Webb: 200-236. Washington, DC: The World Bank

De Janvry, Alain, Marco Gonzalez-Navarro, and Elisabeth Sadoulet. 2014. “Are Land Reforms Granting Complete Property Rights Politically Risky? Electoral Outcomes of Mexico’s Certification Program.” *Journal of Development Economics* 110 (September):216–25. <https://doi.org/10.1016/j.jdeveco.2013.04.003>.

Delgado Ramos, Gian Carlo. 2010. “América Latina y el Caribe como reservas estratégicas de minerales [Latin America and the Caribbean as strategic mineral reserves).” In Ecología política de la minería en América Latina, edited by Gian Carlos Delgado Ramos, 17-58. <https://core.ac.uk/download/pdf/83825202.pdf>.

-----. 2017. “Mexico: Mineral Policy.” In *Encyclopedia of Mineral and Energy Policy*, edited by Günter Tiess, Tapan Majumder, and Peter Cameron, 1–8. Berlin, Heidelberg: Springer Berlin Heidelberg. <https://doi.org/10.1007/978-3-642-40871-7_167-1>.

Delgado Wise, Raúl and Rubén Del Pozo Mendoza. 2005. “Mexicanization, Privatization, and Large Mining Capital in Mexico.” *Latin American Perspectives* 32 (4), 65–86.

Diario Oficial de la Federación. 1970. “Ley Federal del Trabajo [Federal Labour Law].” <https://www.diputados.gob.mx/LeyesBiblio/ref/lft/LFT_orig_01abr70_ima.pdf>

-----. 1989. “Decreto por el que se crea la Comisión Nacional del Agua como órgano administrativo deseoncentrado de la Secretaría de Agricultura y Recursos Hidráulicos” [Decree to Create the National Water Commission as a Decentralized Administrative Organ from the Ministry of Agriculture and Hyrdraulic Resources].

<https://www.gob.mx/cms/uploads/attachment/file/110378/16_ENERO_1989_DECRETO_DE_CREACI_N__CNA_COMO_ORGANO_ADMINISTRATIVO_DESCONCENTRADO_DE_SARH.pdf>

-----. 1992. “DECRETO por el que se reforma el artículo 27 de la Constitución Política de los Estados Unidos Mexicanos [Decree to reform Article 27 of the Political Constitution of the United Mexican States].”

<https://www.dof.gob.mx/nota_detalle.php?codigo=4643312&fecha=06/01/1992#gsc.tab=0>

-----. 1992a. “Ley Agraria [Agrarian Law].” <https://www.diputados.gob.mx/LeyesBiblio/ref/lagra/LAgra_orig_26feb92_ima.pdf>.

-----. 1992b. “Ley Minera [Mining Law].”

<https://www.diputados.gob.mx/LeyesBiblio/ref/lmin/LMin_orig_26jun92_ima.pdf>.

-----. 1993. “Ley de Inversión Extranjera [Foreign Investment Law].” <https://www.diputados.gob.mx/LeyesBiblio/ref/lie/LIE_orig_27dic93_ima.pdf>.

-----. 2004. “NORMA Oficial Mexicana NOM-141-SEMARNAT-2003.” <https://www.camimex.org.mx/application/files/2815/7063/5637/nom141.pdf>.

<https://www.dof.gob.mx/nota_detalle.php?codigo=2048903&fecha=17/06/2005#gsc.tab=0/>.

-----2005. “Acuerdo para el precierre operative del programa de certificación de derechos Ejidales y titulación de solares (PROCEDE)” [Agreement for the operational pre-closure of the program for the certification of *Ejido* rights and land titling (PROCEDE)].

-----.2005a. “DECRETO por el que se reforman, adicionan y derogan diversas disposiciones de la Ley Minera [Decree amending, adding and repealing various provisions of the Mining Law].” <https://www.dof.gob.mx/nota_detalle.php?codigo=2035060&fecha=28/04/2005#gsc.tab=0>.

-----. 2008. “DECRETO por el que se aprueba el Programa Nacional Hídrico 2007-2012 [Decree to approve the National Water Plan 2007-2012).

<https://www.dof.gob.mx/nota_detalle.php?codigo=5076410&fecha=30/12/2008#gsc.tab=0>.

-----. 2009. “DECRETO por el que se reforman diversas disposiciones de la Ley del Seguro Social [DECREE amending various provisions of the Social Security Law] https://www.diputados.gob.mx/LeyesBiblio/ref/lss/LSS\_ref10\_26may09.pdf .

-----. 2011. “Decreto por el que se reforman, adicionan y derogan divenas disposiciones de los articulos 94, 103, 104 Y 107 de la Constitución Política de los Estados Unidos Mexicanos, DCXCII 4, México, D.F. lunes 6 de junio de 2011,” *Organo del gobierno constitucional de los estados unidios mexicanos*” [Decree amending, adding, and repealing various provisions of articles 94, 103, 104, and 107 of the Political Constitution of the United Mexican States, DCXCII 4, Mexico, D.F. Monday June 6, 2011, Organ of the constitutional government of the United Mexican States.] <https://www.internet2.scjn.gob.mx/red/constitucion/pdfs/DECRETO%20DOF%2006062011.pdf>.

-----. 2012. “NORMA Oficial Mexicana NOM-120-SEMARNAT-2011.” <https://www.camimex.org.mx/application/files/8315/7063/5751/SMAR031315.pdf>

-----. 2013. “DECRETO por el que se expide la Ley de *Amparo*, Reglamentaria de los artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos” [Decree to implement the *Amparo* law, adjustments of articles 103 and 107 of the Political Constituion of the United Mexican States] April 2, 2013. <https://dof.gob.mx/nota_detalle.php?codigo=5294184&fecha=02/04/2013#gsc.tab=0>.

-----. 2014. “Acuerdo por el que se emiten los Lineamientos para la aplicación de los recursos del Fondo para el Desarrollo Regional Sustentable de Estados y Municipios Mineros.” [Agreement to issue the Guidelines for the application of the resources of the Fund for the Sustainable Regional Development of Mining States and Municipalities] September 25, 2014.

-----. 2014a. “Acuerdo por el que se aprueba el Programa de Desarrollo Minero 2013–2018” [Agreement for the National Mining Development Program 2013-2018]. <https://www.dof.gob.mx/nota_detalle.php?codigo=5344070&fecha=09/05/2014#gsc.tab=0>.

-----. 2014b. “Acuerdo Programa de Desarrollo Minero 2013-2018.” [Mining Development Program Agreement. 2014. 2013-2018]. <http://www.dof.gob.mx/nota_detalle.php?codigo=5344070&fecha=09/05/2014>.

-----. 2017. “DECRETO por el que se declaran reformadas y adicionadas diversas disposiciones de los artículos 107 y 123 de la Constitución Política de los Estados Unidos Mexicanos, en materia de Justicia Laboral” [Decree to declare reforms and various additions to articled 107 and 123 of the Political Consitution of the United Mexican States, as part of labour justice] February 24, 2017. <https://www.dof.gob.mx/nota_detalle.php?codigo=5472965&fecha=24/02/2017#gsc.tab=0>.

-----. 2018. “Decreto por el que se establecen zonas de reserva parcial de aguas nacionales superficiales” [Decree establishing partial reserve areas of national surface waters,” (Diario Oficial de la Federación]. <https://www.dof.gob.mx/index_113.php?year=2018&month=06&day=06#gsc.tab=0>.

DiCaro, Angelo and Laura Macdonald. 2021. “CUSMA's labour mechanisms a testing ground for protecting North American workers,” *Canadian Centre for Policy Alternatives,* July 19, 2021. <https://monitormag.ca/articles/cusmas-labour-mechanisms-a-testing-ground-for-protecting-north-american-workers>.

Díez, Jordi. 2006. *Political Change and Environmental Policymaking in Mexico*. New York: Routledge. <https://doi.org/10.4324/9780203960394>.

Dion, Michelle. 2009. “Globalization, Democracy, and Mexican Welfare, 1988–2006.” *Comparative Politics* 42 (1): 63–82. <https://doi.org/10.5129/001041509X12911362972836>.

-----. 2010. *Workers and welfare: Comparative institutional change in twentieth-century Mexico*. Pittsburgh: University of Pittsburgh Press.

Dirección de Servicio de Investigación y Análisis. 2006. “Informes Presidenciales de Carlos Salinas de Gortari” [Presidential Reports by Carlos Salinas de Gortari]. *Diario de los Debates de la Cámara de Diputados del Congreso de los Estados Unidos Mexicanos*.Servicio de Investigación y Análisis Dirección Referencia Especializada Subdirección, Cámara de Diputados, LIX Legislatura.

-----. 2012. “Ley Federal del Trabajo Datos Generales de sus Reformas [The Federal Labour Law general data of its reforms]” <https://www.diputados.gob.mx/sedia/biblio/doclegis/cuaderno_lft.pdf>.

-----. 2018. “Ley Minera iniciativas presentadas durante las lx, lxi y lxii legislaturas en la cámara de diputados (tercera parte)” [Mining Law initiatives presented during the lx, lxi and lxii legislatures in the chamber of deputies (third part)]. <https://www.diputados.gob.mx/sedia/sia/spi/SAPI-ISS-16-18_24sep18.pdf>.

Dornbusch, Rudiger. 1988. "Mexico: stabilization, debt and growth." *Economic Policy* 3 (7), 231-283.

Duhalt. Adrian. 2020. “The Petrochemical Arm of Pemex: A Tale of Boom and Bust,” *Rice University’s Baker Institute for Public Policy,* 1-13. <https://repository.rice.edu/server/api/core/bitstreams/7135bc70-9fc2-4558-a988-141f4aeecab5/content>.

Energy Information Administration [EIA]. 2014. “Mexico.” <https://www.connaissancedesenergies.org/sites/connaissancedesenergies.org/files/pdf-pt-vue/analysis_report_on_mexico.pdf>.

-----. 2020. “Country Analysis Executive Summary: Mexico” *U.S. Energy Information Administration.* <https://www.eia.gov/international/content/analysis/countries_long/Mexico/mexico.pdf>.

Eisenstadt, Todd A.. 2003. Courting Democracy in Mexico : Party Strategies and Electoral Institutions. Cambridge: Cambridge University Press. Accessed January 27, 2024. ProQuest Ebook Central.

Eje Central. 2021. “El PRD pide Investigar possible negligencia en mina de Múzquiz [PRD Asks to Investigate Possible Negligence at Múzquiz Mine].” <https://www.ejecentral.com.mx/el-prd-pide-investigar-posible-negligencia-en-mina-en-muzquiz/>.

El Comentario. 2022. “Protestan en Sonora contra minera tras 8 años de impunidad por derrame tóxico,” [Protests in Sonora against mining after eight years of impunity for toxic spill], August 5, 2023, Accessed March 27, 2023. El Comentario, Universidad de Colima.

<https://elcomentario.ucol.mx/protestan-en-sonora-contra-minera-por-8-anos-de-impunidad-por-derrame-toxico/>.

El Informador. 2008. “Se invertirán 24 mil mdp en actividad minera [24 billion pesos to be invested into mining activity]” March 23,<https://www.informador.mx/Economia/Se-invertiran-24-mil-mdp-en-actividad-minera-20080323-0006.html>

El Siglo de Torreón. 2008. “Gobierno triplicará inversión en minería [Government to Triple Investment in Mining]” March 24,<https://www.elsiglodetorreon.com.mx/noticia/2008/gobierno-triplicara-inversion-en-mineria.html>

El Universal. “Verificado 2018. ¿Los decretos firmados por Peña Nieto privatizan el agua?, [Verified 2018. Do the decrees signed by Peña Nieto privatize water?],” June 20, <https://www.eluniversal.com.mx/nacion/verificado-2018-los-decretos-firmados-por-pena-nieto-privatizan-el-agua/>.

Ellner, Steve. 2021. *Latin American Extractivism: Dependency, Resource Nationalism, and Resistance in Broad Perspective*. Lanham: Rowman & Littlefield.

Enciso, Angélica L. 2014. ‘‘Descuido’’ de la empresa, causa del derrame en Sonora: Semarnat” [“Neglect” by company, cause of the spill in Sonora: Semarnat] *La Jornada,* August 27,

<https://www.jornada.com.mx/2014/08/27/politica/003n1pol>.

-----. 2018. “Concesionarán agua de 300 cuencas hasta por 50 años a empresas privadas” [Water from 300 basins will be concessioned for up to 50 years to private companies], *La Jornada,* June 15, <https://www.jornada.com.mx/2018/06/15/sociedad/036n1soc>.

Estrada Ochoa, Adriana C. 2006. “Canadian mining operations in Mexico: An initial overview.” In *Community Rights and Corporate Responsibility: Canadian Mining and Oil Companies in Latin America,* edited byLiisa North, Timothy David Clark, and Viviana Patroni, 143-159. Toronto: Between The Lines.

Estudio Nacional Electoral. 2021. “Estudio Nacional Electoral México” [National Study of Mexican Elections]. <https://estudionacionalelectoral.org/index.html>.

-----. 2021a. “Estudio Nacional Electoral México 2012” [National Study of Mexican Elections]. <https://estudionacionalelectoral.org/2012.html>.

Expansión Política. 2018. “¿Se privatizó el agua? Esto es lo que sabemos sobre los decretos que firmó EPN” [Was water privatized? This is what we know about the decrees that EPN signed], June 20,

<https://politica.expansion.mx/mexico/2018/06/20/se-privatiza-el-agua-esto-es-lo-que-sabemos-sobre-los-decretos-que-firmo-epn>.

Extractive Industries Transparency Initiative. N.D. “Our History” <https://eiti.org/our-history>.

Faletti, Tulia G. 2006. “Theory-Guided Process-Tracing in Comparative Politics: Something Old, Something New” *Newsletter of the Organized Section in Comparative Politics* <https://www.polisci.upenn.edu/~falleti/Falleti-CP-APSANewsletter06-TGPT.pdf>.

FIFOMI (Fideicomiso de Fomento Minero). 2012. “Programa Certificados Bursátiles Fiduciarios de Largo Plazo” [Long-Term Trust Certificates Program.] <https://www.fifomi.gob.mx/web/images/fifomi/documentos/atninversionistas/presentacion.pdf>

Fontaine, Guillaume, Ivan Narvaez, and Susan Velasco. 2018. “Explaining a Policy Paradigm Shift: A Comparison of Resource Nationalism in Bolivia and Peru.” *Journal of Comparative Policy Analysis: Research and Practice* 20 (2): 142–57. <https://doi.org/10.1080/13876988.2016.1272234>.

Fox, Jonathan. 1994. “Political change in Mexico’s new peasant economy.” In *The politics of economic restructuring: State-society relations and regime change in Mexico*, edited by Maria Lorena Cook, Kevin J. Middlebrook, & Juan Molinar Horcasitas, 243-276. San Diego: The Center for U.S.-Mexico Studies.

Franceschet, Susan, and Jordi Díez. 2012. *Comparative Public Policy in Latin America*. Toronto: University of Toronto Press.

Fuente, Mario Enrique and David Barkin. 2013. “La Minería como Factor de Desarrollo en la Sierra Juárez de Oaxaca. Una Valoración Ética.” *Revista Problemas del Desarrollo* 172(44): 123-144.

Fundar. 2010. “Subsidios al Campo en México [Rural Subsidies in Mexico] Accessed April 14, 2023. <http://subsidiosalcampo.org.mx/>

-----. 2015. “Se amparan en bloque pueblos indígenas en contra de concesiones mineras.” [*Amparo*s used by Indigenous Groups against mining concession holders]”. <https://fundar.org.mx/se-amparan-en-bloque-pueblos-indigenas-en-contra-de-concesiones-mineras/>.

-----.2019. “Mining Fund: Concerns and Recommendations.” [Fondo Minero: Preocupaciones y propuestas]. <https://fundar.org.mx/wp-content/uploads/2019/11/Fondo-Minero_Posicionamiento_Nov04.pdf>.

-----. 2020. “Cuidar lo que importa. Presupuesto para el patrimonio natural. Una mirada al presupuesto para las Áreas Naturales Protegidas.” [Take care of what matters. Budget for natural heritage. A look at the budget for Protected Natural Areas].

<https://fundar.org.mx/wp-content/uploads/2020/05/Cuidar-lo-que-importa-presupuesto-patrimonio-natural-2020.pdf>.

Gaceta del Senado. 2007. “Dictámenes de Primera Lectura, comisiones unidas de relaciones exteriores de américa del norte y de hacienda y crédito público, Jueves 22 de febrero de 2007 / LX/1SPO-64-294/11459” [First Reading Opinions, Unified Committees of Mexican External Relations of North America and the Ministry of Finance and Public Credit, Thursday February 22, 2007]. <https://www.senado.gob.mx/65/gaceta_del_senado/documento/11459>.

-----. 2008. “Gaceta Parlamentaria, año XI, número 2450-II, jueves 21 de febrero de 2008.” <https://gaceta.diputados.gob.mx/Gaceta/60/2008/feb/20080221-II.html#Ini20080221-1>.

-----. 2013. “Del Sen. Armando Ríos Piter, del Grupo Parlamentario del Partido de la Revolución Democrática, la que contiene proyecto de decreto que establece un Derecho Minero al Valor de la Producción, Lunes 29 de abril de 2013 / LXII/1SPO-133- 1363/40779” [From Sen. Armando Ríos Piter, of the Parliamentary Group of the Party of the Democratic Revolution, which contains a draft decree that establishes a Mining Right to the Value of Production, Monday, April 29, 2013] <https://www.senado.gob.mx/65/gaceta_del_senado/documento/40779>.

-----. 2014. “Iniciativas Gaceta Parlamentaria, año XVII, número 4117-II, martes 23 de septiembre de 2014 [Initiatives Parliamentary Gazette, Year XVII, Issue 4117-II, Tuesday, September 23, 2014].” <http://gaceta.diputados.gob.mx/Gaceta/62/2014/sep/20140923-II.html>.

-----. 2019. “Iniciativas presentadas en el segundo periodo ordinario del primer año de la LXII Legislatura [Initiatives presented in the second ordinary period of the first year of the LXII Legislature].” <https://gaceta.diputados.gob.mx/Gaceta/Iniciativas/62/gp62_a1segundo.html>.

-----. 2023. “Proposiciones Miércoles 23 de marzo de 2022 / LXV/1SPO-35-3005/124749 [Propositions Wednesday, March 23, 2022 / LXV/1SPO-35-3005/124749]” <https://www.senado.gob.mx/65/gaceta_del_senado/documento/124749#:~:text=Nuestra%20Constituci%C3%B3n%20Pol%C3%ADtica%20desde%20febrero,Estado%20a%20garantizar%20este%20derecho>.

Gallagher, Kevin. 2004. Free trade and the environment: Mexico, NAFTA, and beyond. Stanford University Press.

Garavito Elías, Rosa Albina. 2002. “El proyecto Abascal: refuncionalizar el sindicalismo corporativo [The Abascal project: re-functionalizing corporate unionism]” *El Cotidiano* 19 (116), 78-88. <https://www.redalyc.org/pdf/325/32511609.pdf>

Garduño, Roberto. 2015. “Fox y Calderón cedieron casi 10 millones de hectáreas a mineras” [Fox and Calderón cede almost 10 million hectares to mining companies]. *La Jornada.* <https://www.jornada.com.mx/2015/09/20/politica/005n1pol>.

Geddes, Barbara. 2003. *Paradigms and Sand Castles: Theory Building and Research Design in Comparative Politics* (Ann Arbor: University of Michigan Press).

Gentes, Ingo and Pablo Policzer. 2022. “Weakness by design: neoliberal governance over mining and water in Chile,” *Territory, Politics, Governance*, DOI:<https://doi.org/10.1080/21622671.2022.2134196>.

George, Alexander L., and Andrew Bennett. 2005. *Case Studies and Theory Development in the Social Sciences. Illustrated edition*. Cambridge, Mass: The MIT Press.

Gerring, John. 2009. “Case Selection for Case-Study Analysis: Qualitative and Quantitative Techniques.” In *The Oxford Handbook of Political Methodology,* edited by Janet M. Box-Steffensmeier, Henry E. Brady, and David Collier.

Global Trade Alert. 2015. “Mexico: Extension of definitive antidumping duty on imports of certain steel products from China, France and Germany.” <https://www.globaltradealert.org/intervention/19067/anti-dumping/mexico-extension-of-definitive-antidumping-duty-on-imports-of-certain-steel-products-from-china-france-and-germany>.

Global Witness. 2022. “Decade of Defiance: Ten years of reporting land and environmental activism worldwide” <file:///Users/johnhayes/Downloads/Decade_of_defiance_EN_-_September_2022.pdf>.

Gobierno de México. 2007. Acuerdo para el precierre operative del programa de certificación de derechos Ejidales y titulación de solares (PROCEDE). Diario Oficial de la Federación.

-----. 2013.“Reforma Energética” [Energy Reform]. <https://www.gob.mx/cms/uploads/attachment/file/10233/Explicacion_ampliada_de_la_Reforma_Energetica1.pdf>.

-----. 2014. “Segunda Informe de Gobierno 2013-2014,” *Presidencía de la República: Ciudad de México*.” [Second Report of the Government 2013-2014” *Presidency of the Republic:* Mexico City].

-----. 2015. “IMPONE PROFEPA MULTAS POR 22.9 MDP A EMPRESA MINERA BUENAVISTA DEL COBRE” [PROFEPA imposes fines for 22.9 million pesos to the mining company BUENAVISTA DEL COBRE], 2 de Marzo, 2015. <https://www.gob.mx/profepa/prensa/impone-profepa-multas-por-22-9-mdp-a-empresa-minera-buenavista-del-cobre>

-----. 2016. “Justicia Cotidiana, reformas e iniciativa” [Quotidian Justice, reforms, and initiatives] accessed October 17, 2023. <https://www.gob.mx/epn/es/articulos/justicia-cotidiana-reformas-e-iniciativas>.

-----. 2020. Manual del Inversionista en el Sector Minero Mexicano. *Secretaría de economía.* https://www.economia.gob.mx/files/gobmx/mineria/manual\_del\_inversionista.pdf

-----. 2021. “¿Qué Hacemos? Junta Federal de Conciliación y Arbitraje” [What do we do? National Conciliation and Arbitration Board] <https://www.gob.mx/jfca/que-hacemos>, Accessed October 12, 2023.

Gobierno de los Estados Unidos Mexicanos Presidencia de la República. 2001. “Plan Nacional del Desarrollo 2001-2006 [National Development Plan 2001-2006].” <http://planeacion.uaemex.mx/InfBasCon/PlanNacionaldeDesarrollo2000-2006.pdf>.

Gómez Urrutia, Napoleón. 2013. *Collapse of Dignity: The Story of a Mining Tragedy and the Fight Against Greed and Corruption in Mexico*. BenBella Books, Inc.

Gordon, Todd, and Jeffery R. Webber. 2016. *Blood of Extraction : Canadian Imperialism in Latin America.* Halifax: Fernwood Publishing.

Government of Canada. 2008. “Convention Between the Government of Canada and the Government of the United Mexican States For the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income,” *Department of Finance Canada.* <https://www.canada.ca/en/department-finance/programs/tax-policy/tax-treaties/country/mexico-convention-2006.html>.

-----. 2015. “Canadian Mining Assets.” *Natural Resources Canada.* <https://www.nrcan.gc.ca/mining-materials/publications/17072>.

Grindle, Merilee S. 2007. “Local Governments That Perform Well: Four Explanations.” In *Dectentralizing governance: Emerging Concepts and Practices,* edited by Shabbir Cheema and Dennis A. Rondinelli, 56-74. Washington: Brookings Institution Press.

Gudynas, Eduardo. 2012. “Estado Compensador y Nuevos Extractivismos: Las Ambivalencias del Progresismo Sudamericano[Compensatory State and New Extractivisms: The Ambivalences of South American Progressivism]*” Nueva Sociedad* 237: 128–146.

Gurria Urgel, Osvaldo. N.d. “Comisión De Fomento Minero: Organización y Funcionamiento [Mining Development Commission: Organization and Operation].”

<http://historico.juridicas.unam.mx/publica/librev/rev/rap/cont/5/pr/pr8.pdf>.

Haarstad, Havard. 2012. *New Political Spaces in Latin American Natural Resource Governance.* Palgrave Macmillan: New York

Hacker, Jacob S., Paul Pierson, and Kathellen Thelen. 2013. “Drift and Conversion: Hidden Faces of Institutional Change,” *Annual Meetings of the American Political Science Association, Chicago, IL, August 30, 2013.* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2303593>.

Hall, Peter A. and Rosemary C.R. Taylor. 1996. "Political Science and the Three New Institutionalisms.” *Political Studies*, 44 (5), 936-57.

Hall, Peter A. 1993. "Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain." *Comparative Politics*, 25 (4), 275-96.

Harner, John. 2001. “Place Identity and Copper Mining in Sonora, Mexico.” *Annals of the Association of American Geographers* 91 (4): 660–80. <https://doi.org/10.1111/0004-5608.00264>.

Harvey, David, 2005. *A Brief History of Neoliberalism.* Oxford: Oxford University Press.

Haslam, Paul Alexander. 2016. “Overcoming the Resource Curse: Reform and the Rentier State in Chile and Argentina, 1973-2000: Reform and the Rentier State in Chile and Argentina.” *Development and Change* 47 (5): 1146–70. <https://doi.org/10.1111/dech.12259>.

Hayes, John P. 2019. “Explaining the effects of ethnicity on participation in Mexican Land Reform,” *Quantitative Policy Analysis Final Poster Project*, McMaster University.

Hayes, John P. and Ulises Pavel Martínez Romero. 2024. “Examining challenges of top-down Stakeholder Engagement: A comparative study of Mining Conflicts in Southern Mexico.” In *Routledge International Handbook on Meaningful Stakeholder Engagement*, edited by Karin Buhmann, Alberto Fonseca, Nathan Andrews, and Giuseppe Fonseca, 333-353. New York: Routledge.

Helwege, Ann. 2015. Challenges with resolving mining conflicts in Latin America. *The Extractive Industries and Environment* (2), 73-84.

Hernández López, Rogelio. 2008. “Se acelera la privatización del agua” [Acceleration of Water Privatization]. *Verdebandera* 2 de Mayo 2008. <https://verdebandera.mx/se-acelera-la-privatizacion-del-agua/>

Herrera, Veronica. 2017. “From Participatory Promises to Partisan Capture: Local Democratic Transitions and Mexican Water Politics.” *Comparative Politics* 49 (4): 479–99. <https://doi.org/10.5129/001041517821273008>.

Herrington, Richard. 2021. “Mining our green future,” *Nature Reviews Materials,* 6456-458. <https://www.nature.com/articles/s41578-021-00325-9>.

Hogenboom, Barbara. 1998. *Mexico and the NAFTA environment debate: the transnational politics of economic integration.* Utrecht: International Books. <http://biblioteca.clacso.org.ar/clacso/engov/20130813122757/Hogenboom_MexicoandNAFTA.pdf>.

Holyoke, Thomas T., Heath Brown, and Jeffrey R. Henig. 2012. “Shopping in the Political Arena: Strategic State and Local Venue Selection by Advocates.” *State and Local Government Review* 44 (1): 9–20. <https://doi.org/10.1177/0160323X11428620>.

Hoogesteger, Jaime, and Philippus Wester. 2017. “Regulating groundwater use: The challenges of policy implementation in Guanajuato, Central Mexico.” *Environmental Science & Policy* 77, 107-113.

Human Rights Watch. 2005. “Mexico: Fox’s Labor Reform Proposal Would Deal Serious Blow to Workers’ Rights,” February 8, 2005. <https://www.hrw.org/news/2005/02/08/mexico-foxs-labor-reform-proposal-would-deal-serious-blow-workers-rights>.

Imai, Shin, Leah Gardner, and Sarah Weinberger. 2017. “The “Canada Brand”: Violence and Canadian Mining Companies in Latin America.” *Osgoode Legal Studies Research Paper,* 17. <https://doi.org/10.2139/ssrn.2886584>.

International Monetary Fund. 2023. "Mexico: Inflation rate from 1987 to 2028 (compared to the previous year)." Statista. Accessed February 02, 2024. <https://www-statista-com.libaccess.lib.mcmaster.ca/statistics/275414/inflation-rate-in-mexico/>.”

Instituto Mexicano para la competividad A.C.. 2014. “Compara carreras: Una herramienta sobre las consecuencias económicas de escoger una Carrera” [Careeer Comparaison: A tool on the economic consequences of career choice].

<https://imco.org.mx/wp-content/uploads/2014/04/20140404-Compara-Carreras.pdf>.

Instituto Nacional Electoral. 2015. “Atlas de Resultados de las Elecciones Federales 1991-2015, México [Atlas of Federal Election Results 1991-2015]”. <http://siceef.ine.mx/vothistoric.html?p%C3%A1gina=1>.

Instituto Nacional de Estadística y Geografía [INEGI]. 2008. “Censo Ejida 2007” [*Ejido* Census 2007]. <https://www.inegi.org.mx/programas/cae/2007/#Datos_abiertos>.

-----. 2009. IX Ejidal Census of 2007. <http://en.www.inegi.org.mx/proyectos/agro/ejidal/2007/>.

-----. 2009a. “Inversión Extranjera Directa, Banco de Información Económica, por sector económico, anual, minería” [Foreign Direct Investment,” Bank of Economic Information, by economic sector, annual, mining]. <https://www.inegi.org.mx/app/indicadores/?tm=0>.

International Trade Administration. 2020. Mexico: Country Commercial Guide.

<https://www.trade.gov/knowledge-product/mexico-m-mining-and-minerals#:~:text=For%20Mexico%2C%20the%20mining%20industry,almost%202%20million%20indirect%20jobs/>.

International Union for Conservation of Nature. 2016. NATURAL RESOURCE GOVERNANCE FRAMEWORK ASSESSMENT GUIDE. <https://portals.iucn.org/library/sites/library/files/documents/2021-031-En.pdf>.

IPU. 1997. Mexico Parliamentary Chamber: Cámara de Diputados Elections hed in 1997, ” *Inter-Parliamentary Union.* <http://archive.ipu.org/parline-e/reports/arc/2211_97.htm>.

Jochim, Ashley E., and Peter J. May. 2010. “Beyond Subsystems: Policy Regimes and Governance: Jochim/May: Beyond Subsystems.” *Policy Studies Journal* 38 (2): 303–27. <https://doi.org/10.1111/j.1541-0072.2010.00363.x>.

Kerevel, Yann P., and Sergio A. Bárcena Juárez. 2022. “Informal Coalitions and Legislative Agenda Setting in Mexico’s Multiparty Presidential System.” Latin American Politics and Society 64 (1): 1–22. <https://doi.org/10.1017/lap.2021.51>.

Kohout, Michal. 2021. “The New Labor Culture and Labor Law Reform in Mexico,” 35 (1) *Latin American Perspectives,* 135-150. <https://www.jstor.org/stable/27648078>.

La Jornada. 2022. “Saldos de la ley Minera” *La Jornada del campo.* October 15, 2022, Número 191. <https://www.jornada.com.mx/2022/10/15/delcampo/index.html>.

Lamberti, Julieta. 2018. “Derrame de 40 millones de litros de solución de cobre a los ríos Bacanuchi y Sonora,” [40 Million litre spill of copper solution into Sonora and Bacanuhci Rivers]. Poder. Accessed March 27, 2023. <https://poderlatam.org/2018/05/derrame-de-40-millones-de-litros-de-solucion-de-cobre-acidulado-a-los-rios-bacanuchi-y-sonora-provenientes-de-las-instalaciones-de-la-mina-buenavista-del-cobre-s-a-de-c-v-subsidiaria-de-grupo-mexico/>.

Langston, Joy. 2017. *Democratization and Authoritarian Party Survival.: Mexico’s PRI.* New York: Oxford University Press.

Le Billon, Phillippe. 2014. “Natural Resources and corruption in post-war transitions: matters of trust.” *Third World Quarterly* 35(5): 770-786.

Lehoucq, Fabrice Edouard. 2006. "Why is structural reform stagnating in Mexico?: policy reform episodes from Salinas to Fox." Centro de Investiación y Docencia Económicas. <https://repositorio-digital.cide.edu/bitstream/handle/11651/1390/75336.pdf?isAllowed=y&sequence=1>

Lemus, Jesús J. 2018. *México a cielo abierto: de cómo el boom minero resquebrajó al país.* [Open Sky Mexico: how the mining boom cracked the country]. Mexico: Penguin Random House Grupo Editorial.

Levitsky, Steven, and María Victoria Murillo. 2013. “Building Institutions on Weak Foundations.” *Journal of Democracy* 24 (2): 93–107. <https://doi.org/10.1353/jod.2013.0031>.

López-Vallejo, Olvera Marcela. 2013. “The Mexican envirnmental agenda facing global and regional governance (La agenda ambiental mexicana ante la gobernanza global y regional)." Revista de El Colegio de San Luis 4 (7): 102-130.

Los Mineros. 2015. “*Los Mineros* June 15, Issue 101.” <https://issuu.com/sntmmssrm/docs/los_mineros_101>.

Luccisano, Lucy, and Laura Macdonald. 2012. “Neo-Liberalism, Semi-Clientelism and the Politics of Scale in Mexican Anti-Poverty Policies.” *World Political Science* 8 (1): 1–27. <https://doi.org/10.1515/wpsr-2012-0006>.

MacLeod, Dag. 2005. “Privatization and the Limits of State Autonomy in Mexico: Rethinking the Orthodox Paradox.” *Latin American Perspectives* 32 (4), 36–64. <https://doi.org/10.1177/0094582X05278134>.

Macrotrends. N.d. “Copper Prices - 45 Year Historical Chart,” *The Commodity Exchange Inc.,* Chicago.<https://www.macrotrends.net/1476/copper-prices-historical-chart-data>.

----- N.d.a. “Gold Prices - 100 Year Historical Chart,” *Commodity Price Index (CPI).* <https://www.macrotrends.net/1333/historical-gold-prices-100-year-chart>*.*

------. N.d.b. “Silver Prices - 100 Year Historical Chart,” *Commodity Price Index (CPI).* <https://www.macrotrends.net/1470/historical-silver-prices-100-year-chart>*.*

Magaña, Omar. 2014. "Mexican salt: Heritage and opportunity". *Negocios ProMéxico Febrero: The Mining Industry in México*. ProMéxico. pp. 42–43. <https://books.google.ca/books?id=uQdzBgAAQBAJ&dq=Jorge+Humberto+L%C3%B3pez+Portillo+Basave&pg=PA42&redir_esc=y#v=onepage&q=Jorge%20Humberto%20L%C3%B3pez%20Portillo%20Basave&f=false>.

Mahoney, James. 2010. “After KKV: The New Methodology of Qualitative Research.” *World Politics* 62 (1): 120–47. <https://doi.org/10.1017/S0043887109990220>.

-----. 2015. “Process Tracing and Historical Explanation.” *Security Studies* 24 (2): 200–218. <https://doi.org/10.1080/09636412.2015.1036610>.

Mahoney, James & Thelen, Kathleen A. 2010. *Explaining Institutional Change*. Ney York: Cambridge University Press.

Maquila Solidarity Network. 2017. “Labour Justice Reform in Mexico.” <https://www.maquilasolidarity.org/sites/default/files/resource/Labour_Justice_Reform_Mexico_MSN-2017.pdf>.

Martínez Romero, Ulises Pavel. 2019. “Continuo de conflictos megamineros en México: oposición y negociación en los casos de Cerro de San Pedro, Mineral de la Luz, Zautla y San José del Progreso.” PhD diss., Facultad Latinoamericana de Ciencias Sociales Sede Académica México.

Mayer, Jean François. 2003. “The Mexican Federal Labour Law Reform Process, 2001-2003” Labour, Capital, and Society 36 (1), 72-102.

McCulligh, Cindy and Darcy Tetreault. 2018. “Water Grabbing via Institutionalised Corruption in Zacatecas, Mexico” 11 (3): 20.

McDonald-Buller, Elena C., Gary R. McGaughey, Tejas Shah, John Grant, Yosuke Kimura, and Greg Yarwood. 2021. “Mexico’s electricity grid and fuel mix: Implications of a fifteen-year planning horizon on emissions and air quality.” *Environmental Research Letters* 16 (7).

McMahon, Gary. 2010. “The World Bank’s Evolutionary Approach to Mining Sector Reform” *World Bank.* <https://goxi.org/sites/default/files/2019-06/4_The%20World%20Banks%20Evolutionary%20Approach%20to%20Mining%20Sector%20Reform.pdf>.

Medina Hoyos, Francisco. 1956. Cananea: Cuna de la Revolución [Cananea: Cradle of the revolution]. Distrito Federal: Confederación de Trabajadores de México.

Mendes Pereira, João Márcio. 2013. “The World Bank and the political construction of structural adjustment programs in the 1980s.” *Revista Brasileira de História* 33, 359-381.

Mexico Business News. 2013. “Introducing a Mining Royalty,” October 21. <https://mexicobusiness.news/mining/news/introducing-mining-royalty>.

Middlebrook, Kevin. 1995. *The Paradox of Revolution: Labor, the State, and Authoritarianism in Mexico.* Baltimore & London:The Johns Hopkins University Press.

-----. 2001. “Party Politics and Democratization in Mexico: The national Action Party in Comparative Perspective.” In *Party Politics and the Struggle for Democracy in Mexico: National and State-level analyses of the Partido Acción Nacional,* edited by Kevin J. Middlebrook. La Jolla: Center for U.S. Mexican Studies, University of California, San Diego.

Middeldorp, Nick, and Philippe Le Billon. 2019. “Deadly Environmental Governance: Authoritarianism, Eco-Populism, and the Repression of Environmental and Land Defenders.” *Annals of the American Association of Geographers* 109 (2): 324–37. <https://doi.org/10.1080/24694452.2018.1530586>.

Migoya, Clara. 2022. Mine spill of 2014 continues to devastate Sonoran communities years later. *Arizona Daily Star,* June 20, 2022. <https://tucson.com/news/local/mine-spill-of-2014-continues-to-devastate-sonoran-communities-years-later/article_5e1943ca-a461-11eb-83ae-6fc2b239b156.html>.

Minería y Desarrollo. 2024. “Presidente mexicano propone prohibir la minería a cielo Abierto [Mexican President proposed open pit mining ban]” <https://mineriaydesarrollo.com/2024/02/16/presidente-mexicano-propone-prohibir-la-mineria-a-cielo-abierto/>.

Ministry of the Economy. 1992. “The Mexican Mining Law of 1992.” <https://www.economia.gob.mx/files/comunidad_negocios/industria_comercio/ley_minera_mining_law.pdf>.

-----. 2017. “Chapter II: Investing in the Mexican Mining Sector, Section 4.” Investor Manual on the Mexican Mining Sector. México. <http://www.ccoic.cn/uploadFile/upload/file/20170918/1505699321978079121.pdf>.

Mizrahi, Yemile. 2004. “Twenty years of decentralization in Mexico: A top-down process.” In *Decentralization, democratic governance, and civil society in comparative perspective: Africa, Asia, and Latin America*, edited by Philip Oxhorn, Joseph S. Tulchin, and Andrew D. Selee, 33-58. Washington D.C.: Wood Wilson Center Press.

Molina Martínez, Sergio Javier. 2018. “Un nuevo modelo de justicia en materia laboral. el reto para el poder judicial de la federación” [A New model of justice in labour matters: the challenge for the federal judiciary] *Revista del instituto de la judicatura federal escuela judicial* (46). <https://www.cjf.gob.mx/micrositios/uirmjl/resources/infografias/Nuevo_Modelo_Justicia_Materia_Laboral.pdf>.

Moreno-Brid, Juan Carlos and Alicia Puyana. 2016. “Mexico's new wave of market reforms and its extractive indsutries.” In *The Political economy of natural resources and development,* edited by Paul Haslam and Pablo Heidrich, 141-157. London: Routledge.

Morosin, Alessandro. 2020. "Comunalidad, Guendaliza'a and anti-mine mobilizations in the Isthmus of Tehuantepec." *Journal of Political Ecology* 27 (1), 917-938. <https://journals.uair.arizona.edu/index.php/JPE/article/view/23237/0>

Mumme, Stephen P. 1992. “System Maintenance and Environmental Reform in Mexico: Salinas’s Premptive Strategy” *Latin American Perspectives* 19 (1), 123-143.

Munck, Gerardo L. 2022. “The Theoretical Foundations of Critical Juncture Research: Critique and Reconstruction.” In *Critical junctures and historical legacies: insights and methods for comparative social science,* edited by David Collier and Gerardo L. Munck, 109-137. Rowman & Littlefield Publishers.

Natural Resource Governance Institute (NRGI). 2021. “2021 Resource Governance Index”

<https://resourcegovernanceindex.org/compare?years=2017>.

Nem Singh, Jewellord T. 2010. “Reconstituting the Neostructuralist State: The Political Economy of Continuity and Change in Chilean Mining Policy.” *Third World Quarterly* 31 (8): 1413–33. <https://doi.org/10.1080/01436597.2010.538240>.

Nem Singh, Jewellord and France Bourgouin. 2013. *Resource Governance and Developmental States in the Global South: Critical International Political Economy Perspectives.* New York: Palgrave Macmillan.

Neumann, Roderick P. 2009. “Political Ecology: Theorizing Scale.” *Progress in Human Geography* 33 (3): 398–406. <https://doi.org/10.1177/0309132508096353>.

North, Douglas. 1990. *Institutions, institutional change, and economic performance*. New York: Cambridge University Press

North, Douglas. C., John Joseph Wallis, and Barry R. Weingast. 2009. *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*. Cambridge and New York: Cambridge University Press.

North, Liisa L., and Ricardo Grinspun. 2016. “Neo-Extractivism and the New Latin American Developmentalism: The Missing Piece of Rural Transformation.” *Third World Quarterly* 37 (8): 1483–1504. <https://doi.org/10.1080/01436597.2016.1159508>.

Observatorio de Conflictos Mineros de América Latina [OMAL]. N.d. [www.ocmal.org](http://www.ocmal.org/).

Ocampo, José Antonio. 2014. “The Latin American Debt Crisis in Historical Perspective.” In *Life After Debt: The Origins and Resolutions of Debt Crises*, edited by Joseph Stiglitz, 87-115.

OECD. 2022. “Revenue Statistics 2021 – Mexico: Tax-to-GDP ratio over time.” <https://www.oecd.org/tax/revenue-statistics-mexico.pdf>.

-----. 2023. “Revenue Statistics in Latin America and the Caribbean 2023 – Mexico: Tax-to-GDP ratio.” <https://www.oecd.org/tax/tax-policy/revenue-statistics-latin-america-and-caribbean-mexico.pdf>.

-----. 2023a. *Guidelines for Multinational Enterprises for Responsible Business Conduct*.

Paris: OECD.

-----. N.d. “The Hidden Cost of Tax Incentives in Mining – Consultation Draft. <https://www.oecd.org/tax/beps/hidden-cost-of-tax-incentives-in-mining-draft-toolkit-oecd-igf.pdf>.

Olivas Gastélum, Ramón. 2021. “Informe EITI México información social y ambiental 2017, 2018 y 2019 [EITI Mexico Report on Social and Environmental Information 2017, 2018 and 2019].” *Extractive Industries Transparency Initiative.* <https://eiti.org/sites/default/files/attachments/informe_eiti_mexico_de_informacion_social_y_ambiental_2017_2018_y_2019.pdf>.

Ortiz Cruz, Etelberto. 2007. *Políticas de cambio estructural en la economía Mexicana: Evaluación y perspectivas para un nuevo proyecto de nación.* México, D.F.: Universidad Autómona Metropolitana.

Otto, James M. 2001. “Fiscal Decentralization and Mining Taxation,” *The World Bank Group Mining Department,* <https://resourcegovernance.org/sites/default/files/Otto%20-%20Fiscal%20Decentralization%20and%20Mining%20Taxation.pdf>.

Ovadia, Jesse Salah. 2014. “Local Content and Natural Resource Governance: The Cases of Angola and Nigeria.” *The Extractive Industries and Society* 1 (2): 137–46. <https://doi.org/10.1016/j.exis.2014.08.002>.

Pacheco-Vega, Raul. 2005. “Democracy By Proxy.” In *Environmental Issues in Latin America and the Caribbean*, edited by Aldemaro Romero and Sarah E. West, 231–49. Berlin/Heidelberg: Springer-Verlag. <https://doi.org/10.1007/1-4020-3774-0_10>.

-----. 2014. “Cleaning up Mexico’s Environmental Act,” *Open Canada*, October 21, 2014, <https://opencanada.org/cleaning-up-mexicos-environmental-act/>.

-----. 2014a. “Ostrom y la gobernanza del agua en México.” *Revista Mexicana de Sociología*, 30.

-----. 2018. “Policy Styles in Mexico.” In *Policy Styles and Policy-Making*, edited by Michael Howlett and Jale Tosun, 1st ed., 89–112. Abingdon, Oxon ; New York, NY : Routledge. | Series: Routledge textbooks in policy studies: Routledge. <https://doi.org/10.4324/9781315111247-5>.

Pacheco-Vega, Raúl, and Fernando Basurto. 2008. “Instituciones en el saneamiento de aguas residuales: reglas formales e informales en el Consejo de Cuenca Lerma-Chapala.” *Revista mexicana de sociología* 70 (1), 87–109.

Paley, Dawn. 2014. *Drug War Capitalism.* Oakland: AK Press.

Partida Rocha, Raquel Edith. 2005. “Activistas, académicos y juristas frente a la reforma laboral” [Activists, academics, and jurists confront the labour reform], *Espiral, Estudios sobre Estado y Sociedad* 33 (9), 191-199.

Pastor Jr., Manuel and Carol Wise. 2005. The Lost Presidency: Vicente Fox and the New Politics of Economic Reform in Mexico *Latin American Politics and Society*, 47 (4), 135-160.

Payan, Tony and Guadalupe Correa-Cabrera. 2016. “Security, the Rule of Law, and Energy

Reform in Mexico,” *James A. Baker III Institute for Public Policy of Rice University*

<https://scholarworks.utrgv.edu/cgi/viewcontent.cgi?article=1015&context=pass_fac>.

Peck, Jamie, Nik Theodore, & Neil Brenner. 2010. Postneoliberalism and its malcontents. *Antipode,* 41: 94-116. <https://doi.org/10.1111/j.1467-8330.2009.00718.x>

Penman, Madeleine. 2016. “Ambivalent Company Attitudes and How They Shape Conflict: Mining Conflicts in Mexico’s *Ejido*s.” *The Extractive Industries and Society* 3 (3): 754–61. <https://doi.org/10.1016/j.exis.2016.04.001>.

Pérez Jiménez, Sol. 2021. “Informe sombra eiti-méxico: avances y desafíos en la transparencia socioambiental [EITI-Mexico Shadow Report: Progress and Challenges in Socio-Environmental Transparency],” *Grupo de representantes y suplentes de la sociedad civil EITI México* <https://fundar.org.mx/wp-content/uploads/2021/06/Informe-Sombra-EITI-Mexico.pdf>.

-----. 2023. “Resumen estadístico de la minería en Mexicana” [Statistical Summary of Mining in Mexico]. *Fundar.*  <https://fundar.org.mx/wp-content/uploads/2023/04/Resumen-estadistico-de-la-mineria-en-Mexico.pdf>.

Pérez-Espejo, Rosario H., Thalia Hernández-Amezcua, and Hilda R. Dávila-Ibáñez. 2016. “Water Policy and Institutions.” In *Water, Food and Welfare*, edited by Rosario Pérez-Espejo, Roberto M. Constantino-Toto, and Hilda R. Dávila-Ibáñez, 23:21–28. Springer Briefs in Environment, Security, Development and Peace. Cham: Springer International Publishing. <https://doi.org/10.1007/978-3-319-28824-6_3>.

Pérez Pérez, Gabriel. 2014. “La Ley Federal del Trabajo: crónica de una reforma anunciada *El Cotidiano* 184, 91-98.

Perramond, Eric P. 2008. “The rise, fall, and reconfiguration of the Mexican *Ejido*.” *Geographical Review* 98 (3), 356-371.

Pierson, Paul. 2000. “Increasing Returns, Path Dependence, and the Study of Politics.” *American Political Science Review* 94 (2), 251-267.

-----. 2003. “Big, slow-moving, and... invisible: Macrosocial processes in the study of Comparative Politics.” in *Comparative historical analysis in the Social Sciences*, edited by James Mahoney & Dietrich Rueschemeyer (177-207). New York: Cambridge University Press.

Portes, Alejandro, and Smith, Lori D. 2012. *Institutions Count: Their Role and Significance in Latin American Development.* Berkeley: University of California Press. Accessed February 26, 2024. ProQuest Ebook Central.

Prebisch, Raúl. 1970. *Change and Development: Latin America’s Great Task.* Washington. D.C.:Inter-American Development Bank.

Procuraduría Federal de Protección al Ambiente (PROFEPA). 2015. “Informe Actividades 2015” [Activities Report 2015]. <http://www.profepa.gob.mx/innovaportal/file/8233/1/web_versionfinal.pdf>

Radonic, Lucero. 2017. “Through the Aqueduct and the Courts: An Analysis of the Human Right to Water and Indigenous Water Rights in Northwestern Mexico.” *Geoforum* 84 (August): 151–59. <https://doi.org/10.1016/j.geoforum.2017.06.014>.

Ramírez, Blanca Torres. 2014. “Mexico and Climate Change: Was the Country a Multilateral Leader?” *Global Governance: A Review of Multilateralism and International Organizations* 20 (1): 147–62. <https://doi.org/10.1163/19426720-02001009>.

Ramírez, Erika. 2012. “Minas un atractivo Mundial” [Mines, a world attraction] *Fortuna negocios y finanzas, May 17.* <https://revistafortuna.com.mx/2012/05/17/mineras-un-atractivo-mundial/>.

Registro Agrario Nacional. 2015. “*Ejido*s y *comunidades*, fundamentales para el desarrollo del país: RAN” [*Ejido*s and Communities are fundamental for national development: RAN]. [https://www.gob.mx/ran/prensa/*Ejido*s-y-*comunidades*-fundamentales-para-el-desarrollo-del-pais-ran](https://www.gob.mx/ran/prensa/ejidos-y-comunidades-fundamentales-para-el-desarrollo-del-pais-ran).

Riofrancos, Thea. 2020. *Resource Radicals: From Petro Nationalism to Post Extractivism in Ecuador.* Durham: Duke University Press.

Robbins, Paul. 2004. *Political Ecology*. Oxford: Blackwell Publishing.

-----. 2019. *Political Ecology: A Critical Introduction, 3rd edition.* Hoboken: Wiley Blackwell

Robles, Ruth and Guillermo Foladori. 2019. “A Historical Review of Mining Automation in Mexico,” *Problemas del Desarrollo Revista Latinoamericana De Economía.* 50 (197) <https://doi.org/10.22201/iiec.20078951e.2019.197.64750>

Rodríguez del Bosque, Enrique. 2018. “Mining in Mexico,” *Lexology.* Accessed March 21, 2022.

<https://www.lexology.com/library/detail.aspx?g=e4db032c-8d2e-4360-a9c8-df86b0f6be59#:~:text=At>

Roman, Richard and Edur Velasco Arregui. 2015. *Continental Crucible: Big Business, Workers, and Unions in the Transformation of North America*. Black Point, Nova Scotia: Fernwood Publishing.

Roxborough, Ian, and Ilan Bizberg. 1983. “Union Locals in Mexico: The ‘New Unionism’ in Steel and Automobiles.” *Journal of Latin American Studies* 15 (1): 117–35.3.

Sabatier, Paul A. 1988. An Advocacy Coalition Framework of Policy Change and Policy-Oriented Larning: Exploring an Advocacy Coalition Framework, *Policy Sciences 21*(2/3): 129-168.

Sada, Andres. 2013. “Explainer: Mexico's 2013 Reforms,”*Americas Society Council of the Americas* (AS/COA), December 17, 2013. <https://www.as-coa.org/articles/explainer-mexicos-2013-reforms#energy>.

Sánchez Albarrán, Armando, Santa Isabel Sierra Martínez, and Guadalupe Urbina Martínez. 2018. "Conagua y el derecho humano al agua 1989-2018: entre el despojo y la gobernanza [Conagua and the Human Right to Water 1989-2018: Between Dispossession and Governance]" *Alegatos-Revista Jurídica de la Universidad Autónoma Metropolitana* 100.

Sánchez Salazar, Maria Teresa. 2010. “La estructura territorial de la minería Mexicana al inicio del tercer milenio” [The territorial structure of Mexican mining at the beginning of the third millennium].” In *Ecología política de la minería en América Latina,* edited by Gian Carlos Delgado-Ramos,97-131. México D.F.: Universidad Nacional Autónoma de México.

Salazar Villava, Claudia M. and Raúl E. Cabrera Amador. 2013. “Heterogeneidad de una irrupción social: #YoSoy132” [Heterogeneity of a social irruption: #YoSoy132] *Tramas* 40, 15-40. <file:///Users/johnhayes/Downloads/663-Texto%20del%20art%C3%ADculo-660-1-10-20190214.pdf>.

Sawyer, Suzana, and Edmund Terence Gomez. 2012. "Transnational governmentality in the context of resource extraction." The politics of resource extraction: indigenous peoples, multinational corporations and the State: 1-8.

Schiavon, Jorge A. 2006. “The central-local division of power in the Americas and renewed Mexican federalism: Old institutions, new political realities.” *International Journal of Constitutional Law*, *4* (2), 392–410. <https://doi.org/10.1093/icon/mol010>.

Secretaría de Agricultura y Desarrollo. 2018. “Antecedentes: Programa de Apoyos Directos al campo [Antecedents: The Direct Rural Support Program].” <https://www.agricultura.gob.mx/proagro/antecedentes>.

Secretaría de Agricultura y Desarrollo Rural. 2018. “Antecedentes: Programa de Apoyos Directos al campo [Antecedents: Program of Direct Supports to the countryside]” Gobierno de Mexico, 11 de Julio. Accessed April 14, 2023. <https://www.agricultura.gob.mx/proagro/antecedentes#:~:text=Mejor%20conocido%20como%20PROCAMPO%2C%20surge,contrapartes%20en%20los%20pa%C3%ADses%20socios>.

Secretaría de Desarrollo Agrario, Territorial y Urbano. 2016. “Fondo Minero - Fondo para el Desarrollo Regional Sustentable de Estado y Municipios Mineros, 4 de Febrero, 2016” [Mining Fund – Fund for the Regional Sustainable Development of Mining Municipalities and States, Febrary 4, 2016]

<https://www.gob.mx/sedatu/acciones-y-programas/fondo-minero-para-el-desarrollo-regional-sustentable>.

Secretaría de Economía. 2003. “Programa nacional de desarrollo minero 2001-2006” [National Mining Development Program 2001-2006]. <https://www.economia.gob.mx/files/transparencia/PRG4.pdf>.

-----. 2008. “Servicios de agua potable, drenaje y saneamiento - tarifa - metodología de evaluación de la tarifa” [Drinking water, drainage, and sewerage, services – tariff – methodology]. <https://www.gob.mx/cms/uploads/attachment/file/166827/NMX-AA-147-SCFI-2008.pdf>.

-----. 2020. “Manual del Inversionista en el Sector Minero Mexicano”[Investor's Manual in the Mexican Mining Sector]. <https://www.economia.gob.mx/files/gobmx/mineria/manual_del_inversionista.pdf>.

-----. 2021. “Acciones y Programas: Minería.” [Actions and Programs: Mining]. <http://www.gob.mx/se/acciones-y-programas/mineria>.

Secretaría de Gobernación. 2008. “PROGRAMA Nacional Hídrico 2007-2012” [CONAGUA National Water Plan 2007-2012]. <https://www.dof.gob.mx/nota_detalle.php?codigo=5076411&fecha=30/12/2008#gsc.tab=0>.

-----. 2011. “Que reforma y adiciona diversas disposiciones de las leyes minera, federal del trabajo, federal de derechos, y de coordinación fiscal, a cargo del diputado pedro ávila nevárez, del grupo parlamentario del PRI [reforms and adds various provisions of the mining and federal laws of the labor, federal rights, and fiscal coordination, in charge of the deputy Pedro Ávila Nevárez, from the parliamentary group of the PRI].” <http://sil.gobernacion.gob.mx/Archivos/Documentos/2011/03/asun_2751861_20110318_1300217422.pdf>.

-----. 2013. “Que Expide la ley minera y de los derechos sociales” [Issuance of Mining and Social Rights Laws]. <http://sil.gobernacion.gob.mx/Archivos/Documentos/2013/04/asun_2968925_20130417_1366295738.pdf>.

Secretaría de Medio Ambiente y Recursos Naturales [SEMARNAT]. 2011. “NOM-120-SEMARNAT-2011.” <https://www.dof.gob.mx/normasOficiales/4672/semarnat/semarnat.htm>.

-----. 2015. “Informe de Actividadees 2015 Procuraduría Federal de la Protección Ambiente [Activity Report Federal Attorney for Environmental Protection 2015].” <http://www.profepa.gob.mx/innovaportal/file/8233/1/web_versionfinal.pdf>.

Secretaría de Relaciones Exteriores. 2012. “Pacto Por México 2 de diciembre de 2012” [Pact for Mexico, December 2, 2012]. <https://embamex.sre.gob.mx/bolivia/images/pdf/REFORMAS/pacto_por_mexico.pdf>.

Selee, Andrew. 2011. *Decentralization, democratization, and informal power in Mexico.* University Park: The Pennsylvania State University Press.

Senado de la República. 1967. “Diario de los Debates de la Cámara de Senadores del Congreso de los Estados Unidos Mexicanos, Año I, Periodo ordinario, XLVI Legislatura, Tomo 1, Núm. 7 [Journal of the Debates of the Chamber of Senators of the Congress of the United Mexican States, Year I, Ordinary Period, XLVI Legislature, Volume 1, No. 7]”. <https://infosen.senado.gob.mx/sgsp/documentos/DIARIOS/1964_08_15-1964_12_31/1964_08_25_O.pdf>

Servicio Geológico Mexicano. 2010. “Anuario estadístico de la minería Mexicana, 2009” [Annual statistical report of Mexican mining, 2009].

<https://www.sgm.gob.mx/productos/pdf/Anuario%20Estadistico%202009.pdf>.

-----. 2012. “Informe de Rendición de Cuentas de la Administración Pública Federal 2006-2012” [Accountability Report of the Federal Public Administration 2006-2012]. <http://www.sgm.gob.mx/transparencia/pdf/IRC_SGM_1.pdf>.

-----. 2014. “Anuario estadístico de la minería Mexicana, 2013)” [Annual statistical report of Mexican mining, 2013].

<https://www.gob.mx/cms/uploads/attachment/file/31736/anuario_2013.pdf>.

-----. 2016. “Anuario estadístico de la minería Mexicana, 2015” [Annual statistical report of Mexican mining, 2015]. <http://www.sgm.gob.mx/productos/pdf/Anuario_2015_Edicion_2016.pdf>.

-----. 2019. “Anuario estadístico de la minería Mexicana, 2018” [Annual statistical report of Mexican mining, 2018].

<https://www.sgm.gob.mx/productos/pdf/Anuario_2018_Edicion_2019.pdf>.

-----. 2020. “Anuario estadístico de la minería Mexicana, 2019” [Annual statistical report of Mexican mining, 2019].

<https://www.sgm.gob.mx/productos/pdf/Anuario_2019_Edicion_2020.pdf>.

-----. 2021. “Aunuario estadístico de la Minería Mexicana 2020” [Annual Statistics of the Mexican Mining Industy 2020]. <http://www.sgm.gob.mx/productos/pdf/Anuario_2020_Edicion_2021.pdf>.

-----. 2023. “Cartas Disponibles [Available Maps]” <https://www.sgm.gob.mx/CartasDisponibles/>.

Shirk, David A. 2005. *Mexico’s New Politics. The PAN and Democratic Change*. Lunne Rienner Publishers: Boulder.

Simmons, Beth A. and Zachery Elkins. 2004. “The globalization of liberalization: Policy diffusion in the international political economy. *American Political Science Review* 98(1): 171-89.

Simmons, Beth, Frank Dobbins and Geoffrey Garrett. 2008. *The Global Diffusion of Markets and Democracy*. Cambridge, MA: Cambridge University

Sinclair, Scott. 2018. “Canada’s Track Record under NAFTA’s Chapter 11: North American Investor Trade Disputes to January 2018.” *Canadian Centre for Policy Alternatives.*

Sindicato Minero Mexicano. 2012. “Boletín Informativo, miércoles 27 de julio de 2012” [Newsletter, Wednesday, June 27, 2012]. Accessed July 10, 2023*, the Wayback Machine*. <https://web.archive.org/web/20120629110908/http://sindicatomineromexicano.blogspot.com/>.

Sistema de Información Legislativa. 2014. “Que expide una nueva ley minera; y reforma y adiciona diversas disposiciones de las leyes federal de derechos, y de coordinación fiscal, a cargo del diputado trinidad morales vargas, del grupo parlamentario del PRD [Issueance of a new mining law; and reforms and adds various provisions of the federal laws on rights, and fiscal coordination, by the deputy trinidad MORALES vargas, of the parliamentary group of the PRD]” <http://sil.gobernacion.gob.mx/Archivos/Documentos/2014/09/asun_3143386_20140923_1411481581.pdf>.

Snodgrass, Michael. 2007. “New Rules for the Unions”: Mexico’s Steelworkers Confront Privatization and the Neoliberal Challenge. *Studies in Working-Class History of the Americas,* 4(3), 81-103.

Snyder, Richard. 1999. “After the state withdraws: Neoliberalism and subnational authoritarian regimes in Mexico.” In *Subnational politics and democratization in Mexico,* edited by Wayne A. Cornelius, Todd A. Eisenstadt, and Jane Hindley.San Diego: The Center for U.S.-Mexican Studies at The University of California, San Diego.

Stargardter, Gabriel. 2013. “Empresas mineras se resisten a propuesta de regalía en México [Mining companies resist royalty proposal in Mexico]” *Reuters,* September 11. <https://www.reuters.com/article/idUSSIE98A03A/>.

Stoltenborg, Didi, and Rutgerd Boelens. 2016. “Disputes over Land and Water Rights in Gold Mining: The Case of Cerro de San Pedro, Mexico.” *Water International* 41 (3): 447–67. <https://doi.org/10.1080/02508060.2016.1143202>.

Streeck, Wolfgang, and Thelen, Kathleen. 2005. *Beyond Continuity: Institutional Change in Advanced Political Economies*. Oxford: Oxford University Press.

Studnicki-Gizbert, David. 2017. “Chapter 1: Exhausting the Sierra Madre: Mining Ecologies in the Longue Durée.” In *Mining North America: An Environmental History Since 1522*, edited by John R. McNeill and George Vrtis, 19-46. Berkeley: University of California Press.

Sullivan, Kevin and Mary Jordan. 2001. “Mexico's Fox Seeks Tax System Overhaul,” *The Washington Post.* [*https://www.washingtonpost.com/archive/politics/2001/04/03/mexicos-fox-seeks-tax-system-overhaul/d6f90d97-2723-4285-b80e-2a80876146b8/*](https://www.washingtonpost.com/archive/politics/2001/04/03/mexicos-fox-seeks-tax-system-overhaul/d6f90d97-2723-4285-b80e-2a80876146b8/)*.* April 3, 2001.

Suprema Corte de Justicia de la Nación. 2019. “*Amparo* en revision 640/2019” [*Amparo* in Review 640/2019: The Rio Sonora Trust]. <https://www.supremacorte.gob.mx/sites/default/files/casos_relevantes/2020-12/Fideicomiso%20Rio%20Sonora.pdf>.

Svampa, Maristella. 2015. “Commodities Consensus: Neoextractivism and Enclosure of the Commons in Latin America.” *South Atlantic Quarterly* 114 (1): 65–82.

Tavasci, Daniela. 2013. “Finance and the Developmental State: The Case of Argentina.” In *Beyond the Developmental State: Industrial Policy into the Twenty-First Century,* 216-244,edited by Ben Fine, Jyoti Saraswati, and Daniela Tavasci. New York: Palgrave Macmillan.

Teichman, Judith. 1992. “The Mexican State and the Political Implications of Economic Restructuring.” *Latin American Perspectives* 19 (2): 88–104.

-----. 1995. *Privatization and political change in Mexico.* Pittsburgh: University of Pittsburgh Press.

-----. 2007. “Multilateral Lending Institutions and Transnational Policy Networks in Mexico and Chile” *Global Governance* 13: 557-573.

-----. 2012. “Violent conflict and unequal development: The case of Mexico.” In *Economic development strategies and the evolution of violence in Latin America*, edited byWillian Ascher and Natalia Mirovitskaya*,* 41-69.New York: Palgrave Macmillan.

Tetreault, Darcy. 2015. “Social environmental mining conflicts in Mexico.” *Latin American Perspectives* *42*(5): 48–66. <https://doi.org/10.1177/0022429415585112>.

-----. 2016 “Free-Market mining in Mexico.” *Critical Sociology 42* (4-5): 643-659.

-----. 2020. “The New Extractivism in Mexico: Rent Redistribution and Resistance to Mining and Petroleum Activities.” *World Development* 126 (February): 104714. <https://doi.org/10.1016/j.worlddev.2019.104714>.

-----. 2021.”Extractive polices at the Outset of Lopez Obrador’s Presidency.” In *Latin American Extractivism: Dependency, Resource Nationalism, and Resistance in Broad Perspective,* edited by Steve Ellner, 149-165. Lanham: Rowman & Littlefield.

-----. 2021a. “Three Forms of Political Ecology,” *Ethics and the Environment*. 22 (2): 1-23.

Thelen, Kathleen. 2003. “How Institutions Evolve: Insights from Comparative Historical Analysis.” In Comparative Historical Analysis in the Social Sciences, ed. James Mahoney and Dietrich Rueschemeyer, 208-240.Cambridge: Cambridge University Press.   
<https://doi-org.libaccess.lib.mcmaster.ca/10.1017/CBO9780511803963>.

Thornton, Christy. 2021. *Revolution in Development: Mexico and the Governance of the Global Economy.* Oakland: University of California Press. <https://doi.org/10.1525/9780520969636>.

Trew, Stewart, Simon Archer, Angelo DiCaro, Gavin Fridell, Laura Macdonald, Mary McPherson, and Mark Rowlinson. 2024. “Making the Most of the CUSMA Review: Worker- and Climate-Focused Options for Strengthening North American Economic, Social, and Environmental Co-Operation.” *Canadian Centre for Policy Alternatives.* <https://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2024/05/making-the-most-of-the-cusma-review.pdf>.

Tsebelis, George. 1995. “Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism and Multipartyism.” *British Journal of Political Science* 25 (3): 289–325.

United Nations Development Programme (UNDP). 2011. “Why good governance makes for better development” <https://www.undp.org/content/undp/en/home/ourperspective/ourperspectivearticles/2011/05/20/why-good-governance-makes-for-better-development.html>.

Urías, Homero 1980 "Quien controla la mineria mexicana?" [Who controls Mexican Mining?] *Comercio Exterior* 30: 949-965.

Vanhala, Lisa. 2017. “Process Tracing in the Study of Environmental Politics.” *Global Environmental Politics* 17 (4), 88–105. <https://doi.org/10.1162/GLEP_a_00434>.

Vargas, Jorge A. 1996. *Mexico's Legal Revolution: An Appraisal of Its Recent Constitutional Changes, 1988-1995*, 25 *Georgia Journal of Internatoinal & Comparative Law* 497.  
<https://digitalcommons.law.uga.edu/gjicl/vol25/iss3/5>.

Vargas, Rosío. 2015. “La Reforma Energética: A 20 Años del TLCAN” [Energy Reform: 20 Years since NAFTA]. *Revista Problemas del Desarrollo* 180 (46), 103-127. <https://www.scielo.org.mx/pdf/prode/v46n180/v46n180a6.pdf>.

Vázquez Castillo, María Teresa. 2004. *Land Privatization in Mexico: Urbanization, formation of regions, and globalization in Ejidos.* New York: Routledge.

Vázquez, Eugenio Fernández. 2014. “Integración de la política ambiental en México [Integration of Environmental Politics in Mexico]”*Gestion y Política Pública* 23 (2): 465-505.

Vega, López Eduardo. 2020. "Erosion of the Mexican Environmental Budget: Evidence, arguments, and risks (La erosión presupuestal de la política ambiental mexicana: evidencias, argumentos y riesgos)". *Economía UNAM*, 17 (51). 296-305. <https://repositorio.unam.mx/contenidos/4114771>.

Velasco C., Elizabeth. 2001. “Murió Napoleón Gómez Sada, líder vitalicio del sindicato minero [Napoleón Gómez Sada, lifelong leader of the mining union dies]” *La Jornada* 12 de Octubre. <https://jornada.com.mx/2001/10/12/032n1pol.html>

Veltmeyer, Henry, James Petras. 2014. *The new extractivism: A post-neoliberal development model or imperialism of the twenty-first century?* New York: Zed Books.

Wilder, Margaret. 2010. “Water Governance in Mexico: Political and Economic Aperatures and a Shifting State-Citizen Relationship.” *Ecology and Society* 15 (2): art22. <https://doi.org/10.5751/ES-03469-150222>.

Woods, Ngaire. 2005. “The Bretton Woods institutions and the transmission of neo-liberal ideas in Mexico.” In *Economic doctrines in Latin America: Origins, embedding, and evolution*, edited by Valpy Fitzgerald and Rosemary Thorp, 217-244. New York: Palgrave Macmillan.

-----. 2006. The Globalizers : The IMF, the World Bank, and Their Borrowers. Ithaca: Cornell University Press. Accessed January 27, 2024. ProQuest Ebook Central.

-----. Woods, Ngaire. 2014. *The globalizers: the IMF, the World Bank, and their borrowers.* Cornell University Press.

World Bank. 1991. “Staff Appraisal Report: Mexico Mining Sector Restructuring Project, May 30, 1991.” <https://documents1.worldbank.org/curated/en/539581468299976772/pdf/multi-page.pdf>.

----- 1996. “World Bank Technical Paper No. 345: A Mining Strategy for Latin America and the Caribbean.” <https://documents1.worldbank.org/curated/en/650841468087551845/pdf/multi0page.pdf>

-----. 2001. “Mexico Land Policy – a decade after the *Ejido* Reform” *World Bank Report No. 22187-ME.*

-----. 2023. “Iron ore prices from 2000 to 2022 (in U.S. dollars per dry metric ton unit) [Graph]”. In Statista. Retrieved September 28, 2023, from <https://www-statista-com.libaccess.lib.mcmaster.ca/statistics/282830/iron-ore-prices-since-2003/>.

-----. 2023a. “Tax revenue (% of GDP) – Mexico, Latin America & Caribbean.” <https://data.worldbank.org/indicator/GC.TAX.TOTL.GD.ZS?end=2021&locations=MX-ZJ&start=2005>.

-----. 2024. “Trade (% of GDP) - Mexico, Chile, Brazil, Argentina.” <https://data.worldbank.org/indicator/NE.TRD.GNFS.ZS?end=2018&locations=MX-CL-BR-AR&start=1988&view=chart>.

Yashar, Deborah J. 1999. “Democracy, Indigenous movements, and the postliberal challenge in Latin America” *World Politics* *52* (1): 76–104.

-----. 2005. *Contesting citizenship: The rise of Indigenous movements and the postliberal challenge.* New York: Cambridge University Press.

Zamora, Stephen, and José Ramón Cossío. 2006. “Mexican Constitutionalism after Presidencialismo.” International Journal of Constitutional Law 4 (2): 411–37. <https://doi.org/10.1093/icon/mol011>.

Zapata, Francisco. 2006. “La Negociación de las reformas a la ley federal del trabajo (1989-2006) [Negotiating the reforms to the federal labour law (1989-2005)].” *Foro Internacional,* 81-102.<file:///Users/johnhayes/Downloads/admin,+46-183-2006-00812_000179970.PDF.pdf>.

Zepeda, Raúl. 2021. The Decline of Labour Unions during the Neoliberal Period. Cham: Palgrave MacMillan.

# Appendix

## Appendix 1: List of Interviews

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Interview Date | Name | Professional Title & Affiliation | Language |
| 1 | 24/05/2022 | Leonardo Beltrán | Mexican Deputy Minister of Energy (2012-2018) | English |
| 2 | 21/07/2022 | Efraín Alva Niño | Director, Extractive Resource Coordination Unit, Secretary of the Economy (2021-2022) | Spanish |
| 3 | 30/08/2022 | Karen Flores | Director, CAMIMEX (2019-). Manager, Corporate & Government Affairs, Mexico Division, Agnico Eagle Mines (2014-2023) | Spanish |
| 4 | 12-09-2022 | Juan Alonso Ramirez | Professor, Mineral Geological Engineering, Universidad Autónoma de Nuevo Leon | Spanish |
| 5 | 14/09/2022 | Rubén del Pozo Mendoza | President, Zacatecas Division of the Association of Mining Engineers, Metallurgists and Geologists of Mexico | Spanish |
| 6 | 16/09/22 | Armando Alatorre | President, College of Mining Engineers, Metallurgists and Geologists of Mexico | Spanish |
| 7 | 22/09/2022 | Luis Eduardo Gomez Garcia | Attorney, PROFEPA (2017-2022). General Director of Environmental Impact and Federal Maritime Territories (2013-2014) | Spanish |
| 8 | 14/10/2022 | Sol Pérez Jiménez | Researcher, FUNDAR Centro de Investigación e Investigación | Spanish |
| 9 | 05/10/2022 | Juan Carlos Belausteguigoitia Rius | Head Environmental Economist, World Bank. Subdirector of Planning, SEMARNAT (1994-2000) | English |
| 10 | 14/10/2022 | Miguel Rangel Medina | President, Latin American Association of Underground Hydrology for Development. Professor, Geology, Universidad de Sonora | Spanish |
| 11 | 17/10/2022 | Daniel Basurto González | President, CONCAMIN Ecology Commission (2001-2005). President, National Ecology Commission, COPARMEX (1998-2001) | Spanish |
| 12 | 18/10/2022 | Francisco Javier Guevara García | Professor, Mining and Energy Law, Universidad de Sevilla | Spanish |
| 13 | 24/10/2022 | Yoatzin Popoca Hernández | Lawyer, Mexican Centre of Environmental Law (CEMDA), Gulf Office | Spanish |
| 14 | 28/10/2022 | Luis Manuel Arroyo Domínguez | Head of Security, CAMIMEX (1992-2001). | Spanish |
| 15 | 1/11/2022 | Anonymous #1 | Lawyer, Environmental and Human Rights NGO | Spanish |
| 16 | 3/11/2022 | María Julieta Lamberti | Research Director, PODER (NGO) | Spanish |
| 17 | 03/11/2022 | Jaime Fernando Cárdenas Gracia | Former Congressional Deputy, Labour Party (2009-2012) | Spanish |
| 18 | 9/11/2022 | Sandra Denisse Herrera Flores | Undersecretary of Development and Environmental Regulations, SEMARNAT, 2006-2012 | Spanish & English |
| 19 | 29/11/2022 | Nashieli Gonzalez Pacheco | Director of Environmental Culture and Educational Communication, SEMARNAT (2001-2009). | Spanish |
| 20 | 05/12/2022 | Juan Roberto Lozano | Head, Institutional Relations Units (International, Governmental and Legislative Affairs), National Energy Control Centre | English |
| 21 | 14/12/2022 | Paul Bocking | Coordinator, Canada-Mexico Labour Solidarity Project (Comite Fronterizo de Obreras, Frente Autentico del Trabajo, Sindicato de *Los Mineros*). | English |
| 22 | 20/12/2022 | Alejandro Magos | Senior Researcher, RIWI Data. Senior Editor, Global Brief Magazine | English |
| 23 | 23/01/2023 30/01/2023 06/02/2023 | Armando Ortega | President, Canadian Chamber of Commerce. Former NAFTA Trade Negotiator. General Legal Director, Grupo México (2001-2007) | English |
| 24 | 26/01/2023 | Michael D. Snodgrass | Professor, Latin American History, Indiana University | English |
| 25 | 27/01/2023 | Anna Zalik | Professor, Faculty of Environmental & Urban Change, York University | English |
| 26 | 31/01/2023 | J. Eugenio Barrios Ordóñez | Subdirector, National Water Commission (2019). Director of Water Program, World Wildlife Fund Mexico | Spanish & English |
| 27 | 03/03/2023 | Anonymous #2 | Lawyer, Environmental and Human Rights NGO | Spanish |

1. My translation. [↑](#footnote-ref-1)
2. Aggregate measurement of by total investment dollars (USD) by large-scale, medium-scale, small-scale, government, and miscellaneous investment. Year-over-year, the exact world ranking of Mexico shifts slightly, but remains consistently in the top five recipient countries of foreign investment in exploration. Mexico and Peru often switch positions for highest exploration investment in Latin America. Peru receives a comparable level of investment dollars and shares similar geology in terms of types of major mineral deposits. [↑](#footnote-ref-2)
3. Please see section 1.4 for a full definition of my conceptual framework of Natural Resource Governance. [↑](#footnote-ref-3)
4. The policy domains of the four NRG policy areas are comprised of various reforms, political events, and long-term sequences of institutional change, or observations, that trigger overall transformation in NRG. For more information on the explanation of observations, see the Research Design section in Chapter 2. [↑](#footnote-ref-4)
5. Chapter 2 will explain in greater detail the elements of my research design, methodology, and the operationalization of change in NRG. [↑](#footnote-ref-5)
6. The Mexican Mining Chamber (Cámara Minera Mexicana, CAMIMEX) contends that mining companies are only actively extracting minerals from 1% of total landmass, because they view concession holdings versus concession exploration and production as all distinct categorizations (2022). For more information, see Chapter 4. [↑](#footnote-ref-6)
7. These terms are defined in my discussion of Historical Institutionalism later in this Chapter as part of a wider discussion of concepts used in institutionalist analysis. [↑](#footnote-ref-7)
8. The lone exception of a state-owned mining enterprise is the Exportadora de Sal S.A., which is the 51% state-run salt company. The other 49% is co-owned by Mitsubushi Japan. [↑](#footnote-ref-8)
9. Please see Chapter 4, section I, under the heading “Human Rights Constitutional Reforms” for a complete definition and discussion of the Amparo law. [↑](#footnote-ref-9)
10. Interviews, Sol Pérez Jiménez, October 14, 2022; Jaime Cardenas, November 11, 2022. [↑](#footnote-ref-10)
11. Interviews, Juan Alonso Ramirez Fernandez, September 12, 2022; Armando Ortega, January 23, 2023. [↑](#footnote-ref-11)
12. Interviews with Luis Eduardo Gómez García, September 22, 2022 and Luis Manuel Arroyo Domínguez, October 28, 2022. It is worth noting that imitation occurred in energy reform; specifically, electricity, who emulated recent reforms in the United States. In this case, the Ministry of Energy (SENER) under President Peña Nieto hired U.S.-based consultants to expedite the energy reform process. Wood Mackenzie and McKenna, both American legal consultants, worked with the Federal public administration, namely SENER, to draft the necessary legislation and regulatory amendments. Key in the process was procedural changes and compliance across the federal public administration to align with formal legislative changes. The goal was to maintain institutional certainty for investors interested in Mexico’s energy sectors, while also moving quickly (Juan Roberto Lozano, Interview, December 5, 2022). [↑](#footnote-ref-12)
13. Please see the Methodology section for a complete explanation and literature review of the process tracing literature from which I draw to account for multi-direction in the pathways between endogenous and exogenous causes of institutional change. [↑](#footnote-ref-13)
14. I elaborate why this approach is helpful and follows other qualitative scholarship under the heading “Probabilistic Approaches in Comparative Historical Institutionalism.” [↑](#footnote-ref-14)
15. In the Methodology section, I explain the sequential process of within-case analysis that I conduct, using different within-case approaches for qualitative causal inference. [↑](#footnote-ref-15)
16. Process tracing is understood in this project as a methodology. According to Falleti (2006) “Alexander George and Andrew Bennett (2005, 206) defined process tracing as the “method [that] attempts to identify the intervening causal process - the causal chain and causal mechanism - between an independent variable (or variables) and the outcome of the dependent variable.” (1-2). Mahoney (2010) understands process tracing as “a method that uses particular observations from within specific cases. It is, fundamentally, a case-based methodology that can be applied successfully only with good knowledge of individual cases” (131). [↑](#footnote-ref-16)
17. Several of these attempted interviews were with people central to specific observed reforms. I mitigated the absence of their interviews by either interviewing others affiliated with them or their role in the reform, or I sought out additional primary sources to round out the primary evidence that I required. [↑](#footnote-ref-17)
18. My McMaster University Research Ethics Board (REB) Application was approved on the grounds that I would not conduct snowball sampling with interviewees. In accordance with my REB application, I sought out email addresses and phone numbers using publicly-available information online. [↑](#footnote-ref-18)
19. My emphasis. Herrera also (2017, 479) refers to process tracing as within-case analysis and uses it in Mexico to understand how and why politicians change their policy choice in participatory programs. [↑](#footnote-ref-19)
20. My emphasis. [↑](#footnote-ref-20)
21. See Page 35, heading “Probabilistic Approaches in Comparative HI” for a full discussion of Mahoney’s (2015) process tracing for identifying factors that increase the likelihood of an outcome. [↑](#footnote-ref-21)
22. One example of this is the land and labour reforms under Salinas de Gortari (1988-1994), where changes to Article 27 impacted both policy domains, but had more lasting and direct effects on land reform. See Chapter 3. Another example is the Mining Law reforms under Calderón (2006-2012) and Peña Nieto (2012-2018). See Chapters 4 and 5. [↑](#footnote-ref-22)
23. E.g., Collier and Collier (1991). [↑](#footnote-ref-23)
24. My emphasis. [↑](#footnote-ref-24)
25. Known as the *Porfiriato*, 1884-1911. [↑](#footnote-ref-25)
26. For example, the Cananea Mining Company and the Mexican Copper Company were acquired by Grupo Mexico, Mexico’s largest mining company, after President Salinas put up them up for sale. The Cananea mine was a notable transaction because it was an uncompetitive fire sale of a major public asset that exemplifies the close-knit linkages between mining elites and the PRI during the authoritarian period (Tetreault 2015). The $975 million USD winning bid for the Compañia Mexicana de Cananea was cancelled after Grupo Protexta, the purchasing company, was unable to come up with the assets to close the purchase. Instead of awarding it to the second-place $650 million USD bid from Grupo Peñoles, the government set up a second round of bidding (Gómez Urrutia 2013, 25). Two months later, Grupo México purchased Cananea for $475 Million in this round of bidding, a loss of $175 million USD for the Mexican government. There was no legal requirement for declaring a new round of bidding, which begs speculation around why the government decided not to take the second offer from Peñoles. [↑](#footnote-ref-26)
27. My translation. [↑](#footnote-ref-27)
28. Known as “juniors,” Canadian mining companies primarily focus on less capital-intensive upstream pre-production activities, specifically technical geological prospecting, core sampling, and exploration. Following discoveries, these junior companies are usually bought out or sell their concessions to larger companies that do the actual mineral extraction. [↑](#footnote-ref-28)
29. There is a commonly cited statistic that anywhere from 50% to 80% of the mining companies in Mexico are foreign in their origins, and overwhelmingly Canadian. This is based on the annual public listing of all companies by the Mexican Geological Service that includes all mining operations, including exploration. Disaggregating exploration and actual production shows that domestic-owned Mexican mining firms remain the primary player in the production and extraction of ore bodies from the earth for refinement. See Tetreault (2016) for more information. [↑](#footnote-ref-29)
30. See Estrada Ochoa 2006; Lemus 2018; Veltmeyer and Petras 2014. [↑](#footnote-ref-30)
31. President Salinas built an administration that drew from key intellectual centres around Mexico City to compose his public administration, including the private Instituto Tecnológico Autónoma de México (ITAM) and the public Universidad Nacional Autónoma de México (UNAM), the largest university in Latin America (Juan Carlos Belausteguigoitia, Interview, October 5, 2022; Alejandro Magos, Interview, December 20, 2022). ITAM’s Economics department produced many faculty members and graduates to key ministries tasked with restructuring the economy, because it is a renowned liberal economics department aligned with neoliberal orthodoxy and established linkages with the University of Chicago (Babb 2018, 180). As section 4 details, UNAM affiliates were drawn upon to design the environmental policy of the Salinas Administration (Nashieli Gonzalez Pacheco, Interview, November 29, 2022). [↑](#footnote-ref-31)
32. My translation. [↑](#footnote-ref-32)
33. My translation. [↑](#footnote-ref-33)
34. My translation. [↑](#footnote-ref-34)
35. Figure 7 in the Regulation of Capital section details the notable expansion of concessions by surface area, 1988-2000 following the key legal reforms to the Mining Law of 1992 and the Agrarian Reform Law of 1992. [↑](#footnote-ref-35)
36. As Baitenmann (1998) shows in the case of Veracruz, voting procedures within ejido general assembly’s became prone to cooptation and coercion by local bosses on behalf of industrial activities. Paley (2014) shows this occurred in Northern mining states during the land reform process. In Madera, Chihuahua at Pan American Silver Corporation’s open pit mine, bribery and intimidation tactics were used in ejidalgovernance to prevent an expected majority votes against the approving a mining operation permit renewal (Paley, 2014, 133-134). [↑](#footnote-ref-36)
37. A notable exception is the Forestry Reform Law of 1997, which, while specific to Forestry resources included language about the Indigenous right to resources on their commonlands. However, given Congressional gridlock based on the PAN’s takeover of Congress in the Midterm elections of 1997, the PRD refused to support it, because they saw the reform as window-dressing and lacking in substantive self-determination and because it did not specify beyond specifically how Indigenous communities would exactly have rights over natural resources (Díez 2006, 158). [↑](#footnote-ref-37)
38. The other state with a high level of rejection of PROCEDE is Oaxaca. [↑](#footnote-ref-38)
39. Between the crisis of legitimacy over the earthquake response and the smog, in 1991, Salinas used the 53rd anniversary of the oil expropriation to close a major oil refinery in Mexico City, the 18 de Marzo, to showcase his dedication to public health. [↑](#footnote-ref-39)
40. There is no available primary evidence that major mining firms in Mexico actively opposed the law – these findings are based on interviewing data alone. [↑](#footnote-ref-40)
41. Luis Manuel Arroyo Domínguez, October 28, 2022; Luis Eduardo Gómez García, September 22, 2022. [↑](#footnote-ref-41)
42. Juan Carlos Belausteguigoitia, Interview, October 10, 2022; Sandra Denisse Herrera Flores, November 9, 2022. [↑](#footnote-ref-42)
43. Juan Alonso Ramírez Fernández, Interview, September 12, 2022; Luis Eduardo Gómez García, Interview, September 22, 2022. [↑](#footnote-ref-43)
44. The Foreign Investment Law of 1993 resulted in an increase in mining exploration by foreign exploration companies. For more information, see the regulation capital heading of this Chapter. [↑](#footnote-ref-44)
45. Some of the goals included the creation of multistakeholder consultative councils at the national level between experts from academia, policy makers, and environmental lawyers; watershed councils in areas of high-water usage; and implementation of priorities from the 1992 Rio Summit – the United Nations Conference on Development and the Environment – including public sanitation, ozone standards, and conservation (Díez 2006, 50). [↑](#footnote-ref-45)
46. Congressional initiatives refer to a range of activities, including bills, denuncias (denouncements), motions, and inquiries. For the LVII Congress from 1997-2000, there were a mix of successful initiatives, some that involved opposition, and some that did not. For more information, see Díez 2006, Chapter 5). [↑](#footnote-ref-46)
47. Along with *Los Mineros*, the other unions that dominated Mexican corporatist unionism were PEMEX employees, the National Education Workers Union (Sindicato Nacional de Trabajadores de la Educación), railway workers (Sindicato Nacional de Trabajadores Ferrocarrilero), telecommunications, and the Federal Electricity Commission. [↑](#footnote-ref-47)
48. While Gómez Sada was indeed acquiescent to PRI corporatism, it did not mean that the union locals did not resist the privatization of the sector by PRI leadership. Cracks within the leadership and solidarity of Los Mineros began to show as early as the 1970s as locals broke rank from the alignments of the national leadership with PRI privatizations (Snodgrass 2007). The Línea Proletaria, a communist student movement active in Northern Mexico during the 1970s and 1980s, became labourers in Metallurgicals to expand their political movements from the shop floor in Coahuila, Nuevo Leon, and Michoacán (Michael Snodgrass, Interview, January 26, 2023). Throughout the 1980s, the PAN and PRD also occasionally took advantage of dissent in mining locals in different labour actions throughout Mexico, by pledging to help enhance union independence and democratization of labour rights (Snodgrass 2007, 96). [↑](#footnote-ref-48)
49. In Chapter 4, we will see that there is a reversal in the losses for the union, with the arrival of a commodity super cycle, a new federal government under the PAN, and a new union leader. [↑](#footnote-ref-49)
50. Notable reform years include 1926, 1930, 1939, 1961, and 1992. See Delgado Wise and Del Pozo Mendoza (2005). [↑](#footnote-ref-50)
51. One interview described FIFOMI as an early effort to fuse the objectives of the Mexican government and industry to create a more stable and attractive mining sector by creating complementary support programs to create labour mobility within the sector, through educational stipends to gain more technical skills and access to credit (Efrían Alva Niño, Interview, July 21, 2022). [↑](#footnote-ref-51)
52. My translation. [↑](#footnote-ref-52)
53. This tension lays the foundations for the rising social-environmental conflict in Chapters 4 and 5. [↑](#footnote-ref-53)
54. Armando Ortega, Interview, January 23, 2023; Anonymous Human Rights Lawyer #2, Interview, March 3, 2023; Armando Alatorre Campos, Interview, September 16, 2022; Yoatzin Popoca, Interview, October 24, 2022. [↑](#footnote-ref-54)
55. My translation. [↑](#footnote-ref-55)
56. Juan Alonso Ramírez Fernández, Interview, September 12, 2022; Armando Ortega, Interview, January 23, 2023; Karen Flores, Interview, August 30, 2022). [↑](#footnote-ref-56)
57. My translation. [↑](#footnote-ref-57)
58. My translation. [↑](#footnote-ref-58)
59. A notable example is the Mining Law, which was modified in 1996 to formally implement several of the key changes Salinas made during his Presidency. These changes to the Mining Law simply paired the Foreign Investment Law into the mining sector, but legally both were in effect since 1993. While they had already been in effect, they were added to the Mining Law to further codify their guidance for mining activities. For more information, see Delgado Wise and Del Pozo Mendoza (2005). [↑](#footnote-ref-59)
60. In the existing literature, there is a clear focus on mining-related policy change to NRG in Mexico after 2000. The previous Chapter (3) draws upon more literature of the policy change to specific domains in relation to the wider economy; however, after 2000, the expansion of mining and the rising price environment drew more scholars to focus on mining in these areas of NRG specifically. [↑](#footnote-ref-60)
61. See figure 1. [↑](#footnote-ref-61)
62. The loss of congressional majority in the 1997 mid-term elections does not feature in the preceding Chapter as a major policy event in NRG, because no major NRG-related congressional reforms, or attempted reforms, occurred between 1997-2000. Congressional dynamics becomes important to NRG following Fox’s election. [↑](#footnote-ref-62)
63. Similar patterns occurred in the Presidential election of 2006. [↑](#footnote-ref-63)
64. My translation. [↑](#footnote-ref-64)
65. The recruitment of a private sector executive to lead CONAGUA will have important effects on the management of water policy in the years to come, as it relates to mining activities. See environment sections, this Chapter and Chapter 5. [↑](#footnote-ref-65)
66. The extension of amparo applications were later enshrined in law in 2013 under President Peña Nieto. [↑](#footnote-ref-66)
67. There is a bourgeoning debate on the extent to which criminal organizations exist autonomously from the state or operate with inextricable linkages to all levels of government and all branches of the federal government. For the purposes of this dissertation, the security studies literature on this topic is avoided, despite the empirical research on the linkages between mining sector activity and criminal activity in Mexico. See Paley 2014 for a more detailed overview. [↑](#footnote-ref-67)
68. This becomes much more important in Chapter 5. [↑](#footnote-ref-68)
69. President Zedillo had led a restructuring of the Supreme Court’s authority in 1995, which enhanced the separation of powers for the court to settle contestations of constitutionality between Congress and the Executive, and the end of the PRI’s control over the executive meant that the President no longer had the unilateral control over the legislative mandate (Zamora and Cossío 2006, 421). Prior to the PAN’s electoral victory, these kind of separations of powers were impossible, given PRI hegemony. [↑](#footnote-ref-69)
70. There are different types of amparos: the collective amparo (amparo colectivo), which is used by communities against mining companies. The legitimate interest amparo (amparo interés legitimo) is for things like harm against an individual by the state such as, the illegal use of force by police or military, concrete threats by the police, police stealing your property, etc. It is personal and direct. The amparo will be discussed more in Chapter 5 under the Peña Nieto Administration, because the tool became a more tool used by municipalities, communities, and ejidos in opposition to mining projects after 2012. [↑](#footnote-ref-70)
71. See Chapter 5. [↑](#footnote-ref-71)
72. My translation. [↑](#footnote-ref-72)
73. My translation. [↑](#footnote-ref-73)
74. My translation. [↑](#footnote-ref-74)
75. My translation. [↑](#footnote-ref-75)
76. Luis Manuel Arroyo Domínguez, Interview, October 28, 2022; Juan Alonso Ramírez Fernández, Interview September 12, 2022; Karen Flores, Interview, August 30, 2022. [↑](#footnote-ref-76)
77. General Director of the Mexican Mining Chamber (CAMIMEX), the national mining industry association. [↑](#footnote-ref-77)
78. In 2022 at the time of the interview, this interviewee was the General Prosecutor of PROFEPA for the state of Mexico, and the former General Director of Environmental Impact and Federal Maritime-Terrestrial Zone. In the former role, his expertise on the subsoil was based in the state-level authority over the regulation of the mining and quarrying of construction materials. In the latter, he was involved in the early energy reform of the Peña Nieto government, which gave him detailed knowledge on the expansion of shale gas commercialization under President Calderón. This is relevant to mining, because in the concession granting regime in Mexico, concessions are allowed to be expropriated in instances where there is oil and gas in the same concession as metal minerals, because oil and gas is state-owned and has privileged property status over the rights of private entities leasing state-controlled concessions for metal mineral exploration. [↑](#footnote-ref-78)
79. Further evidence of this relationship is explored in the regulation of capital section. After 2007, CAMIMEX becomes more involved in Congressional affairs and begins to meet routinely with Deputies from mining states. [↑](#footnote-ref-79)
80. For example, Peréz Jiménez (2023) cites several primary sources from the SGM to argue that during the PAN, the approval of permitting land to be titled as a mining concession by hectare and by total percentage of national territory rose more dramatically than what the CAMIMEX figures suggest. Interviews with representatives from CAMIMEX, state-generated Geological data, and academics all tend to have different ways of measuring concessions to suit their conclusions and draw upon different sources. Pro-industry interviewees pointed to data that disaggregates different mining concession types to minimize the total surface as % of the country, while critics of mining tend to find the highest statistics available to emphasize the encroachment of mining. [↑](#footnote-ref-80)
81. Following the transfer of power, there are well-documented relationships between the major domestic mining producers in Mexico and both the PRI and PAN parties. Notably, after 2000, German Larrea Mota-Velasco, billionaire mining CEO of Grupo México, supported the Fox and Calderón governments, including donating to their campaigns. In addition, there are many instances of mining industry players working within the DGM – one example is Federico Kunz, a high-level Lawyer for Peñoles, who was also the Director of the DGM in 2004 during these reforms to the structure of the mining bureaucracy. For more information, see Antúnez 2023; Tetrreault 2014. [↑](#footnote-ref-81)
82. Karen Flores, Interview, August 30, 2022; Luis Manuel Arroyo Domínguez, Interview, October 28, 2022; Juan Alonso Ramírez Fernández, Interview, September 12, 2022). [↑](#footnote-ref-82)
83. My translation. [↑](#footnote-ref-83)
84. Initially, Fox considered giving the role of Secretary of SEMARNAT to Jorge González Torres of the PVED, but was advised against it by senior SEMARNAT staff, due to his lack of qualifications (Sandra Denise Herrera Flores, Interview November 9, 2022). [↑](#footnote-ref-84)
85. The PVED is a conservative, pro-market political party that historically has used short-term alliances to govern and win seats in Congressional elections. They are distinct in their outlook from left-leaning Green parties elsewhere, e.g. in Australia, Canada, Germany, and the United States. Two separate interviews from former policy practitioners with different partisan alignments noted that, despite the namesake of the PVED, the has historically used their namesake as a single-issue platform to draw in voters, but in reality, focus on forming alliances with opposition parties and voting with them in formal coalition blocs. The PVED has historically switched between opposition-alliances with the PRI and PAN (Sandra Denisse Herrera Flores, November 9, 2022; Jaime Cárdenas, Interview, November 3, 2022). [↑](#footnote-ref-85)
86. Interviews with Juan Carlos Belausteguigoitia, October 5, 2022; Eugenio Barrios Ordóñez, January 31, 2023; Sandra Denisse Herrera Flores, November 9, 2022. [↑](#footnote-ref-86)
87. He holds a Ph.D in Economics from Stanford University, with a specialization in agricultural management and natural resources. [↑](#footnote-ref-87)
88. Interviews with Nashieli González, November 29, 2022; Eugenio Barrios Ordóñez, January 31, 2023. [↑](#footnote-ref-88)
89. I am using the concept of terrestrial law to separate land-based environmental law from other laws, such as those regulating waterways, ocean, and the atmosphere. [↑](#footnote-ref-89)
90. Following the election of Vicente Fox, the PAN prioritized aligning Mexico with international efforts to commit to climate targets and pollution provisions, particularly within NAFTA and the North American Agreement on Environmental Cooperation (NAAEC) (Gallagher 2004; 65; Pacheco-Vega 2005, 247; Ramírez 2014, 148). Later on, President Calderón used environmental policy to expand Mexico’s presence on the international stage by hosting the Convention of the Parties (COP) 16 in Cancún in 2010. COP is the United Nation’s Framework Convention on Climate Change, the world’s largest gathering of national governments to discuss climate change mitigation efforts. [↑](#footnote-ref-90)
91. Interviews with Anonymous Human Rights Lawyer #1, November 1, 2022; Luis Manuel Arroyo Domínguez, October 28, 2022; Sandra Denise Herrera Flores, November 9, 2022 ; Eugenio Barrios Ordóñez, January 31, 2023; Karen Flores, August 30, 2022. [↑](#footnote-ref-91)
92. My translation. [↑](#footnote-ref-92)
93. My translation. [↑](#footnote-ref-93)
94. My translation. [↑](#footnote-ref-94)
95. My translation. Official Mexican Norms (Normas Oficiales Mexicanas), abbreviated as NOMs in official government legislation, are mandatory laws that are detailed, technical requirements (Pacheco-Vega 2018, 94). [↑](#footnote-ref-95)
96. My translation. [↑](#footnote-ref-96)
97. The subcommittee includes participation from CAMIMEX, the SGM, and independent academics from UNAM (SEMARNAT 2011). [↑](#footnote-ref-97)
98. This interviewee wrote the 2011 reform to Norma 120 SEMARNAT while they were the undersecretary of Environmental Development and Regulation, a branch of SEMARNAT. [↑](#footnote-ref-98)
99. In 2009, PT congressional deputies Jaime Fernando Cárdenas Gracia and José Gerardo Rodolfo Fernández Noroña, with the support of some PRD members, proposed to nationalize water by introducing a bill in Congress that would reform and modify Article 27 of the Constitution to consider water a public utility allowing for land expropriation (Cámara de Diputados 2009, n.p.). While this bill was destined to fail, given the PRD’s minority status, it was part of a larger Congressional debate about clean water access that resulted in a joint PAN-PVEM constitutional reform on February 8, 2012, which reformed article 4 of the Mexican Constitution to recognize the universal right to clean and sanitary water (Chamber of Deputies 2023; Chamber of Deputies 2012; Chapter 1, Article 4, Constitución Política de los Estados Unidos Mexicanos 2023). The outcome of this declaration, however, is not considered a policy change, as it has been considered to be a symbolic reform, with no substantive change in the public administration of water (Eugenio Barrios Ordóñez, January 31, 2023; Radonic 2017, 152). [↑](#footnote-ref-99)
100. My translation. [↑](#footnote-ref-100)
101. My translation. [↑](#footnote-ref-101)
102. My translation. [↑](#footnote-ref-102)
103. The timing of the Pasta de Conchos catastrophe and ensuing strikes occurs in the same year that SNTMMSSRM President Napoleon Gómez Urrutía is sent into exile in Canada, due to accusations of fraud by the Secretary of Labour. [↑](#footnote-ref-103)
104. These processes become more commonplace under the Peña Nieto Administration. See Chapter 5. [↑](#footnote-ref-104)
105. This was driven by in-fighting and resulted in the mining union split over the appointment of Napoleon Gómez-Urrutía, the son of Napoleon Gómez Sada (Tetreault 2016, 11). The union was also impacted by a series of electoral problems in the CTM, involving meddling by the PAN in the elections of the CT, the results of which splintered the union movement at the national, cross-sectoral level (Bensusán and Middlebrook 2013, 97). As a result, a proliferation of “white unions” – meaning, pro-company unions – occurred in the sector during this period (Tetreault 2016, 655). [↑](#footnote-ref-105)
106. There are discrepancies in the exact number of miners employed, depending on what constitutes direct vs. non-direct employment. This statistic is calculated based on a combination of the SNTMMSSRM’s reporting of total membership and employment numbers from the Ministry of the Economy’s DGM. The SNTMMSSRM claimed to represent 50% of all miners in 2006, but this contradicts government statistics. [↑](#footnote-ref-106)
107. The data on the union vs. non-union wage gap is difficult to measure, due to the discrepancies between small, medium, and large-scale mines, which do not all report their wages to the STPS or SHCP. Additionally, average wages are different between metallic vs. non-metallic mines, and the constant shifts in enumeration based on efficiency clauses in short-term contracts that follow trends in project output as well as prices on national commodity markets. [↑](#footnote-ref-107)
108. See pg. 31 for more information on reform to the Social Security Law in 2009. [↑](#footnote-ref-108)
109. These findings are based on uncited interview data conducted with representatives from the SCHP. [↑](#footnote-ref-109)
110. *Comunidades* are similar in function and structure to ejidos, but are distinct as they are based on local, idiosyncratic governing structures. For more discussion of community governing structures, see Chapter 3, Land Tenure section. [↑](#footnote-ref-110)
111. My translation. [↑](#footnote-ref-111)
112. There was no mine closure or restoration clauses in the Mining Law until a reform after the timeline of this study, in 2023. [↑](#footnote-ref-112)
113. Quoted from Armando Ortega, Interview, January 23, 2023. [↑](#footnote-ref-113)
114. Energy Reform was signed into law on December 20, 2013. This resulted in the departure of the PRD from the Pact For Mexico, due to their opposition to energy reform. They supported other initiatives in other policy areas. [↑](#footnote-ref-114)
115. 1982, 1994, and 2000 are the main years of economic crises involving foreign debt interventions. [↑](#footnote-ref-115)
116. Mexico at the time of the PRI’s return to the Presidency in 2012 was facing several crises emanating from the legacy of PAN policies. There was increased mobilization of anti-government social movements, based on the escalation of violence against civilians, corruption in police forces at all levels, and the related public security crises associated with the escalation of the War on Drugs (Paley 2014). As a response to mounting violence, the increase of the police forces at local, state, and Federal levels during the Calderón Administration resulted in their deployment against social movements as well as criminal actors (Paley 2014). In rural communities, police forces were often deployed against mining opponents seeking to block or disturb mining operations. [↑](#footnote-ref-116)
117. MORENA, a Spanish contraction of the words comprising its full name, *Movimiento de Regeneración* *Nacional,* is a left-wing populist party that made a rapid rise to Executive power in Mexico between 2015-2018, beginning with congressional victories in the 2015 mid-term elections. This momentum led to a landslide victory in the 2018 elections under President Andrés Manuel López Obrador, where MORENA captured the Presidency, and both houses of National Congress. [↑](#footnote-ref-117)
118. Interviews with Sol Pérez Jiménez, October 14, 2022; Armando Ortega, February 6, 2023; Karen Flores, August 30, 2022. [↑](#footnote-ref-118)
119. As detailed in Chapter 4, in 2010 there were attempts by PRD, PRI, and PT members of Congress to frame the existing mining law in a similar social interest approach, but those amendments failed to pass. Similarly, the Movimiento Ciudadano party (Citizen’s Movement) tabled mining legislation for increased community consultation. [↑](#footnote-ref-119)
120. My translation. [↑](#footnote-ref-120)
121. My translation. [↑](#footnote-ref-121)
122. My translation. [↑](#footnote-ref-122)
123. As explained in Chapter 3’s discussion of the Mining Law of 1992, the law is designed to address other law that have provisions related to mining. Therefore, the reform process involves amendments to various laws, but these are also applied to the Mining Law as the catch-all legislation for the sector. See Chapter 3 for more information. [↑](#footnote-ref-123)
124. My emphasis. [↑](#footnote-ref-124)
125. My translation. [↑](#footnote-ref-125)
126. My translation. [↑](#footnote-ref-126)
127. My emphasis and translation. [↑](#footnote-ref-127)
128. Firms sometimes voluntarily seek out additional permits as part of their alignment with internal CSR standards of the company, but it is not required by law. [↑](#footnote-ref-128)
129. My emphasis. [↑](#footnote-ref-129)
130. For a detailed discussion, please see Chapter 4, Section II under environmental policy heading. [↑](#footnote-ref-130)
131. See Chapter 4, environmental policy section for more detailed information on the nature of the revolving door style of mining policy development. [↑](#footnote-ref-131)
132. The Transpacific Partnership negotiations culminated during the first three years of the Peña Nieto Presidency, 2012-2015. The USMCA was starting to be negotiated in 2017, and continued under President López Obrsador. [↑](#footnote-ref-132)
133. As explained in Chapter 4, the PAN failed to deliver sweeping anti-union labour reforms to Federal legislation. However, under Calderón, the PAN implemented piecemeal reforms to flexibilize contracting processes, which became widely used in the mining sector to the detriment of collective bargaining. [↑](#footnote-ref-133)
134. Labour flexibilization ultimately benefitted the mining industry and hampered the ability of independent unions like *Los Mineros* to take back some of the influence they had lost due to the splitting of the union after 2006. [↑](#footnote-ref-134)
135. Strikes that have been ongoing include the Taxco Mine in Mexico State (Anna Zalik, Interview, January 27, 2023; Bnamericas 2019). [↑](#footnote-ref-135)
136. My translation. [↑](#footnote-ref-136)
137. Cornelissen (2016) states the PAN brought in experts to the SHCP specifically to look at introducing a mining royalty during the Fox Presidency, encouraged by the World Bank (91). This would affirm diffusion theories on change in NRG. However, no interviews I that personally carried out attributed the implementation of the Mining Fund by the Peña Nieto government to pre-existing efforts by the SHCP prior to 2012. Additionally, there is no evidence from the World Bank that this “encouragement” actually happened and there are no reports available to verify this. [↑](#footnote-ref-137)
138. My translation. [↑](#footnote-ref-138)
139. CAMIMEX, 2012; 2014; 2015; 2016; 2017 [↑](#footnote-ref-139)
140. The Peña Nieto Government needed the support of these parties in order to fulfill their wider ambitions to liberalize the Federal electricity system and PEMEX. The Citizen’s Movement is a centre-left social democratic party. [↑](#footnote-ref-140)
141. Interviews, Efraín Alva Niño, July 21, 2022; Karen Flores, August 30, 2022; Armando Ortega, January 30, 2023; Rubén del Pozo Mendoza, September 14, 2022. [↑](#footnote-ref-141)
142. Armando Ortega, Interview, January 30, 2023. [↑](#footnote-ref-142)
143. The money is channeled to the SHCP. [↑](#footnote-ref-143)
144. [↑](#footnote-ref-144)
145. Author’s calculation using Ministry of Finance and Public Credit figures in CAMIMEX’s 2017 annual report and the 2015 Mexican Peso to U.S. Dollar closing rate in 2016 according to Macrotrends, N.d.. [↑](#footnote-ref-145)
146. This interviewee mentioned Durango as a state-level committee with strong coordination, but in other states, there’s been more issues about the governance of the mining fund, and she indicated Southern States without specifying which states. [↑](#footnote-ref-146)
147. This interviewee did acknowledge a range of governance capacities on the Mining Fund committees. [↑](#footnote-ref-147)
148. My translation. [↑](#footnote-ref-148)
149. According to the report, there is evidence, but the freedom of information is limited, because detailed information on the amount that makes up the mandate of the mining fund exists but is not available to the public and there is no detail of the projects approved. [↑](#footnote-ref-149)
150. Another problem is that the Fund did not work because it was so short-lived, being cancelled in 2018 by President Andrés Manuel López Obrador. [↑](#footnote-ref-150)
151. Díez (2006, 183) provides earlier proposed concession amounts. [↑](#footnote-ref-151)
152. Author’s Translation. [↑](#footnote-ref-152)
153. The Cananea mine disaster is a high-profile example, as discussed under the Environmental Policy heading in Section II. [↑](#footnote-ref-153)
154. International Monetary Fund 2023; Consejo de recursos minerales (1993; 1997; 2001; 2003); Servicio Geológico Mexicano (2010; 2014; 2019). [↑](#footnote-ref-154)
155. In addition to adhering to human rights reforms and international investor rights, the Federal government was compelled to comply with the security interests of the United States, through the expansion of the War on Drugs. This required wider action by Mexican authorities to crack down on social discontent in Mexico, regardless of its origin with cartels, criminal organizations, or environmental land defenders. Scholarly work has attributed the deterioration in public security and the rise of extrajudicial behaviour by police and armed forces to an opportunity for crackdowns on communities and land defenders opposing the expansion of resource extraction (see Paley 2014). [↑](#footnote-ref-155)
156. The Fundar Centre of Analysis and Research A.C. is the preeminent organization in Mexico supporting the filing of amparos by communities facing off against mining companies, and other megaprojects. [↑](#footnote-ref-156)
157. The Prospectors and Developers Association of Canada is the largest global mining conference in the world and occurs annually at the Metro Toronto Convention Centre. [↑](#footnote-ref-157)