

2017

Agricultural Policy and Rural Development in Cuba, the Public Agriculture Section

Maritza de la Caridad McCormack Bequer

Follow this and additional works at: <http://scholarship.law.ufl.edu/fjl>

Recommended Citation

de la Caridad McCormack Bequer, Maritza (2017) "Agricultural Policy and Rural Development in Cuba, the Public Agriculture Section," *Florida Journal of International Law*: Vol. 29 : Iss. 1 , Article 11.
Available at: <http://scholarship.law.ufl.edu/fjl/vol29/iss1/11>

This Article is brought to you for free and open access by UF Law Scholarship Repository. It has been accepted for inclusion in Florida Journal of International Law by an authorized editor of UF Law Scholarship Repository. For more information, please contact averyle@law.ufl.edu, kaleita@law.ufl.edu.

Draft version - Please do not cite or circulate without permission of the author

AGRICULTURAL POLICY AND RURAL DEVELOPMENT IN CUBA, THE PUBLIC AGRICULTURE SECTION

*Maritza de la Caridad Mc Cormack Bequer**

INTRODUCTION

Cuba, Caribbean island with a total surface area of 10,988,600 hectares, 6,619,500 of which are dedicated to agriculture, experienced great agricultural transformations after 1959.

A view of our national and regional context that takes into account such essential issues as economic growth, population, territory, the improvement of environmental conditions and the quality of life; requires governments to achieve a territorial, functional, and economic equilibrium in the whole system of the country.

The political will of the Cuban State, following the Triumph of the Revolution, has focused on strengthening controls over agricultural matters in order to achieve a sustainable rural development, one of the essential functions of a planned economy, in an attempt to comply with the responsibility assumed upon the promulgation of the Agrarian Reform Law of 1959 and 1963.

I. TERRITORIAL DEVELOPMENT THROUGH THE DELIVERY OF LANDS IN USUFRUCT IN CUBA

The first records of usufruct in the agrarian sector in the revolutionary era appear in Article 34 of the Agrarian Reform Law of May 17, 1959,¹ which prohibits the usufruct contract of lands obtained free of charge under the Law, stating that this prohibition only applied to contracts between “private persons” [privados].²

In the 1990s the Ministry of Agriculture passed resolutions for the delivery of lands in usufruct to agricultural cooperatives in the country, that is, the Cooperativas de Producción Agropecuarias (CPA), the Cooperativas de Créditos y Servicios (CCS), and the Unidades Básicas de Producción Cooperativas (U.B.P.C.) as well as entities for their self-

* Dr. Maritza de la Caridad Mc Cormack Bequer is an Associate Professor of the University of Havana.

1. Gaceta Oficial de la República de Cuba, Edición Extraordinaria Especial de 3 de junio de 1959.

2. Colectivo de autores, “Temas de Derecho Agrario Cubano,” Editora Félix Varela 2007, p. 374.

sufficiency; and in the case of natural persons, the self-sufficiency of families was benefited, as well as the sowing of tobacco, coffee, and cacao, and the extension of up to 13.42 hectares to the tenants who had the unit of production in a good state of exploitation, including the legal norm that confers the legal status of beneficial owner [usufructuario] to persons who possessed land prior to 1986.

At the close of 2007, 50.9% of the unused surface area of the country belonged to the state control, some 627,200 hectares,³ one of the reasons for which Decree Law 259 of the Council of State of the Republic of Cuba was passed on July 10, 2008,⁴ “in order to increase the production of food and reducing its importation”⁵ it is “necessary that the delivery of idle lands be realized with due control and avoiding illegalities, in accordance with the measures adopted for the legal system of land possession and ownership.”⁶

The aforementioned legal provision authorizes the delivery of idle state lands to natural and legal persons by way of usufruct. The term granted to natural persons is 10 years and can be extended by an equal period, if the lands have been maintained in good conditions of exploitation and if they have fulfilled delivery contracts for products. Legal persons are granted this right for twenty-five years and its extension for an equal period is conditioned upon the fulfillment of the same requirements previously indicated for natural persons. Decree Law 259 confirms that the areas delivered in usufruct cannot be transferred, assigned, or sold to third persons.

The same Decree Law also imposes in its Article 5 a tax for the utilization of land, in accordance with Law 73,⁷ Cuba’s general rule for the tax system. For its part, in China, under the Contract Responsibility System and “according to contract, the rural family pays an agricultural tax.”⁸ In either of the 2 cases, whether as a common or special agricultural tax, the spirit of the agrarian institute of usufruct is not perfected and its *sine qua non* is gratuity [gratuidad].

The maximum amount to be delivered to natural persons who are not landholders is 13.42 hectares, and those who do possess land can request an increase of up to 40.26 hectares, but with the precondition

3. Panorama uso de la tierra, Cuba 2007, Oficina Nacional de Estadísticas, edición julio 2008 (sitio Web: www.one.cu).

4. Gaceta Oficial de la República de Cuba, Edición Extraordinaria Número 24, de viernes 11 de Julio de 2008, de la p. 93 a la 95 (sitio Web: www.gacetaoficial.cu).

5. Decreto Ley No. 259 de 10 de Julio de 2008.

6. *Íd.*

7. Ley No.73 Del Sistema Tributario. Gaceta Oficial Extraordinaria No. 8 de fecha 5-8-94.

8. China: otra “perestroika”; De la Comuna a la explotación familiar. Alberto Ballarín Marcial. Instituto de cuestiones internacionales. Editorial San Martín. S.L, Madrid, España, 1996, p. 121.

that the lands they already have be in a state of full exploitation. The determination of the area requested by any person is subject to:

- The potential workforce,
- The resources for production,
- The type of agricultural and livestock production for which the land will be used, and
- The fertility of the soil.

Delivery of these areas is prohibited in the following cases:

- Protected areas and those in the process of being so designated;
- Areas not used for topographical reasons or for the preservation of the environment;
- Areas used for the defense of the country;
- Areas leased by small farmers;
- Areas that should be preserved for their relation to historical events or cultural heritage, and;
- Others as decided by state interest.

In Cuba, there are 14 Provincial Delegations of the Ministry of Agriculture, corresponding with the geographic division of the national territory into 14 provinces, and a Special Municipal Delegation of this body for Isla de la Juventud. The Provincial Delegations comprise 169 Municipal Delegations, where interested individuals may apply to receive lands in usufruct.

Resolution 573/07 of the Ministry of Economy and Planning on December 13, 2007, approved the creation of the National Center of Land Control (Centro Nacional de Control de la Tierra), subordinate to the Ministry of Agriculture. It was formed legally by Resolution 42 of the Ministry of Agriculture on February 3, 2008, defining its social objectives and organizational structure.

Each province and municipality has an administrative office (Dirección Provincial) of the National Center, located at the headquarters of the Provincial or Municipal Delegation, where interested parties can make requests for the delivery of idle lands through official affidavit accompanied by the endorsement of the farmers' organization closest to the requested area, that is, the Cooperativa de Créditos y Servicios, an organization which new landowners must belong to or must join. According to the Law of Agricultural, Credit, and Service Cooperatives,⁹ these associations "are formed by voluntary and express will of landowners and/or beneficial

9. Ley No. 95: "Ley de Cooperativas de Producción Agropecuaria y de Créditos y Servicios", de 2 de Noviembre de 2002, artículo 5.

owners and their families that work the land with them . . .” It should be added that each member maintains title to his or her land; in other words, they only associate in order to receive state services of machinery and seeds.

These requests for farms are analyzed by the Municipal Commission for Agricultural Affairs, an administrative body that, among other attributes and functions, makes a recommendation about whether or not to grant usufruct rights to the Municipal Agricultural Representative, an official that can accept or reject this resolution. If the usufruct rights are granted, the beneficiary is entered into the Land Tenure Registry of the Municipal Center for Land Control. A person whose request is denied may appeal in writing to the Provincial Representative of the Ministry of Agriculture, but if rejected again has no other administrative or legal recourse.

Whoever is granted the right to exploit idle land signs an agreement, equivalent to an agricultural contract, with the Municipal Agricultural Representative, who signs in name of the State, including the following clauses:

The approximate time in which the beneficial owner must make the lands productive, including preparatory activities like recruiting labor and sowing seeds, whether in the case of vegetal production or in the case of animal production,

Family members that the beneficial owner will involve permanently in the productive activity, identifying their names and surnames, Identity Card, and relationship to the owner,

Description of agricultural equipment, irrigation, implements, tools, farm instruments, breeding stock, and animals belonging to the beneficial owner that will be involved in the productive activity, and

The extent of the area dedicated to family self-sufficiency and used to produce food for work animals.

The sale and commercialization of the yields obtained and the allocation of agricultural inputs and livestock to these small farmers will be carried out according to established guidelines, through the Credit and Services Cooperative to which they are tied, or in its absence as otherwise determined.

If there are forests in the usufruct area, the Agreement assigns their protection and conservation to the tenant, and prohibits logging without obtaining a permit, as well as confirming the tenant’s right to obtain economic benefits in compliance with the requirements of the Forestry Law.

If there are improvements to the area, they are sold to the beneficial

owner, based on their physical state according to the Official Price List of the Ministry of Agriculture. The official transfer document will also include the payment deadlines for the improvements and the tenant's obligation for their conservation and maintenance.

In addition to the fundamental responsibility of putting and keeping the usufruct lands in production, as well as the sale and commercialization of yields, the agreement signed by the small farmer contains the following obligations:

- Ensuring the productivity, production, care, and conservation of the lands, crops, animals, and facilities,
- Complying with the appropriate animal health, phytosanitary, soil protection, stocking density, and environmental regulations,
- Not to engage in or allow illegal economic activities or other crimes against the national economy,
- Not to begin construction (housing and permanent agricultural facilities) without the prior approval of the Municipal Representative and obtaining the other licenses or permits required by applicable law,
- Not to transfer the usufruct to third parties under any circumstances,
- Affiliating with the corresponding Credit and Services Cooperative,
- Hiring the salaried labor force necessary according to established provisions,
- Complying with regulations about the land use and tenancy, and
- Not to use or permit another to use the lands in ways contrary to the purpose for which the usufruct was granted.

In addition to the Municipal Representative's responsibility of cooperating with other state and municipal institutions in order to keep in production the lands delivered in usufruct, his obligations also include the following:

- Exercising systematic and periodic control over the use and possession of the land and compliance with the principal purpose for which the area was delivered in usufruct.
- Publicize and evaluate compliance with required animal health, phytosanitary, soil protection, stocking density, and environmental regulations.
- Provide technical support to the beneficial owner regarding crops and animal production through the personal staff of the Enterprise and the municipal state institutions.
- Warn against and not allow the performance of illegal economic

activities or other crimes against the national economy.
Evaluate and make recommendations to the Municipal Commission for Agricultural Affairs regarding the authorization to build housing or agricultural facilities, subject to obtaining the others licenses or permits required by law.

This right may be extinguished in the case of natural persons for the following reasons:

At the request of the beneficial owner upon not being able to continue the rational and sustainable use of the area.
The abandonment of productive activity in the usufruct area for more than six (6) months,
The irrational and unsustainable use of the land,
Continued infringement following warning of the measures for environmental protection and conservation that must be observed or applied,
Revocation for reasons of public utility or social interest, expressly declared by Resolution of the Ministry of Agriculture or higher levels of the Government,
Extinction of the legal person, and
Expiration of the term of concession.

For legal persons, different factors may extinguish the usufruct:

Express renunciation of the beneficial owner.
Total incapacitation or death of the beneficial owner.
Continued noncompliance with the contractual production, following a ruling of specialists.
Irrational or unsustainable use of the lands,
Continued infringement following warning of the measures for environmental protection and conservation that must be observed or applied,
Acts contrary to the purpose for which the usufruct was granted,
Abandonment for a period greater than six months of productive activity in the usufruct land,
Revocation for reasons of public utility or social interest, expressly declared by Resolution of the Ministry of Agriculture or higher levels of the Government,
Illegal transfer of usufruct to third parties, and
Conclusion of the granted term.

II. ENVIRONMENTAL PROFILES IN THE DELIVERY OF LANDS IN THE

CONCEPT OF USUFRUCT

Humanity in its desire to utilize to the maximum what is offered by nature, and in many cases to obtain great profits by exploiting it, slowly has placed the future of the world in danger.

The consequences of inappropriate use of natural resources are unpredictable. Throughout history, men that have been aware of this evil have begun great efforts to protect humanity over the years, achieving in many cases the legal formalization of these ideas, which have not always been listened to or respected by governments or by large companies. “Everything seems to indicate that, taken as a whole, people are characterized by being oblivious to the future.”¹⁰ “Imposing man’s dominion over nature is one of the foundational ideas of the dominant economic and political sectors in the world today, a trend that goes back to the rise of so-called modern thought, and against which the most advanced minds have expressed themselves, prominent among whom is José Martí,”¹¹ who understood “the danger that the implementation of those ideas represented for present and future humanity, including the indiscriminate overexploitation of natural resources.”¹²

For his part the eminent land reform activist Ricardo Zeledón Zeledón presents the new dimensions that modern Agrarian Law must have, including the environmental dimension, “product of the need to combat the degradation of nature, protect the environment, and the fundamental right to a healthy and ecologically balanced environment to guarantee the survival of the human being on the planet.”¹³

In this sense, the Cuban agro-environmental regulations respond to the current necessities of protecting the environment in which productive activities occur. The Constitution of the Republic of Cuba, in its Article 27, holds:

The State protects the environment and the natural resources of the country. It recognizes their close link to sustainable economic and social development for a more rational human life and ensuring the survival, welfare, and security of present and future generations. It is incumbent upon corresponding authorities to

10. Leal Spengler, Eusebio. Prólogo al libro *La protección del Medio ambiente en Cuba* de Vittoio di Cagno. Editorial Ciencias sociales, La Habana, 2005.

11. *El Apóstol de Cuba y Héroe Nacional de la época colonial, pero su pensamiento extraordinario ha trascendido a nuestros días como guía y faro del pueblo cubano.*

12. Vittorio di Cagno. *La protección del Medio ambiente en Cuba* Editorial Ciencias sociales, La Habana, 2005, p. 6.

13. Zeledón Zeledón, Ricardo. *Derecho Agrario, nuevas Dimensiones*. Editorial Investigaciones Jurídicas ,S.A, San José de Costa Rica, 2007, pp.26 y 27.

implement this policy. It is the duty of citizens to contribute to the protection of the water and atmosphere, and the conservation of the soil, flora, fauna, and all the rich potential of nature.

For its part, the National Environment Strategy for 2007-2010, approved by the Ministry of Science, Technology and Environment through Resolution 40/2007 of March 2007, is protected by Law 81 (“Law of the Environment”) of July 11, 1987, Article 18, which drives this strategy. Among its composing elements, we find the obligation of achieving sustainable agriculture. Territoriality and decentralization may be considered the axes or foundational principles that sustain Cuban environmental management and policy. The environmental strategy for 2011-2016 is positioned in the same way.

The provisions of the articles of Law 81 are extremely interesting as regards the need to ensure the achievement of sustainable production,¹⁴

14. Ley No.81 de 1987. Artículo 132.- Para garantizar la adecuada alimentación de la población y la exportación de productos agrícolas, preservando y mejorando la capacidad productiva futura de estos recursos, su producción se efectuará de forma sostenible, basándose en las disposiciones siguientes:

- a) El desarrollo de sistemas integrales de gestión de los ecosistemas cultivados, lo cual incluye el manejo de los suelos, de la diversidad biológica, en particular de la diversidad productiva, las aguas, los nutrientes y su reciclaje, las plagas y enfermedades y el establecimiento de una política adecuada de variedades.
- b) El uso racional de los medios biológicos y químicos, de acuerdo con las características, condiciones y recursos locales, que reduzcan al mínimo la contaminación ambiental.
- c) La preparación de los suelos conforme a criterios ambientalmente adecuados, propiciando el empleo de técnicas que eviten o disminuyan el desarrollo de procesos degradantes.
- d) El manejo preventivo e integrado de plagas y enfermedades, con una atención especial al empleo con estos fines de los recursos de la diversidad biológica.
- e) El establecimiento de un ordenamiento territorial y una planificación adecuado, ejecutado sobre bases reales y objetivas, en los que las actividades agropecuarias locales se correspondan con las condiciones económicas y ecológicas del área.
- f) La integración de los logros científicos y técnicos con los conocimientos locales tradicionales de la población y los recursos genéticos obtenidos por esta vía, propiciando la participación directa de las comunidades locales en la concepción, desarrollo y perfeccionamiento de los sistemas de producción.
- g) EL establecimiento de mecanismos de regulación económica que estimulen la conservación de la diversidad biológica y el empleo de prácticas agrícolas favorables al medio ambiente y que tiendan a evitar el uso inadecuado de los suelos y demás recursos naturales y el empleo irracional de agroquímicos.

Estas regulaciones serán de especial aplicación en los ecosistemas frágiles donde puedan existir procesos degradantes manifiestos.

intertwining the principles of Cuban agrarian law,¹⁵ current agrarian regulations, and the environmental policy of the country.

Regarding the assignment of idle lands in Cuba, the principles regarding environmental protection and the efficient and rational use of the land have been formalized in regulations, agreements, conventions, and other national and international instruments.

Decree Law 259 of 2008 authorizes the transfer of idle state lands in usufruct, both to natural and legal persons, under the condition that they be used “in a rational and sustainable way according to the suitability of the soil for agricultural production.”¹⁶ This law seeks not only agricultural exploitation, in order to obtain products, but also its protection, conservation, and the achievement of sustainable agriculture.

In this sense, the prohibitions established for the assignment of usufruct lands include those in protected areas or in areas in the process of being declared so, as well as those that are unused for topographical reasons or for environmental preservation, which in are view are measures to avoid the degradation of the soil, flora, fauna, and the environment. We must add to these measures the extinction of usufruct when the land is not used in a rational and sustainable way, as well as for the continued infringement following a warning of the environmental protection and conservation measures that must be observed or applied, both for natural and legal persons.

III. CURRENT AGRICULTURAL POLICY AND RURAL DEVELOPMENT IN CUBA

There are currently several legal regulations¹⁷ that address state

Artículo 133.- Dada la importancia que para la agricultura tienen los recursos genéticos en general y los fitogenéticos en particular, todas las personas naturales y jurídicas están obligadas a su conservación y utilización adecuada, conjugando las formas de conservación “in situ” y “ex situ” y evitando los procesos de erosión genética de las especies económicamente útiles.

Artículo 134.- El Ministerio de la Agricultura en coordinación con el Ministerio de Ciencia, Tecnología y Medio Ambiente establecerá las estrategias nacionales en materia de agricultura sostenible y ambos, en coordinación con el Ministerio del Azúcar, dirigirán, establecerán y controlarán las normas y medidas encaminadas a garantizar el cumplimiento de lo dispuesto en el presente título.

15. Principio del tránsito de la propiedad privada a la propiedad social. Principio de la Consolidación de las relaciones socialistas de producción. Principio del control del Estado sobre el uso y tenencia de la tierra en los diferentes sectores. Principio de la utilización eficiente y racional de los recursos agropecuarios. Principio de la Legalidad Socialista en las relaciones agrarias.

16. *Íd.*

17. Decreto-Ley No. 300, de 20 de septiembre, de 2012 (G.O.O. No. 45 de 22/10/12) como fue modificado por el D-L 311/13, de 10/7/13, G.O.E. No. 4 de 17.1.14.

-Decreto No. 304, de 25 de septiembre de 2012 (G.O.O. No. 45 de 22/10/12), y como fue

agrarian policy and consequently contribute to rural development in Cuba. Four years after passing Decree Law 258/08, discussed in the previous section, keeping in mind the contributions of the public in the process of analysis and discussion of the Guidelines of the Economic and Social Policy of the Party and balanced land use, it was decided to implement new legal regulations.

Each of these is designed to continue reducing idle lands and increasing outputs, adopt a new management model that promotes greater autonomy of producers, and increase efficiency. Another important factor to keep in mind is the need to ensure the continuity and sustainability in the exploitation of lands granted in usufruct, promoting the incorporation, permanence, and stability of the workforce and the family in this area, as well as the incorporation of youth into the agricultural sector and efficiently exploit the lands around cities and towns.

The new legal regulations also have implemented actions for the establishment of policies that permitting construction, housing, and water resources in the country.

Decree-Law 300 of September 20, 2012 was modified by D-L 311/13 of 10/7/13, and Decree 304 of September 25, 2012, modified by D-319 of 4.12.13, are the regulations that currently govern the concept of the usufruct of state land.

One novel aspect is the authorization of the voluntary integration of beneficial owners of land as workers in the State Farms or agricultural cooperatives. In these cases, the beneficial owner assigns the usufruct right to land and improvements to the integrating entity, which evaluates whether or not to continue working those lands. In this way, the property of the beneficial owner is acquired by the corresponding entity, after payment of the price according to its appraisal.

The regulation presents the possibility of extending up to 67.10 hectares (5 caballerías) to natural persons that possess land in usufruct and are tied to a State Farm or an agricultural cooperative.

Another innovation is the maximum limit of 13.42 hectares that may be given in usufruct to natural persons who do not possess land in any way. Likewise, the natural person that possesses land and is tied to a State Farm or agricultural cooperative may gain more usufruct lands up to a total of 67.10 hectares as long as they are adjacent or within five kilometers. In the case of natural persons, the usufruct will be valid for ten years, which may be extended by an equal period, and for twenty-five years in the case of legal persons, which may be extended by

modificado por el D-319, de 4.12.13, G.O.E. No. 4 de 17.1.14.

-Resolución Conjunta No.1/2012 MINAG- IPF

-Resolución Conjunta No.1/2012 MEP-MFP

-Resolución No. 768/2012 MINAG.

another twenty-five years.

For natural persons, the usufruct is granted for a term of up to ten years, extendable for an equal term; and for legal persons up to twenty-five years, extendable by another twenty-five years; in both cases, provided the requirements are complied with. This term dates to the beginning of planned activities, but if these are canceled or delayed, it may be extended according to the new date, without exceeding the maximum limit of the previous section.

In the case of lands dedicated to livestock, genetic, and commercial projects, once the term expires, their reintegration versus the continuation of usufruct will be evaluated.

In response to general complaints, the construction of housing for the beneficial owners has been authorized within the terms of the grant of usufruct, in addition to being able to use the land for forestry, including the cultivation of crops and breeding livestock.

Under the established regulations, idle state lands may be freely transferred to legal or natural persons in usufruct for a specific period, so that they may be exploited rationally and sustainably, taking into account the suitability of the soils for agricultural production, forestry, and fruit cultivation, as well as diverse crops and livestock breeding if convenient and feasible.

For the first time, the grant of usufruct is authorized in exceptional cases for state lands that are not idle, when these result from dissolved production units, small farmers who have died without heirs, as well as when a previously-established usufruct expires, as long as there are no state entities to attend to them.

Another interesting element is the granting of lands in usufruct to natural persons whose form of employment provides that they can perform the work personally and administer the land directly.

For this reason, it was thought necessary to modify the Agreement between the beneficial owner and the Municipal Agricultural Representative and to hold the Director of the state entity responsible for the lands delivered with the signing of the Usufruct Agreement. The creation of the usufruct must be formalized by a written contract between the state entity that administers the idle lands and the applicant, following approval of the grant by the Municipal Director or Representative, or the Provincial Director or Representative, of the Ministry of Agriculture, as provided in the present Decree-Law.

New procedural modifications highlight the definition of the responsibility and terms of each institution that participates in the process. The Municipal Representative will certify new additions to the list of idle lands after verifying their idleness.

Areas registered in the Idle Lands List (Fondo de Tierras Ociosas) must include the following information:

- a) The legal possessor of the land;
- b) The areas available to be granted in usufruct, measured in hectares;
- c) The geographical location;
- d) Existing improvements;
- e) Total or partial presence of Marabou weed (*marabú*) or other invasive plant species; and
- f) Any other characterization or determinant regarding environmental, forestry, soil, and water protection that should be followed.

It is therefore important to empower the Provincial Agricultural Representatives to revoke grants of usufruct when their terms are violated, and to resolve the cases that are denied.

The Provincial Director or Representative of the Ministry of Agriculture may revoke the agreement in the event of an unlawful formation or extension of the grant of usufruct. In the event of the total incapacitation or death of the beneficial owner, the improvements must be paid for, giving special attention to agricultural assets.

The expiration of the usufruct for reasons other than death, absence, presumption of death, or incapacity of the beneficial owner results in the evaluation and liquidation of improvements built or purchased by the beneficial owner and payment of that amount to the former beneficial owner.

State policy is to ensure the continuity of usufruct rights to the families or other people that work the land upon the death or incapacity of the beneficial owner; in this way, when a natural person's usufruct expires due to physical incapacity, this person may propose a new usufruct agreement be made with a relative or another person working the land in a stable manner. If the previous beneficial owner does not make such a proposal, or the person he proposes does not accept or does not meet the requirements, or the expiration is due to death, absence, or presumed death, or to mental incapacity, the new beneficial owner may be proposed by common accord of the previous one's relatives, or by other people that stably work the land.

The proposal for a new usufruct agreement must be made in writing before the Director of the land-granting entity, which will remit it to the corresponding Municipal Director or Agricultural Representative, for the processing of the application according to the procedure established by this Regulation.

In the event of the expiration of the usufruct due to incapacity or death of the beneficial owner, the existing improvements to the land are transferred in usufruct in the new contract, exempting from payment the relative selected as the new beneficial owner in conformity with this

Regulation.

When the new beneficial owner is not a relative of the previous one, he or she will make payment for the improvements the previous beneficial owner acquired or built, based on their price as assessed, to the land-granting entity, which in turn will pay this amount to the heirs, according to the special legislation that governs the inheritance of agricultural goods.

CONCLUSION

Cuban agrarian law is characterized by a large proliferation of legal norms regulating the relationships occurring in the process of agricultural production, establishing the form of action for the various subjects of agrarian law, including small farmers, agricultural cooperatives, and credit and services cooperatives.

The goal of this Essay has been to evaluate the concession of state lands in usufruct as a part in which the public agricultural sector establishes a form of agrarian policy for rural development.

All of this indicates to us that a present concern of the country is establishing regulations for the appropriate use of the land to ensure the provision of food products, with strict environmental protections, in order to guarantee the care and development of natural resources for future generations.