**Abstract**

***Land and Peasants in Cuba: To Have and to Hold?***

In Cuba, the legal status of peasants -and their heirs to the land- who survived the first and second laws of Agrarian Reforms is set out primarily in the Constitution of the Republic, and different special legal bodies, among them the Civil Code of 1987, Law-Decree No. 125 of January of 1997, and Resolution No. 170 of June 28 of 2017.

The small farmers owning land must exploit it according to the guidelines of the Ministry of Agriculture, or the Sugar Ministry, on land use and possession. Provided infringements in the law are, among others, the negligent exploitation of the land, the deviation from the established fundamental line of production, the lease of the land, and partial or total transfer of rights to third parties. Many of these violations may give cause to the State for forced expropriation. On the other hand, the heirs are faced with the condition precedent of having to work permanently on the land for a period of five years before the decedent’s death. Inheritances are conducted via a discretionary administrative process before the corresponding Delegations of the Ministry of Agriculture.

This paper examines the Cuban agrarian legislation on point and explores a number of questions to bring clarity about the need for legal reform in the rights of peasants in the country. The non-existence of agrarian courts, and the predominance of the Administration as judge and party, reveal a status at the mercy of the Cuban state and its discretionary powers.

**Author Biography**



**Dr. Joan Martínez Evora** is a Lecturer in Business Law at the University of Miami Herbert Business School, where he teaches business law courses. Prior to joining the School, he was a Visiting Assistant Professor of Law at the University of Miami School of Law, where he taught Law of Obligations and International Family Law. He had previously been a member of the faculty at University of Havana, Cuba. He holds a Juris Doctor degree, *magna cum laude*, from the University of Miami, and a Licenciado en Derecho degree, *with honors*, from the University of Havana. In addition, he has practiced as a litigator and in the areas of business law and real estate. His current research interests include contracts and international laws affecting U.S. businesses. He has appeared multiple times as legal commentator in regional, national, and international press. He has received the Excellence in Teaching Award at Miami Herbert Business on several occasions.