



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

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January 5<sup>th</sup>, 2021  
Association for the Study of the Cuban Economy  
2021 Annual Conference

# Introduction

Scope of research article: Examines the nature of the relationship between peasants and their ownership or possession of their land.

*Peasant* – Small farmer who owns or possesses a relatively small piece of land for cultivation and subsistence.

CUADRO 1. *Estimación del área total en fincas y de su distribución según su uso en 1959-60*

Uso	Superficie	
	(hectáreas)	(%)
I Cultivos	2 374 668	23.6
a) Caña de azúcar 1 331 800 (56 %)		
b) Demás cultivos 1 042 868 (44 %)		
II Pastos	4 562 800	45.3
III Montes	1 265 698	12.6
IV Marabú	214 519	2.1
V Otros usos (indirectamente productiva y estéril)	1 650 405	16.4
	<b>TOTALES</b>	<b>10 086 090</b>
		<b>100.0</b>

FUENTE: Proyecto de Plan Quinquenal para el desarrollo de la agricultura cubana en 1961-65.

CUADRO 2. *Distribución por principales grupos de tamaño de las fincas censadas en Cuba en 1945*

<i>Tamaño</i>	<i>Fincas</i>		<i>Área total</i>	
	<i>(Número)</i>	<i>(%)</i>	<i>(Hectáreas)</i>	<i>(%)</i>
Hasta 2 caballerías (26.8 hectáreas)	125 619	78.5	1 362 533	15.0
Más de 2 y hasta 5 caballerías (26.8 a 67.1 hectáreas)	16 766	10.5	822 539	9.0
Más de 5 y hasta 30 caballerías (67.1 a 402.6 hectáreas)	13 150	8.2	1 728 241	19.0
Más de 30 caballerías (402.6 hectáreas y más)	4 423	2.8	5 163 842	57.0
<b>TOTALES</b>	<b>159 958</b>	<b>100.0</b>	<b>9 077 155</b>	<b>100.0</b>

FUENTE: Censo Agrícola Nacional de 1945.

Critical Analysis of the Cuban Agrarian Reform, by Jacques Chonchol (Chile). United Nations assistant to INRA until late 1961. Trimestre Económico, Enero—Marzo de 1963, Vol. 30, No. 117(1) (Enero—Marzo de 1963), pp. 69-143

The Cuban Agrarian Reform affected the entire system of agriculture production and land redistribution

1. Law No. 3 of Sierra Maestra, of October 10, 1958 granted ownership to land possessors up to 2 *caball.*, gratuitously.
2. 1<sup>st</sup> Agrarian Reform Law, of 1959. Established a maximum of 30 *caball.* (402.6 *hect*).
3. 2<sup>nd</sup> Agrarian Reform Law, of 1963 went even further. Established a maximum of 5 *caball.*



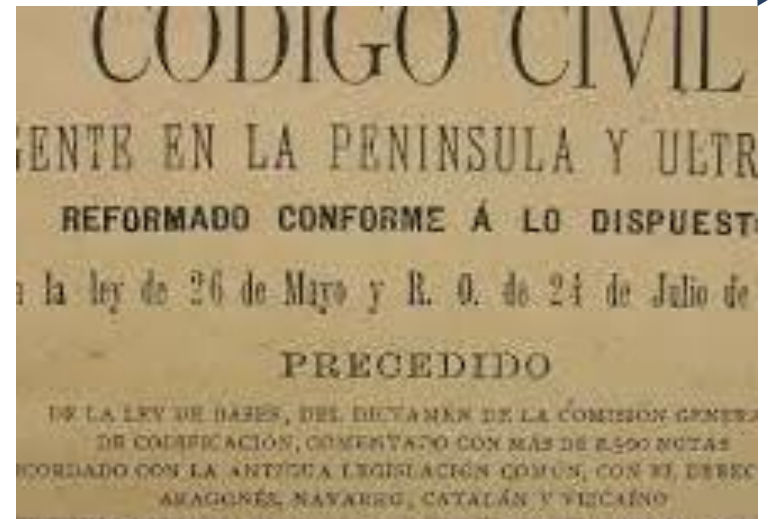


# *Land and Peasants*

1. Constitution/2019 and Civil Code/1987
2. Decree-Law 125/1991 –*small farmers and their ownership of the land*
3. Decree-Law 259/2008 modified by Decree-Law 300/2013, modified by Decree-Law 358/2018 –*usufruct of state-owned idle lands*

# 1. Constitution and Civil Code

- Socialist property of the entire people – *predominant role in Cuban central planned economy*
- Art. 22 d) – Private property over some means of production by natural persons *with a complementary role in the economy.*
- Art. 29 – Private property over land is regulated by special laws. It prohibits the usufruct between private parties, *it is permitted by or with the State.*
- Civil Code of 1987 – Recognizes the property of small farmers (*agricultores pequeños*) and regulates the contract of usufruct with the State.





## 2. Decree-Law 125/1991 – property of *small farmers*

### *Challenges*

- Chapter IV of DL 125 establishes the precepts concerning the land of small farmers
- ✓ Art. 6 – Can only be divided with prior authorization of MINAG
- ✓ Art. 8 – Obligation to exploit the land according to the regulations established by MINAG, *in the interest of the economic and social development of the country.*
- ✓ Art. 9 and 10 – What constitutes an infraction of Art. 8, and the consequences.
- ✓ Section III – Transfer of property upon death of the small farmer.

### 3. Decree-Law 259/2008, modified by Decree-Law 300/2013, again modified by Decree- Law 358/2018 – public sector

Under Art. 1.1- It is authorized the delivery of idle state land in *free usufruct* for a *determined* period of time to *natural persons*, and for an indefinite period of time to legal persons, so that they may exploit them rationally and sustainably according to the capacity of the soils, and in furtherance of agricultural, coffee, forest and fruit productions.

The following are considered **idle state lands** under Art. 2-

- “a) Those not found in the agriculture, livestock, forestry production or fruit trees, unless they are subject to rest periods for crop rotation purposes;
- b) those that are covered with marabú, weeds or invasive plants;
- c) those used for crops or plantations not suitable for the suitability of the soils, which show notable depopulation or low yields; and
- d) those dedicated to livestock production with a low load of animals per hectare.”

# Civil Code

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Art. 140 - The state can grant rights of usufruct on state land, and on means of production, land, buildings, industrial or commercial properties, or any other according to the law.

148.2 - It is not the property of the cooperative when it receives state land in usufruct.

Art. 208 – 217

***ARTICLE 208.1. The usufruct entitles the free enjoyment of the property of others with the obligation to preserve its form and substance, unless the title of its constitution or the law authorizes otherwise.***

***2. The rights and obligations of the usufructuary are those determined by the constitutive title of the usufruct.***

Art. 232 - General limitations to right to property also apply to holders of a right of usufruct.



## Art. 3- The State Idle Land Fund:

- a) The idle ones managed by state enterprises;
- b) the idle in usufruct of state farms with legal personality, Basics Units of Cooperative Production (UBPC), Agricultural Production Cooperatives (CPA) and Cooperatives of Credits and Services (CCS), after a firm resolution of termination of the usufruct by the Delegate or Municipal Director of Agriculture;
- c) those abandoned for more than six (6) months by usufructuaries or by state entities, or others to which the usufruct for self-sufficiency of their workers was granted, after firm resolution of extinction of the usufruct by the Delegate or Municipal Director of Agriculture; and
- d) The idle ones that in the interest of the State are acquired from the production cooperatives and small farmers, as established in the Regulations of the present Decree-Law.



*Bienhechurías*  
(improvements/benefactions)  
– Art. 4.1-

- a) The buildings, facilities or other works necessary or useful for the adequate attention and protection to crops, animals and plantations, conservation and improvement of soils and crops;
- b) forests, temporary and permanent plantations, and agricultural preparatory work of land and crops, necessary for production; and
- c) the dwelling of the usufructuary and family members.



# Challenges

- Art. 4.4- The small farmer with a right of usufruct cannot sell the *bienhechurías*, nor can they be the object of usufruct, or any other third party right.
- Art. 7.1- The maximum for natural persons is 2 *caball.*, which can be increased up to 5 *caball.*
- Art. 8.1- The period of time for natural persons is 20 years (renewable for equal term), and indefinite if it is a juridical person.
- Art. 10- If the usufruct is intended for commercial purposes, the usufructuary must buy necessary equipment via state sanctioned enterprises, UBPC, CPA, or CCS, and sell its production via the same channels.
- Art. 12.1- Causes for termination of the contract of usufruct.

## *Moving forward...*

- ✓ Lifting property restrictions could provide incentives to peasants and their families and boost productivity, and spirit of entrepreneurship - "PYMES."
- ✓ Promoting private market initiatives could facilitate buying and selling of machinery, and other necessary resources in sustainable agriculture.
- ✓ Promoting private market initiatives could open supply-chain mechanisms necessary for the placement of agricultural products from farms to markets.

