Coffee, Mexico's Other Bean: An Examination of the Globalization of the Coffee Industry, Its Impact on Mexican Villages, and the Possibility of Surviving the Grind

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COFFEE, MEXICO’S OTHER BEAN: AN EXAMINATION OF THE GLOBALIZATION OF THE COFFEE INDUSTRY, ITS IMPACT ON MEXICAN VILLAGES, AND THE POSSIBILITY OF SURVIVING THE GRIND

I. INTRODUCTION

From an early morning boost to international conglomerates featuring $3.25 lattes on nearly every city corner, symbols of the coffee industry surround people worldwide in their everyday lives. The origin of coffee beans, the soul of the beverage, however, is not easily ascertained from its pretty packaging, whether in a smell-the-aroma can, a vacuum-sealed pouch, or a sturdy, heat sensitive, spill-resistant cup. Yet while the price of gourmet blends and specialized beverages increases, the price of beans around the world has decreased steadily for many years and has reached an all-time low.

1. The purpose of this Note is to explore the effect that globalization has on the coffee industry in Mexico and the impact of certain international agreements on the industry. This Note will also explore current developments in fair trade and Mexican internal policies that affect the industry. This Note does not discuss the environmental or global implications of these agreements or trends, or the quality of coffee beans sold on the open market today. This Note does not assess the effect of international coffee companies on the industry.


4. While the retail price of a cup of coffee begins around $1.25 and the price of a pound of coffee may cost $12.00 or more, the price paid to the producers of coffee is relatively little, as low as $0.30 per pound. Most of the costs associated with coffee production (and reflected in the price paid by consumers) are incurred subsequent to primary production, in the processing, packaging, transporting, and retailing of the coffee. Janet Jarman, Coffee Crisis: The Hard Realities That Fill Your Cup, MSNBC News (2003), http://www.msnbc.com/modules/ps/020716coffee/launch.asp?b=hi (last visited Apr. 14, 2004). Production of coffee in Mexico ordinarily occurs on small farms in rural areas that rarely have the benefit of paved paths, modern machinery, or donkeys. Id. It is not unusual for coffee producers to first haul 150 pound sacks of coffee down steep mountainous terrain before transporting it by mule for miles over harsh terrain and on dirt paths, where they are preyed upon by bandits. Id. After discarding inferior beans, producers then remove the beans from their pulpy covering.
Coffee is highly important in the global community as the second most internationally traded commodity. As the fifth largest coffee producer in the world, Mexico is reliant on the crop as a source of income for many of its citizens. The price of coffee, however, is notoriously unstable, and it has currently reached a 100-year low. In 2002, Mexico’s coffee producers faced a grave reality—they were forced to take a loss on each pound of coffee sold. In fact, while coffee straight from producers is priced at most at approximately fifty cents ($0.50) per pound, the cost of production is at least eighty cents ($0.80) per pound. The depressed price of coffee results both from an extreme excess of coffee beans in storage and an inelastic demand for coffee.
Mexico faces the challenge of balancing its national economic necessities with its interest in becoming a dominant player in the world market. As such, Mexico has adopted a neo-liberal philosophy. Yet the small, local producers face increased difficulties under the new regime, such as the inability to market their products in a global economy without using a middleman, poor transportation systems, and the impracticability of making a direct connection with coffee retailers.

This Note will discuss and analyze the various international agreements that have resulted in the globalization of the coffee industry, such as the Puebla-Panama Plan, and other movements, such as Fair Trade, which have been posed as solutions to the epidemic. Finally, this Note proposes that a combination of efforts, including the destruction of surplus and sub-standard beans, a restructuring of international coffee agreements, and internal organization among coffee growers are necessary to resuscitate the Mexican coffee industry and to improve the life and future of people living in the south southeastern portion of Mexico.

are currently sitting in warehouses belonging to forty major coffee companies. While destroying these surpluses would result in an estimated loss of $100 million, it is anticipated that it would "raise prices paid to coffee-producing nations by roughly $750 million." See Weiner, supra note 4.

13. The elasticity of the coffee supply results from the afore-mentioned surplus of beans combined with the ever-increasing amount of beans produced each year. The inelasticity of demand for coffee is largely a result of taste: many people will pay a higher price for their early morning cup of coffee as opposed to selecting a cheaper alternative. At the same time, however, cheaper coffee does not seem to attract new coffee drinkers. Jill Draeger, Perking Up the Coffee Industry Through Fair Trade, 11 MINN. J. GLOBAL TRADE 337, 340 (2002).


17. Laborers can be “paid per ‘lata,’ or bucket, of ripe cherries. One lata brought less than $2 [in 2001], nearly half what it costs to grow the coffee. In a recent survey, the World Bank estimates that 600,000 Central American laborers have lost their jobs due to the crisis.” See Jarman, supra note 4.


19. The Plan Puebla-Panama (PPP) is a Mexican program created to revitalize not only the economy of the southeastern portion of Mexico, but also the Mexican economy as well as the economies of many Central American states.
II. HISTORY OF MEXICO AND INTERNATIONAL AGREEMENTS AFFECTING THE COFFEE INDUSTRY

A. The History of Coffee in Mexico

1. Political and Economic History

The political history of Mexico over the past few decades sheds light on the ongoing political and economic controversies, which significantly affect coffee producers and their families. Throughout the 1970s and 1980s, partially due to the inflated market price of coffee, the Mexican government promoted coffee production to indigenous farmers, particularly in the southern area of the country, where the climate is more conducive to coffee growth. Subsequently, President Carlos Salinas de Gortari, who took office in 1988, succeeded in shifting Mexico to a free-market economy. Subsequently, President Ernesto Zedillo furthered the globalization and international trade philosophy inspired by Salinas.

20. The Oxfam report provides a clear statement of the world-wide coffee crisis, stating:
The coffee market is failing. It is failing producers on small family farms for whom coffee used to make money. It is failing local exporters and entrepreneurs who are going to the wall in the face of fierce international competition. And it is failing governments that had encouraged coffee production to increase export earnings.
Weiner, supra note 4.

21. Dr. Ranee Khooshie Lal Panjabi described the phenomenon in the 1970s:
The lack of diversity of many developing economies—part of the imperial heritage which geared these economies to the particular needs of the colonial power—meant that often these nations, short of foreign exchange, tended to overproduce their major agricultural commodity to earn ready cash. This led to gluts and other problems as Northern nations, anxious to protect their own farming sector, protected themselves against commodity imports.


The privatization schemes of the Salinas government dismantled a large part of Mexico’s economy and concentrated wealth and power in what the president considered to be big, competitive conglomerates for [Mexico’s] entry into the world scene. The losers were small and medium-size businesses, lacking credit, and Mexican society as a whole, lacking the public investments that had once had repercussions across the whole economic board, stimulating further payments, employment, production, and a healthier balance of payments.

2000, Vicente Fox was elected the president of Mexico. A member of the conservative National Action Party, Fox’s presidency ended the Institutional Revolutionary party’s seventy-year control.

Mexico initially employed a closed market strategy of using import-substituting industrialization (ISI), which forced domestic consumers to pay high tariffs on imported goods or to purchase items produced in Mexico regardless of their price or quality. This system created inefficient industries, and as a result, deprived Mexican consumers of the ability to purchase higher quality products. Internal industry, on the other hand, was protected. As a result of this economic philosophy, Mexico’s economy faltered. The economic situation in Mexico reached epidemic levels in 1994 when the value of the peso plummeted by more than sixty percent.

2. Land Rights and Article 27 of the Mexican Constitution

The tumultuous history of land rights in Mexico has also contributed to the poor condition of Mexico’s small coffee farmers, many of whom are indigenous people. Land records in Mexico are notoriously disorganized and sparsely maintained, resulting in multiple claims to the same plots of land. The Constitution of 1917 created the Land Reform Act, which granted communal lands to Indian communities. This grant provided a collective base for Indians to immediately cultivate small plots of land. Article 27 of the 1917 Constitution also solidified Mexican land tenure after his six-year mandatory single term as Mexico was experiencing a “fifteen percent economic growth rate and a fifteen-year low in unemployment.”

26. Id.
28. Id.
29. Id.
31. In May 2001, the World Bank provided a set of recommendations to the new Mexican administration. David Bacon, The Fruits of NAFTA, Feb. 2002, http://www.zmag.org/Zmag/articles/february02bacon.htm (last visited Apr. 14, 2004). An additional recommendation was to remove Article 27 from the Mexican Constitution entirely. Id. President Vicente Fox stated that the World Bank’s recommendations were “very much in line with what we have contemplated” and necessary to “really enter into a process of sustainable development.” Id.
32. Id.
law by granting all land, water, and mineral rights to the Mexican People. On November 7, 1991, President Carlos Salinas proposed that “Article 27’s guarantees of land for landless rural communities, as well as its prohibitions on the ownership of rural land by corporations be deleted.” The legislature approved this proposal, and as a result, corporations and other businesses are now able to purchase land, air, and water rights, while small-scale farmers are forced to fight for the right to farm on small plots of land that were formally held by indigenous people. Critics have suggested that the government amended article 27 as a preparatory step for the ratification of the North Atlantic Free Trade Agreement (NAFTA), because erasing the land rights of *ejidos* creates an opportunity for privatization and allows corporations to gain property rights in some of the most resource-rich areas of Mexico, including the biologically diverse area in the south.

3. The Turmoil in Chiapas

The Zapatista revolt took place as a result of the enactment of NAFTA; this revolt could be seen as a symbolic opposition to Mexico’s greatest turn towards globalization. In opposition to the extension of free trade to the United States and Canada, rebels torched the town hall and other

35. Id. at 544.
36. Id. The new legislation also enabled agrarian communities to sell or rent their individual plots of land. *Id.* See also Raidza Torres Wick, Commentaries on Raidza Torres, The Rights of Indigenous Populations: The Emerging International Norm, 25 YALE J. INT’L L. 291 (2000) (“Most of the challenges faced by indigenous populations, such as loss of land and self-rule, result mainly from their collective and unique history of colonization or invasion and their struggle to preserve their identity and culture as a separate and distinct people.”).
37. The *ejido* are Mexican peasants who, under article 27 of the 1917 Constitution, were able to live communally in private property expropriated by the Mexican government. Enrique R. Carrasco, Law, Hierarchy, and Vulnerable Groups in Latin America: Towards a Communal Model of Development in a Neoliberal World, 30 STAN. J. INT’L L. 221, 252–55 (1994).
38. Olson, supra note 24, at 463.

> It is precisely in regions with high percentages of indigenous peoples that can be found a systematic political, juridical, economic violence that has led, in some cases, to the outbreak of violent, armed conflicts. The EZLN, in Chiapas, was born amongst indigenous peoples who, most of all, demand dignified living conditions. They prefer, as they say, risking their life in a dignified manner, rather than dying little by little from the diseases of poverty.

*Id.* at 78.
important state buildings, which they considered symbols of oppression.\textsuperscript{40} The Mexican military invaded the area to suppress the insurgency.\textsuperscript{41} Subcommandante Marcos, the head of the revolutionary army, waged an e-mail and Internet campaign against the government of Mexico in order to alert the world to the plight of the indigenous people and to the Mexican government’s attempts at suppression.\textsuperscript{42} Despite guerilla tactics and constant military occupation,\textsuperscript{43} the Zapatista revolutionaries retained control of the Chiapas region of Mexico.\textsuperscript{44} While President Vicente Fox made regaining control of Chiapas within the first month of his presidency a priority during his campaign, he has not yet succeeded in establishing an agreement with the revolutionaries or in ousting them from this resource-rich region.\textsuperscript{45}

\section*{B. World Trade Agreement on Agriculture}

The members of the World Trade Organization reasserted their belief in the importance of free trade in economic development and the elimination of poverty on November 14, 2001.\textsuperscript{46} The nations asserted their pledge to extend to all people “the increased opportunities and welfare gains that the multilateral trading system generates.”\textsuperscript{47} The WTO is essentially the foundation on which NAFTA rests.\textsuperscript{48} However, the rules governing agricultural trade (and embodied in the WTO Agreement on Agriculture) allow the United States and the European Union to subsidize agricultural production and dump surpluses on world

\textsuperscript{41} \textit{Id.} at 3.
\textsuperscript{42} \textit{Id.}
\textsuperscript{44} This recognition of indigenous rights within the legal system helped coffee farmers to assert their land rights within the judicial system of Mexico. Additionally, a Peace Accord was signed in February 1996 that addressed some of the concerns of the Zapatista rebels. \textit{Id.} at 649.
\textsuperscript{45} Vargas, \textit{supra} note 40. \textit{See also} Rich, \textit{supra} note 39.
\textsuperscript{46} Olson, \textit{supra} note 24, at 478. \textit{See also} Patrick Cuninghame, Carolina Ballesteros Corona, \textit{A Rainbow at Midnight: Zapatistas and Autonomy}, \textit{Capital & Class}, 1998.
\textsuperscript{48} Marie-Claire Cordonier Segger, Maria Leichner, Nicola Borregaard, & Ana Karina Gonzalez, \textit{A New Mechanism for Hemispheric Cooperation on Environmental Sustainability and Trade?}, 27 \textit{Colum. J. Envtl. L.} 613, 616 (2002).
markets at artificially depressed prices while requiring developing
countries to open up their markets to ruinous and unfair competition
from industrialized international producers.49

C. The North American Free Trade Agreement50

More than twenty years ago, Mexico51 hoped to advance into the
developed world by committing itself to free market reforms through
NAFTA.52 NAFTA essentially created a hemispheric zone in which tariffs
are greatly reduced between state parties.53

Mexico’s commitment to NAFTA met with broad skepticism and
revolt.54 Critics argued that the small Mexican producers and farmers
would be unable to compete with subsidized American and Canadian
producers.55 Small-scale farmers recognized their inability to transport
their goods to areas in which the products might be able to enter the global

49. See generally Gonzalez, supra note 46.
32 I.L.M. 605 (1993). Article 2203 mandated that the treaty was to go into effect on January 1, 1994.
Id.
51. Twenty-five years ago, Mexico was protectionist and shielded by a dictatorship and closed
economy. Recently, Mexico has created commercial agreements with over thirty countries worldwide
and become a leading global free trade leader, to the benefit of its large corporations. Citizen Action in
the Americas, No. 1, Making Fair Trade Work in Mexico, July 2002, AMERICA’S POLICY,
http://www.americaspolicy.org/citizen-action/series/body-mexicos-fair-trade-movement.html (last
visited Jan. 24, 2004). This transition to a free trade economy has inexorably harmed small-scale
farmers and could disrupt not only the livelihood of the majority of the Mexican population, but
destroy the villages and culture of southeastern Mexico. Id.
52. Ginger Thompson, Free-Market Upheaval Grinds Mexico’s Middle Class, N.Y. TIMES, Sept.
4, 2002. NAFTA, considered the centerpiece of the new Mexican philosophy, has generated a quarter
of a trillion dollars in cross-border trading with the United States.
53. Goldman et al., supra note 23, at 121. Goldman asserts that “Mexico, a nation whose workers
have endured chronic unemployment, should benefit from increases in the availability or increases in
the number of jobs, which should foster economic growth, discourage immigration into the United
States, and create wealth, thereby enabling Mexican nationals to enjoy a higher standard of living.” Id.
54. Vargas, supra note 40. The Zapatista Liberation Army took over the Chiapas region of
Mexico as part of its rebellion against the Mexican government. The Zapatistas wanted a long-range
plan focusing on business instead of agriculture and to bring investments into Mexico instead of
reviving the economic structure already in place. Id. This led to a month of guerrilla warfare as the
Mexican government tried to regain control of the area, which is rich in natural resources, particularly
petroleum. Id. Two of the Zapatistas’ demands were “to revise the text of NAFTA to incorporate the
interests and needs of the indigenous peoples” and “to amend Article 27 of Mexico’s Constitution, so
lands will be given to indigenous peoples and not to ‘large landholders.’” Id. at 5.
55. Critic Jonathan B. Wight stated: “[f]ree trade may exacerbate hunger problems among
families in poor agricultural areas of Latin America where labor markets are uncompetitive, land rights
questionable, or land distribution highly uneven.” Wight, supra note 27, at 167. In the portion of
southern Mexico covered by the PPP “Labor markets are uncompetitive, land rights questionable, or
land distribution highly uneven.” Id.
Additionally, they feared that well-funded, well-educated workers in the United States and Canada would take their jobs.57

The Mexican government’s policies, realized through its commitment to NAFTA and the favorable treatment accorded to business and corporations instead of small businesses, resulted in greater rates of unemployment and dislocation and increased poverty among laborers.58 However, as a scholar stated, “[a] culture of fairness must exist because political and economic stability are a prerequisite to trade growth.”59 The Mexican governmental structure is not established in a way that cultivates trade growth by focusing on the working class.60

D. International Coffee Agreements

The coffee-producing and coffee-consuming nations of the world realized the necessity of creating firm agreements directed specifically at the coffee industry. The first International Coffee Agreement (ICA)61 was signed by thirty-seven nations in 1962.62 As the first step toward the

56. Id.
59. Id. at 218.
60. Id. A perfect example of the Mexican government’s focus on business at the expense of the worker is the election of Vicente Fox as Mexico’s president and the adoption of the Puebla-Panama Plan. See infra Part II.
62. Thomas C. Mann, a U.S. State Department official, described the International Coffee Agreements before a U.S. congressional subcommittee, stating:

The freely competitive interplay of economic forces in the United States is one of the basic elements of our past and present national strength. A free market economy in coffee should perhaps be an ultimate goal. But the reality is that many of the developing countries of the world which depend so much on coffee cannot now cope with the severe economic dislocations which are caused by wide swings in the price of their principal revenue and foreign exchange earner . . . The coffee agreement . . . serves our foreign policy objectives of building strength and freedom in developing areas of the world while protecting the American consumer . . . [T]he key question is whether it is in the U.S. interest to allow these countries, a large number of them, to go through the wringer, as it were, at a time when populations are doubling every 18 to 20 years and take a chance that they would stay on our side of the curtain which divides the free and the Communist world.

globalization of the coffee industry, the ICA of 1962 established export quotas aimed at maintaining that year’s prices. The goal of the plan was undermined, however, as anxious exporters quickly learned new methods to subvert the Agreement for financial gain.

The ICA of 1968, in addition to resetting export quotas, established a Diversification Fund to support alternative industries and the production of a greater variation of crops in nations that produce coffee. In addition, the ICA of 1968 included measures for determining an “indicator price,” which helped to alleviate any conflicts between nations with large or small coffee production. The indicator price extends or reduces quotas depending on the market price for coffee.

The ICA of 1976 established a partially variable quota system. This system provided incentive to countries with historically smaller levels of production to increase their coffee production. The ICA of 1976 deleted the Diversification Fund.

In 1983, due to the variable quotas, the coffee producing countries faced a new challenge with a surplus of coffee already in the market. Therefore, the ICA of 1983 was drafted to establish a two-tier pricing system in which surplus stock was sold at an extreme discount. The additional demand for gourmet coffee beans also altered the quota structure when the ICA nations agreed to specify types of beans for the quotas.

The International Coffee Agreements, however, proved to be ineffective. One reason for the Agreements’ inability to adequately

63. Foli, supra note 62, at 86. The two leading coffee-producing states, Brazil and Colombia, led the International Coffee Organization, which has been suggested to have restrained competition in its pursuit of a higher market price for coffee. Eyal Benvenisti, Exit and Voice in the Age of Globalization, 98 Mich. L. Rev. 167, 182 (1999). Benvenisti suggests that the United States, the world’s largest coffee importer, perpetuated a scheme by which it surreptitiously shifted funds to Latin America in its support of the ICAs. Id.

64. Foli, supra note 62, at 87. Countries found ways to evade the ICA by admitting coffee imports without the required documentation, by using invalid documentation, and by shipping coffee to low-consumption countries and then re-directing the coffee to other high-consumption countries. Id. at 87.

65. Id.

66. Id. at 88–89. Examples of alternative industries and crop development include establishing alternative methods of growing coffee or producing different varieties and flavors of beans. Id.

67. Id. at 89.

68. Id. at 91.

69. Id.

70. Id. at 91–92.

71. Id. at 92.

72. Id.

73. Id.
control the coffee market was that the ICAs did not include an enforcement mechanism. Additionally, countries consistently discovered varying ways of circumventing their requirements and duties under the Agreements. Thus, the ICAs were allowed to expire in 1989.74 At that time, having stored surplus beans during the quota period, countries such as Brazil, Colombia, and Mexico inundated the market with coffee.75 As a result, greater amounts of coffee accumulated and the price of coffee quickly fell.76

The Association of Coffee Producing Countries, a producer cartel, implemented the Coffee Retention Plan on October 1, 1993.77 The goal of the Plan was to reduce the number of global exports by requiring all countries producing coffee to store a certain percentage of beans.78 Unlike previous International Coffee Agreements, this Plan contained severe penalties for cheaters.79 Mexico did not sign this Plan.80 Although over ten years have passed since the creation of the Coffee Retention Plan, “it is too early to determine whether the improvements upon previous International Coffee Agreements in the 1993 Plan will finally achieve the elusive goal of long-term price stability.”81

E. Plan Puebla-Panama (PPP)

Instituted by President Vicente Fox in 2001, the Plan Puebla-Panama82 is an effort by the new Mexican regime to build infrastructure, industry, development, and natural resource management.83 The official position of the Mexican government84 is as follows: “The main target of the Puebla-
Panama Plan is to improve the standard of living of the population within the territorial area of the south and south-eastern region of Mexico and Central American countries. Much of the area of southeastern Mexico, including the Veracruz, Guerrero, Oaxaca, and Chiapas regions, are traditionally coffee-producing states. The PPP’s goals are divided into eight main objectives, five of the most significant are: (1) raising the level of human and social development of the population; (2) reaching a higher level of participation of civil society in development; (3) achieving structural changes in the dynamics of the economy; (4) promoting productive investments that increase the offer for well-paying jobs; and (5) modernizing and fortifying the capabilities of institutions in the region.

One of the primary goals of the PPP is to extend the maquiladora region from the northern part of Mexico to the south. This expansion would

85. Although many statistics exist regarding the standard of living in the areas affected by the PPP, perhaps the most telling is that of the sixty-five million people who live in the nine PPP states, where seventy-five percent subsist on less than $2 (U.S.) per day. The Plan Puebla Panama In a Nutshell: A PPP Primer of 17 Questions and Answers, Chiapas Today Bulletin No. 312, CIEPAC, Sept. 27, 2002, http://www.ciepac.org/bulletinsingles/ing312.htm (last visited Jan. 30, 2004). In fact, in 1997, the following was reported with regard to San Cristobal de las Casas, a town in the Chiapas state:

Unemployment exceeds sixty percent; Mexican government census bureau statistics report that seventy-eight percent of the population live in overcrowded shacks with dirt floors, sixty-six percent of which lack electricity, forty percent which lack sewers and water. More than forty-percent of the people are illiterate and sixty-two percent never completed the sixth grade.


86. Padua, supra note 15. While the goal of the PPP is to improve the standard of living of those living within the affected area, which has been notorious for being the poorest region of Mexico, the Plan has met with some resistance. Nearly 15,000 Tzeltal, Tzotzil, and Tojolabal Mayans protested the development plan in San Cristobal de las Casas on August 16, 2002. Led by Roman Catholic Bishop Felipe Arizmendi, the protestors carried signs, chanted, and sang in the streets of Chiapas’ largest city in order to draw attention to their concerns regarding Mexico’s new plan. Alejandro Ruiz, Thousands of Indians Protest Fox Backed Development Plan, THE NEWS MEXICO, Aug. 17, 2002, http://www.globalexchange.org/countries/mexico/ppp/284.html (last visited Apr. 15, 2004).

87. See Black, supra note 7.

88. Roberto Garduno, Romper Con La Transmision Generacional de la Pobreza, Objetivo Del Plan Puebla-Panama: Fox, La Jornada (Mexico), June 14, 2001 at 6.

89. Padua, supra note 15, at 28. Other objectives include taking full advantage of the different abilities and comparative advantages of each economy, reaching sustainable management of natural resources and the environment, and promoting agreements and joint development strategies between the south and south-east region of Mexico and its neighboring Central American countries. Id.

provide enormous savings to U.S. and European multinational corporations through more efficient shipping.91

III. ANALYSIS

A. Problems in the Villages

The previous efforts at regulating the coffee industry and the coffee-producing areas of Mexico have been unsuccessful.92 The continuing depression of the industry has resulted in the destitution of villages93 traditionally reliant on the coffee industry for their livelihoods.94 In order to provide for their families, many Mexican coffee farmers have been forced to burn or log their land to make the land useful for the production of other, more profitable crops.95 Other coffee farmers have been forced to abandon their land rights claims96 and have traveled to America in search of jobs that could provide income for their families.97 Additionally, many

91. Id. Extending the maquiladora region to the southern portion of Mexico may also help to assuage Mexico’s fears that large multinational corporations will increasingly follow the trend of building such factories in Asia, where labor is so cheap that it overrides the higher cost of transport. A 1992 *Newsweek* article revealed a U.S. government study, which stated that “four of five American companies operating plants across the border in Mexico admitted they were there to take advantage of weak environmental laws.” Dr. Ranee Khooshie Lal Panjabi, *supra* note 21, at 235.

92. See *supra* note 29.


94. Id.

95. According to a senior farm official at a meeting of the International Coffee Organization, “coffee farmers . . . driven to desperation by rock-bottom prices, are abandoning the crop to plant forests instead or even emigrating.” Black, *supra* note 7. Additionally, “the rapid loss of forests corresponds to a simultaneous increase in farming and grazing lands cleared by the 10 to 15 million poor farmers who have no other means of making a living.” Lisa J. Adams, *Mexico In Danger of Losing Forests*, ASSOCIATED PRESS, Dec. 5, 2001.

96. In the Mexican village of El Equinime in Veracruz state, Ranulfo Barreda mourns the loss of his son and grandson, who were among fourteen immigrants who died in the desert in May 2001 near Yuma, Arizona. Six of the dead were coffee farmers whose relatives may lose their land, as they used it as collateral to secure loans of nearly $3,000 to pay smugglers. See Jarman, *supra* note 4.

97. According to Governor Pablo Salazar, 500 coffee farmers from the Chiapas state are being uprooted each month. On a bus trip to the northern border, a reporter from the *Reforma* daily national newspaper reported that fifteen percent of the passengers had sold their coffee patches to pay for the price of the bus ticket. Besides being a luxury that many uprooted farmers cannot afford, the dusty conditions and frequent governmental and police stops at which the passengers are extorted, have led
teenagers have been forced by the economic situations of their families to move to the cities in search of work at a very young age.\textsuperscript{98} This phenomenon has left many villages composed entirely of women and children, who are forced to take part-time and dangerous jobs to sustain their life and shelter.\textsuperscript{99} As a result, villages have not sustained their traditional customs, such as dances or festivals.\textsuperscript{100}

Increased violence is another unfortunate result of the depression of the coffee industry.\textsuperscript{101} Some of the increased violence is a reaction against the government and army members, while other violence occurs within villages as a result of the extreme poverty that causes anger, frustration, and crime.\textsuperscript{102} Furthermore, greater numbers of former coffee farmers have turned to producing drugs, which are easier to produce than coffee, are in higher demand in the market, and are more profitable.\textsuperscript{103} This increase in drug production is also a potential source of violence.\textsuperscript{104}

Another problem that faced villages following NAFTA’s implementation, was that Mexican unemployment skyrocketed. Many small and medium-sized businesses closed because they were unable to compete with U.S. and Canadian corporations.\textsuperscript{105}

A country’s success under the NAFTA regime requires constant educational and technological advancements.\textsuperscript{106} The literacy rate in Mexico is staggeringly low, with a higher number of illiterate citizens concentrated in rural areas, such as coffee farming areas.\textsuperscript{107} Further, many

\begin{itemize}
  \item many to attempt to hitch a free ride on a daily freight train. This dangerous alternative often results in the death or maiming of migrants, and limbs are often uncovered along the tracks. Upon reaching the border, many farmers have attempted the scorching trek across the Arizona desert by foot. Hundreds of Mexican citizens have died attempting this journey. See Elizabeth Neuffer, The Shadows of Globalization: The Coffee Connection: Thousands of Miles from Boston’s Breakfast Tables and Fast-Food Restaurants, at the End of a Global Trade Network, Guatemala’s Farmers are Barely Scraping By, BOSTON GLOBE, July 19, 2001. An estimated 130,000 Mexican coffee farmers have abandoned their farms in search of alternate work or to look for such opportunities in the United States. Id.
  \item 98. Jarman, supra note 4.
  \item 99. Id.
  \item 100. Id.
  \item 101. Id.
  \item 103. See Jarman, supra note 4.
  \item 104. Jarman, supra note 4.
  \item 105. See Cuninghame, supra note 45, at 10. Women were forced into less secure industries, such as the sex industry and “other branches of the ‘informal’ economy” in order to support themselves and their children. Id. at 44.
  \item 106. Rich, supra note 39, at 78.
  \item 107. See Gesell, supra note 43. See also Jarman, supra note 4.
\end{itemize}
of these little villages, which rely on coffee farming for sustenance, exist without running water or electricity.\textsuperscript{108}

\textbf{B. Fair Trade}

Fair trade\textsuperscript{109} has been touted as the solution to the continual depression of the coffee industry.\textsuperscript{110} Fair trade attempts to correct the problems in a free trade market, in which corporations are favored over small-scale business owners.\textsuperscript{111} The effect of free trade markets is that smaller producers are disadvantaged because they lack the capital, access to credit, technical and marketing assistance, and delivery assistance of larger companies.\textsuperscript{112} While fair trade systems have proven effective,\textsuperscript{113} fair trade

\begin{itemize}
  \item \textsuperscript{108} See Gesell, \textit{supra} note 43. Ironically, the Chiapas region holds most of Mexico’s oil and produces the largest amount of hydroelectric electricity, yet the citizens of this region have the lowest percentage of homes with electricity and running water. \textit{Id.}
  \item \textsuperscript{109} The principles of fair trade are:
    \begin{itemize}
      \item Local and regional producers and service providers should be in control so benefits remain in their communities;
      \item Laborers should earn a fair wage and work in a healthy, safe environment;
      \item Intermediary organizations that soak up and expatriate profits should be removed from the equation, allowing producers to keep a larger share of sales revenues without passing on excessive costs to consumers;
      \item Goods and services should be environmentally friendly and socially responsible;
      \item Community development needs, as well as environmental and social criteria, should be taken into account in business decisions;
      \item Product and producer diversity should be supported, and increased opportunities for women should be a priority;
      \item When possible, intermediaries that buy products directly from producers should provide financial assistance, such as direct loans, prepayments, or linking producers with sources of financing;
      \item The finances, management policies, and business practices of fair trade enterprises should be open to public scrutiny;
      \item Consumers who are educated regarding the importance of purchasing products and services that support living wages, healthy working conditions, and environmental protection will be willing to pay slightly higher prices.
    \end{itemize}
  \item \textsuperscript{111} \textit{See generally} Nauman, \textit{supra} note 109.
  \item \textsuperscript{112} \textit{Id.}
  \item \textsuperscript{113} In 1999, Central American farmers selling their coffee to intermediary buyers through ordinary channels were paid an average of $0.38 per pound, while coffee growers engaged in sales with the international fair trade organization TransFair earned at least $1.26 per pound. Nauman, \textit{supra}
alone is an impractical solution for the failing coffee industry in Mexico. In fact, one journalist identified several challenges to the establishment of a complete fair trade system in Mexico, including the "instability of international commodity prices . . . nonprofit technical support for small businesses [not] keeping pace with the growth of new fair trade start-ups . . . and the certification and fair trade labeling regimes are expensive and inappropriate for Mexican entrepreneurs."\(^\text{114}\)

An additional factor to consider is the rate of farm burning or abandonment. At the current rate, Mexican coffee farmers will be unable to maintain their farms or feed their families by the time that a completely fair market system is established. The establishment of such a system goes directly to the heart of the problems within the coffee industry: a lack of funding, poor transportation systems, and the small-scale Mexican farmer’s inability to make a connection with retailers directly. Traditionally, many coffee producers are indigenous workers and “often speak traditional languages and dialects and are illiterate.”\(^\text{115}\) The price of coffee in the international market is dropping at record rates.\(^\text{116}\) Short of burning the almost two billion pounds of surplus beans and starting anew, the grassroots advocacy strategy of the Fair Trade Organization will not impact the lives of the farmers quickly enough to feed their families or save their villages.\(^\text{117}\) Additionally, although fair trade is considered by some to be the savior of the small-scale farming operations in developing countries, fair trade organizations do not have the resources to bring the requisite aid to Mexican coffee farmers.\(^\text{118}\)

**C. Problems with the PPP**

The PPP is a plan for businessmen, by businessmen, about business.\(^\text{119}\) Because the plan has only existed for two years, it may be too early to determine its effectiveness.\(^\text{120}\) The basic structure of the PPP, however,

\(^{114}\) See Wight, supra note 27, at 173.

\(^{115}\) See Draeger, supra note 13.

\(^{116}\) See also Groos, supra note 109, at 402. There are definite legal issues involved in fair trade, because “Fair trade is relevant to many issues affecting developing countries that are of global concern, such as trade, economics, human rights, intellectual property, and cultural preservation.” Id. Fair trade organizations also perform the functions of lobbying corporations, state parties and non-governmental or multi-governmental organizations to adopt fair trade policies and legislation. Id. at 388.

\(^{117}\) See Padua, supra note 15.

\(^{118}\) See Ross, supra note 83.
does not lend itself to the resuscitation of current industries, strips current farmers of their land claims,\textsuperscript{121} and imposes questionably functional industry into the southern portion of Mexico.\textsuperscript{122} Under the PPP, the coffee farmers may be forced to work in one of the maquiladoras that President Fox seeks to bring to south south eastern Mexico.\textsuperscript{123}

The PPP, in its current form, seems to simply be an extension of NAFTA. While only Mexico, Canada, and the United States are parties to NAFTA, the PPP could be considered a method of “roping in” other Central American countries into NAFTA’s web without actually enacting additional treaties.\textsuperscript{124}

IV. PROPOSAL

Fair trade is not the answer. The PPP is not the answer. In order to survive the current, ever-deepening economic crisis and resuscitate the floundering coffee industry, Mexico must take steps both independently and with the world community to correct the internal injustices

\textsuperscript{121} Previous Mexican governments gave and subsequently withdrew land rights to family plots in order to draw support for elections. Uprisings and rebellions, such as the Zapatista rebellions, arose in an effort to protect land rights claims. Gretchen Peters, \textit{No Quick Solution to Deforestation in Lush Chiapas}, CHRISTIAN SCIENCE MONITOR, Jan. 14, 2002.

\textsuperscript{122} One positive aspect of the PPP plan is its role in the creation of infrastructure throughout this region. For example, an improved system of transportation would benefit current coffee farmers by replacing the small paths which remain the small-scale farmers’ only means of transporting coffee beans to middlemen. The creation of navigable roads would do much to facilitate the expedited and efficient transportation of the coffee beans.

\textsuperscript{123} A recent study by SEDEPAC found that the average maquiladora worker earns between 320 and 350 pesos per week, while approximately 1,500 pesos are required to provide food, shelter and transportation to a family of four. Bacon, \textit{supra} note 31. Further, a study by the Interfaith Center for Corporate Responsibility found that it took a maquiladora worker in Juarez almost one hour and a worker in Tijuana an hour and a half to earn enough money to purchase one kilo of rice. By comparison, a dockworker in the San Pedro harbor could buy the same amount of rice after three minutes of work, while an undocumented immigrant working for the minimum wage in Los Angeles would only have to work for twelve minutes. Id. An example of wage deflation as compared to price inflation is that “in 1996 in Mexico the minimum day’s wage [would] buy 6 quarts of milk or 2.2 pounds of beans, whereas in 1976 it would buy 21 quarts of milk or 5.0 pounds of beans.” \textit{See} Rich, \textit{supra} note 39, at 79.

\textsuperscript{124} The PPP may be seen as a manner of channeling Mexican national funds into the least developed areas of Mexico in an effort to pave the way for greater corporate investment. It may also be seen as an internal step towards a Free Trade Area of the Americas (FTAA). \textit{See The Plan Puebla Panama In a Nutshell: A PPP Primer of 17 Questions and Answers, supra} note 85. The FTAA is a proposed trade agreement that would extend NAFTA’s trade regulations throughout the Western Hemisphere. \textit{Id.} The PPP may constitute the first step in integrating the southeastern area of Mexico with the other Central American states in preparation for the FTAA or a similar agreement. \textit{Id.} The article suggests that the World Bank and the Inter-American Development Bank for Mexico and Central America, which will use the infrastructure to entice large multi-national corporations to invest in and move to the area affected, are the primary proponents of the PPP. \textit{Id.}
experienced by small coffee farmers and to destroy the surpluses that keep the international coffee prices depressed. Additionally, Mexico should create, regulate, and maintain an updated agricultural system to provide continued living wages to coffee producers.

Mexican farmers should also learn from the fair trade groups’ focus on communal production and form their own trade organizations. In this way, small-scale Mexican coffee farmers could pool their resources and establish a trade organization that could market its beans in the global economy and compete with international producers. In this way, small-scale farmers would have the resources and the support needed to enter their products in the global market without restricting their products to the certain types of beans and methods of farming required to obtain fair trade certification.

To do so, however, requires funding, something that small Mexican farmers are sorely lacking. The traditional source of such loans or subsidies is the Mexican government. Although some small coffee farmers tried to look to the Mexican government for help and support in the midst of this crisis, the result has been disappointing. Mexico should create an administrative body and plan to provide subsidies to the farmers in order to enable coffee production to continue, to maintain the lands and agriculture in the area, and to halt the migration throughout the country. Additionally, this administrative body could facilitate the location of private loans for small-scale farmers.

The PPP appears to apply the “bag it” approach to the existing industry in the southeastern parts of Mexico. The Plan attempts to impose new


126. Id.

127. The number of internally displaced people in Mexico is increasing, according to the U.S. Committee for Refugees (USCR). Jim Lobe, Internally Displaced People Now Outnumber Refugees Two to One, OneWorld.net, Sept. 23, 2002, at http://www.commondreams.org/headlines02/0923-02.htm (last visited Apr. 14, 2004).

128. The United States and Canada may have employed a similar philosophy regarding certain agricultural crops in their respective histories. Unlike Mexico, the United States and Canada have provided subsidies and stipends to their farmers to prevent them from producing too much of a certain product. Beau Hertig, Note, The 2002 Farm Bill: One Small Step for Family Farmers, One Giant Leap Towards Corporate Production in Iowa, 29 J. CORP. L. 199, 201–06 (2003). If the market is flooded with excess goods the product price will be driven down and the need for excessive long-term storage of the product will arise. See also Larry Lee, Essay, Reading the Seattle Manifesto: In Search of a Theory, 78 N.Y.U. L. REV. 2305, 2327 (2003).
infrastructure and industry on this area in complete disregard\textsuperscript{129} of the existing industry and the traditional livelihoods of the residents. While noble and ambitious, the PPP is completely impractical due to its disregard for the Mexican citizens and indigenous people inhabiting the relevant area. If the Mexican government would extend the Plan to include small-scale farmers who produce crops such as coffee, or if a portion of the foreign investment could be used to create trade groups that would support the existing industries, then the coffee farmers could bind together in small trade organizations and survive.

If the PPP were to be expanded to include respect for the traditional uses of the land and the indigenous inhabitants, the resulting coffee organizations might benefit from the additional objectives of the PPP, such as increased infrastructure. Although the infrastructure might not necessarily alleviate the difficulty arising from scaling down steep, unpaved, and at times, unmarked slopes carrying hundreds of pounds of coffee beans, it would help the farmers to reach ports where they could individually market their beans. The additional goal of building dams and canals through Central America may allow coffee farmers to find avenues to ship coffee to purchasers overseas more easily. The PPP’s goal of linking electrical power plants to the area would also benefit struggling villages, many of which are currently without electricity. Thus, while the PPP in its current state turns a blind eye to the plight of the coffee farmer, it can be adapted to consider the poor and indigenous people currently inhabiting the affected area. This change, in combination with the Plan’s other goals, would promote economic growth in southern Mexico.

Although, the possible solutions discussed in this Note may be effective within Mexico, the coffee crisis has global implications. Without a remedy on an international scale, improvements in Mexico alone will do little to correct the fledgling market price of coffee in international trade. First, the major coffee producing countries should meet to discuss the plight that has befallen the industry and to determine methods to restore confidence in coffee production. More specifically, countries should seek methods of destroying excess coffee beans and imposing a strict system of market entry for marketing beans and regulating the quantity of beans in the market. This system should reflect the tastes of current consumers, the

\footnote{129. The government has not directly informed the small-scale farmers in Mexico, one of the groups most affected by the PPP, of its intended effect on their area and land. See Wendy Call, \textit{Farms vs. Factories: Planning the Future for the "Under-Exploited" of Mexico and Central America—Plan Puebla Panama}, TEXAS OBSERVER, available at http://www.s-j-c.net/PPP.html (last visited Apr. 14, 2004).}
importance of environmentally-friendly shade-grown beans, and the increased demand for gourmet and blended coffees within the retail market. In this proposed agreement, the countries may also recognize the importance of ensuring that coffee producers are paid adequate and fair wages. Coffee-importing states, such as the United States and many European nations, should have the opportunity to be a signatory to such an agreement, with the requirement that they put pressure on coffee-producing states to assure that the coffee producers are paid fair wages. The agreement should also include an enforcement mechanism and strict penalties for circumventing the plan. The lack of such an enforcement mechanism was the main pitfall of the original ICAs.

An additional faction that must consider taking a stand in the global coffee crisis is the international coffee conglomerate. While many of these companies have not formally recognized or taken action to aid the coffee producers, the profits from each pound of ground coffee sold to individual consumers may be enough to triple the current daily living allotment of a Mexican coffee farmer’s family. A fixture in the daily lives of people throughout the world, these coffee companies hold an extreme amount of clout among business owners and individuals, and with that, can profoundly impact consumers. If several of these companies would take the initiative to start a campaign to aid coffee farmers, others would likely follow in the spirit of competition and public relations. A campaign as simple as a public leaflet and a decrease in the amount of money spent printing cups or beverage sleeves (with a percentage saved dedicated to helping coffee farmers self-organize), could be the economic impetus that many farmers require to survive. The coffee conglomerates should also endorse a plan to burn the coffee surpluses, which might constitute a facially poor business decision, but would raise the market price of coffee in the long-term.

V. CONCLUSION

While people around the world leisurely enjoy a hot cappuccino or a frozen machiatto, few give thought to the producers of the coffee beans. Although complaints are often heard when the corner coffee shop charges an extra fifty cents for a second shot of espresso or raises the rates on premium coffee beverages, many fail to realize the profound impact an extra fifty cents would have on the family of a Mexican coffee producer.

130. See supra notes 77–81.
131. Fair Trade, Starbucks pamphlet.
In November 2002 the U.S. House of Representatives introduced and adopted a resolution aimed to “adopt a global strategy to respond to the coffee crisis.”\textsuperscript{132} The legislature intends to address the quality standards for the coffee industry and the depressed market price, “creating a humanitarian crisis among the world’s subsistence coffee farmers.”\textsuperscript{133} While this resolution is a first step in bringing the necessary attention to the plight of the coffee farmer, action must be taken both by coffee producing countries and by coffee consuming countries to reform the system. If the proper resources were given to the farmers and other necessary resources, such as land, were not taken from the farmers, then the world would be amazed at the quality of beverages produced and the strength of these resilient people.

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\textsuperscript{132} See McLaughlin, supra note 6.
\textsuperscript{133} Id.

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