



# **LEGISLATION ON PRODUCTIVITY IN AGRICULTURE A COMPARATIVE OUTLINE**

**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS**

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Land and Water Legislation Section  
Legislation Branch  
Legal Office

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## FOREWORD

Agricultural land available in the world today supplies only part of humanity's food needs. Yet this same land is becoming a scarce commodity, and is in danger of degradation, due to increasingly intensive use, urban encroachment and population pressure. Coherent and effective policies are therefore needed in order to ensure that the land is used both productively and with due regard for its conservation.

Policies of the kind have indeed been introduced, institutions have been created for their implementation, and laws have been enacted on such matters as land tenure, productivity and conservation. Certain of these laws are comprehensive in their scope, others perhaps less so, but all envisage formulas, instruments and procedures designed to promote rational land use together with acceptable levels of productivity.

It is necessary therefore to mark out the course of development in such a way that expansion and intensification of agriculture are matched by measures to preserve the quality of the soil and to enhance its productive potential.

The foregoing considerations need to be given systematic expression in law, and law needs to be administered by institutions fitted to the purpose. In this way, the necessary support should be forthcoming for the task of the technician, the farmer himself, the lending institutions and development agencies, and the many other public and private interests involved.

The study that follows has been prepared from documentary material available in the Legislation Branch -- material which may not in all cases be complete or entirely up to date. With this proviso, the aim has been to present the various legislative approaches, and it is hoped that the work may be useful in this respect. The selection of countries whose laws are here reviewed was governed basically by considerations of geographic distribution.

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## INTRODUCTION

Natural resources, the soil first and foremost among them, are fundamental to agriculture, and their efficient use must be the starting point for any effort designed to bring about an increase in farm production. Enhanced productivity from the land, with its corollary of a greater availability of staple foods - and the need for these is an urgent and ever growing one the world over - is a goal that several countries have taken practical steps to pursue by introducing legislation. Their experience in enforcement and the results obtained may serve as examples that others may wish to turn to good account.

In the programmes geared to achieving this enhanced productivity, methods and systems that appear to be appropriate to the purpose must nevertheless yield precedence to the need to strike a balance with soil conservation and that of other natural resources for future generations. In this context, the World Conference on Agrarian Reform and Rural Development convened by FAO in 1979 declared that:

“[an] equitable distribution and the efficient use of land, water and other productive resources, with due regard for ecological balance and environmental protection, are indispensable for rural development, for the mobilization of human resources and for increased production for alleviating poverty.” 1/

Among the principles recommended for adoption in the World Soil Charter one may read:

“It is a major responsibility of governments that land-use programmes include measures towards the best possible use of the land, ensuring long-term maintenance and improvement of its productivity, and avoiding losses of productive soil. The land users themselves should be involved, thereby ensuring that all resources available are utilized in the most rational way”. 2/



Now, legislation is able to provide an effective instrument for bringing to bear the measures designed to achieve the desirable results just described. This it does, basically, by imparting an impulse to the reform of agrarian structures, the raising of the level of living of the rural population and the gradual elimination of the differences that subsist vis-à-vis other sectors of the economy.

As a general rule, a noteworthy feature of recent legislation dealing with these matters is the emphasis placed on the duty of cultivating the land and improving systems of production - two processes that must go forward within a renewed economic and social structure underpinned by planning. By this token, any abandonment, improper use or inadequate use of land will warrant the intervention of the public authorities; and often the right to dispose of, or even to hold, land will be made to subserve the higher interests of production.

An important element in certain examples of modern legislation on this subject is the introduction of the concept of the economic size of farms, which nowadays must be such as to assure the farmer a per caput income comparable to that obtainable in other sectors. The European Economic Community has adopted just such a criterion, and its Member States are also doing so. The Commission Directive providing in this sense represents a major source of policy regarding the structure of agriculture within the Community - a policy that is applied to countries with considerable differences in their characteristics and in their "utilized agricultural area". The EEC accordingly has been carrying forward its action along two fundamental avenues of approach. While distinct from each other, these are complementary, and they focus on the holding (a concept prevailing over that of ownership) and the aim of a comparable income concept (which takes precedence over that of the labour furnished by a farming family).

In the pages that follow, the purpose is to analyse examples of agrarian legislation in force in a selection of countries of Africa, Latin America, Asia and Europe, in terms of their provisions governing productivity -

itself within the context of an integrated utilization of agricultural resources and of the broad policy lines of the respective countries. Parallel to this, consideration is given to laws having to do with soil and water conservation, land use planning and the aim of achieving farms of economically viable size - together with other provisions relating to the consolidation of holdings and the protection of the environment.

Matters relating to idle and inadequately used land call for special treatment in any agrarian legislation system. In those countries that have introduced land reform, non-use or under-use of land constitutes cause for expropriation or compulsory leasing. Again, special consideration is often reserved for less-favoured areas, i.e. for land so geographically situated that, with the natural resources or the production infrastructure obtaining there, it is not possible to attain a level of productivity comparable with that of other agricultural areas in the country concerned.

An additional factor having an - often determining - influence on productivity is a country's system of land tenure. There are still to-day vast areas of the world where subsistence agriculture prevails. This is due not only to poor technological inputs and cropping methods but also to insecurity of tenure, which denies the farmer any incentive to increase his output and precludes any sizeable investment on his part.

Where agricultural activities are under consideration, attention is also given - i.e. in addition to promotional measures designed to secure the attainment of at least a minimum level of productivity - to programmes and forms of production and to the organization of farming activities. In this way, with the adoption of modern techniques, encouragement for given crops or for farming in association - such as cooperatives and rural communities - production can be augmented. Care also needs to be taken in this connection to ensure that these measures combine harmoniously with the rest in order to achieve the hoped-for result, namely increased production and enhanced productivity, with the vital role that these have in vanquishing poverty and hunger.

## I. LEGISLATIVE TEXTS

Generally speaking, the countries studied here have their provisions dealing with productivity contained in various bodies of law, whether generic in character - Constitution, civil code, tax laws - or specific, such as the laws on agrarian reform, land settlement, regional planning and consolidation of holdings, soil conservation and perhaps others besides.

A country's constitution will normally establish the right of ownership of land as being subject to the condition that it shall be exercised in harmony with the interests of society, which are present under various concepts, among them that of the "social function of land ownership" (e.g. in Italy, Mexico, Peru and Venezuela).

In most Latin-American countries, but not only there, provisions governing productivity are to be found in agrarian reform laws and agricultural promotion and development laws. Certain countries, again, have brought in specific legislation prescribing improved use of land. Spain's Act on the Working of Holdings Clearly Capable of Improvement, and Italy's Act on the Working of Abandoned and Underworked Land are examples of this.

Land use planning laws (Switzerland 3/), laws on consolidation (Poland 4/) and those on soil conservation (Argentina 5/, Sweden 6/) have as their fundamental object to ensure that the land shall be used efficiently.

Other laws, again, promote land productivity by imposing taxes on uncultivated or abandoned land (Costa Rica 7/, Gabon 8/, Guatemala 9/) or by granting premiums, subsidies or other incentives for its working, as in Argentina 10/, Peru 11/, Sweden 12/, Switzerland 13/ and Tunisia 14/).

Certain Member States of the European Community have enacted legislation to implement the Council Directives on the modernization of farms, on mountain and hill farming and farming in less-favoured areas, and on the cessation of farming and the reallocation of utilized agricultural areas for the purposes of structural improvement.

## II. OBJECT AND SCOPE OF THESE LEGISLATIVE TEXTS

### 1. Object

Several enactments enounce their object explicitly in a statement of reasons (Guatemala, Morocco), in a preamble (Japan, Spain) or in an introductory text supplied by the legislative commission concerned in the form of a policy statement (Ecuador). Land reform laws in Latin-American countries usually state their object, albeit in varying degrees of detail. In other instances the texts may contain no express indication of the object, which, accordingly will be deduced from the title, in most cases enumerating the subject matters dealt with in the body of the text.

The laws stating their object do so in terms such as the following:

- increased output from agricultural land of low-productivity (Argentina 15/);
- encouragement for the economically sound working of idle or underused land (Colombia 16/);
- aid for the country's development, to be achieved through increased output and enhanced productivity, with special encouragement for food production in agriculture (Peru 17/);
- enhanced productivity; assured income for farmers sufficient for them to maintain a standard of living comparable to that of non-agricultural workers, and the creation of conditions making for an appreciable improvement in income, employment opportunities and agricultural production (EEC 18/, Japan 19/);
- improved production, to be achieved by putting an end to the exploitation of the tiller of the soil, through an equitable distribution of the earnings obtained from farming, and through the adoption of appropriate methods (Algeria).

## 2. Scope

The scope of these enactments differs with the specific object pursued in the respective cases. Thus, agrarian reform laws generally address themselves to agricultural land (those of Latin America and Asia), whereas laws for the promotion of agriculture will focus on crop and animal husbandry activities or on the farm as such (Honduras 20/, Mexico 21/, Peru 20/, Dominican Republic 23/).

The EEC directives of interest to this study apply to farms with a potential for development, to less-favoured areas appearing in a Community list and to land becoming available for reallocation when elderly persons retire from farming.

Laws providing for a system of promotion, consisting in the granting of subsidies or other incentives for production, introduce aid for the capital outlay needed on low-productivity land (Argentina 24/), while those adopting the taxation approach do so in the case of land that is left idle or is underworked (Gabon 25/).

## III. CONCEPTS; TERMINOLOGY

### 1. General

Several laws contain definitions where the principal concept is that of the suitability of the land for agricultural production. Others limit these definitions to specifying which activities, within the meaning of the law, are deemed to be farming activities.

An example of the former case will be the definition of agricultural land (where that precise expression is used - as in the Philippines, Sri Lanka and Yugoslavia) or where similar concepts are referred to under the expression "cultivated land", as in Sweden.

In the second case, one finds general definitions referring to “agricultural activities” (Sri Lanka), “crop and animal husbandry activities” (Dominican Republic), “the farm” (Iraq, Switzerland), or “agriculture” (Sri Lanka).

## 2. Soil quality and conservation

To take the example of Argentina, one notes that the Act “to introduce a system of incentives for increasing agricultural production in areas of low productivity” makes reference to “poorly productive land”, defining this as being characterized by “aridity, waterlogging or salinity” 26/. Thus, soil quality is being taken as the criterion (though this is later extended to natural woodland, the aridity factor in this case being disregarded 27/).

Specific reference to soil quality and conservation is also made in those sections where the Act deals with the question of promoting activities designed to secure the conservation of the soil and the recovery of its productive capacity 28/. Activities of this kind are declared to be in the general interest, irrespective of whether the private or the public sector is concerned. The enforcing authorities may, in addition, declare a soil conservation district in any area where it is necessary, or will be useful, to mount soil conservation or reclamation programmes. Landholders - under whatever title - within such districts may form associations (consorcios) in order to qualify for incentives, development credit and other subventions provided by the State. Members of these associations are required under the Act to make two commitments 29/ - having to do, basically, with soil quality and conservation - namely, that they will not resort to land use and practices causing or contributing to a substantial diminution in the productive capacity of the soil in their district, and that they will carry out those practices that are deemed to be essential for conserving that productive capacity.

### 3. Land use planning

France's Rural Code 30/ employs the concept of land use planning (aménagement du territoire rural) where the object is to ensure that the property structure - including tenancies - of agricultural and forest undertakings is conducive to the rational utilization of land and the buildings there, due account being taken of the type of soil and conservation requirements, the kinds of use for which the land is best suited, agricultural techniques and developments in these, the human environment and the rural population, the general economy of the country and the economy peculiar to the region under consideration.

In other countries one meets only with such concepts as land control areas ("land to which the Minister has declared by notice in the official Gazette that the Act applies" - Kenya); agricultural development areas, i.e. extensive areas of the national territory susceptible of thoroughgoing transformation as regards the economic and social conditions obtaining there, which call for complex works projects beyond the means of private persons and accordingly require the technical and financial assistance and the legal backing of the State (Guatemala 32/); and production areas, i.e. "those land areas registered by the Secretariat of Agriculture and Water Resources at the request of interested persons and comprising a determinate tract of country itself encompassing land belonging to ejidos 33/, communities, tenants or small farmer-owners, when these intend to raise their targets..." (Mexico 34/).

### 4. The social function of land ownership

The laws of several countries, in particular those of Latin America, embody the principle of the social function of land ownership, as a general rule without actually defining the concept, the various enactments merely referring to the elements connoted by this term.

Thus, in Brazil 35/ land is deemed to fulfil its social function when, inter alia, satisfactory levels of productivity are maintained and at the same time the conservation of natural resources is assured. The public authorities are required to see that the land fulfils this function and to encourage plans for its rational use, to secure equitable returns and ensure that the working man shall share in the benefits of enhanced productivity and in promoting the wellbeing of the community at large.

In Spain 36/, one notes the explicit listing of obligations arising out of this social function of ownership of agricultural land. These are:

- (a) that the land shall be worked in accordance with technical and economic principles appropriate to the most suitable agricultural use, or shall be given over to other purposes without detriment to its rightful profitability for the individual, provided in all cases that the national interest is consulted;
- (b) that on property given over to farming, the necessary transformation or improvements shall be carried out with a view to securing the correct exploitation of natural resources consonant with the technical level obtaining there and provided that any capital outlay necessary for economic and social reforms are forthcoming.

For Panama 37/, privately owned land fulfils its social function when:

- (a) in the case of pastureland, is stocked with cattle or horses at a rate of not less than one animal per two hectares;
- (b) not less than two-thirds of the area is seeded and kept under a crop;
- (c) not less than two-thirds of the area is put down to woodland providing timber suitable for industrial processing; and



- (d) it is given over to urban development as provided by law.

Last in this selection, Venezuela 38/ deems privately-owned land to fulfil its social function when it meets the following conditions, among others:

- (a) that is it efficiently worked, with inputs applied effectively, taking into account both the area where the land is situated and the characteristics of the land itself;  
and
- (b) that the rules governing the conservation of renewable natural resources are observed.

In Costa Rica 39/ and, again, Venezuela 40/, individuals are entitled to notify the authorities of any land not fulfilling its social function.

## 5. Unworked land

A comparison of the various laws reveals a substantial convergence of approaches as regards the concept of unworked land, for all the differences in the terminology used. Common elements are the suitability of the land for farming, absolute failure to use it for that purpose, and the passage of time during which the land is left idle. In Gabon 41/ land is deemed to be unworked whenever, being located outside any urban area, it had not been put to use - cultivation in the case of cropland, and grazing in the case of pasture with a stocking rate of not less than one head of livestock (large animals) or five head (small animals) per five hectares.

The expression “uncultivated land” translates the descriptions contemplated by Italy 42/, Colombia 43/ and Costa Rica 44/; “abandoned land” that used by Italy 45/, Peru 46/ and Portugal 47/. The Philippines 48/, Guatemala 49/, Honduras 50/ and Mexico 51/ refer to “idle land”; while “unworked land holdings” and “latifundio” are the expressions used, respectively, in Ecuador 52/ and Brazil 53/.

Worth close attention is the case of Ecuador, where land is deemed to be “deficientemente explotada” when it fails to meet any of the following conditions: that at the date prescribed by the Act, not less than 80 per cent of the cultivated area shall be under economically efficient working, due account being taken of the geographic and ecological conditions and the availability of basic facilities in the area; that productivity levels at least equal to the average levels (set by the Ministry of Agriculture for the area in question) have been achieved, and that basic facilities have been provided such that the holding can be worked economically. “Unworked land holdings” are those that have not effectively been brought into production, and include land under unworked natural plant cover and barren plain land left unused in any way for more than two consecutive years. “Abandoned land”, i.e. abandoned by the owner, is land worked for more than two consecutive years by persons who have no labour contract with the owner.

In the case of Brazil, as adumbrated above, failure to work land in a manner consonant with the physical, economic and social potential of the surrounding country warrants the use of the term “latifundio” (in any case applicable to land held in excess of the maximum area permitted by law, as also to cases of insufficient use).

A similar situation is contemplated in Spain's 54/ “holdings clearly capable of improvement”. This description applies in any of the following cases:

- (a) holdings that have not been worked for two years at least, when these are suitable for farming;
- (b) holdings where manifestly incorrect use is made of inputs and resources available as a result of works provided or subsidized by the Government or other public agencies;
- (c) holdings over 50 ha in size if irrigated, and over 500 ha if rain-fed, or under forest working within the meaning of the Act relative to holdings clearly capable of improvement or of the

Compulsory Acquisition of Land Act, where it is necessary to intensify cropping or other forms of working, or in consideration of the national interest, in order to create additional employment opportunities compatible with the effective situation of their working.

Sweden 55/ refers to land “on which farming has been discontinued”, i.e., “where cultivated lands have not been cultivated or harvested or used as pasture for more than two consecutive years or if forests have been planted on those same lands”.

In The Agricultural Land Reform Code of the Philippines 56/, in addition to the concept of “idle lands” (meaning land not devoted directly to any crop or to any definite economic purpose for a least a year), one finds that of “abandoned lands” - an expression designating land which, having once been worked, has not been used by the proprietor for his own benefit for the past five years. A similar approach is met with in Peru, where, as well as “abandoned [i.e. unworked] land” 57/, one meets with “terrenos eriazos” - land left unworked for want of water (or excess of it), and other unproductive land 58/. In Ecuador, as was mentioned earlier, in addition to the expression “abandoned land”, that of “unworked land” is used to identify a holding where the person working it directly has no agricultural contract with the owner for that purpose. In Italy 59/ “unworked or abandoned land” is land of which no agricultural use has been made for at least two years. In Portugal 60/ “abandoned land” is that which, albeit capable of agricultural use, is left uncultivated or otherwise unworked without sufficient reason for at least three years.

## 6. Underworked land

Where land is considered to be underworked or insufficiently worked (or whatever synonym or near synonym is used), a comparison of the laws studied here reveals a variety of expressions to describe land which generally is characterized by a yield, or provides an income, below the average. The

criteria will sometimes be determined in advance by the authorities, at other times by reference to the production obtained in the same area or on the same holding in previous farming years. The definition otherwise will rely on the notion of failure to observe stated rules or requirements prescribed by law or on only partial exploitation of a useable agricultural acreage within the holding in question, whether or not in comparison with earlier production levels.

Under the expression “improperly used land” Portugal 61/ identifies land which, despite its having been under some form of working, does not achieve prescribed average production levels or fails to come up to the minimum levels possible with the practices customary in the region. Improperly worked land is also that which, for at least three years, has been characterized by an improper use of available inputs and resources or where there is a manifest failure to make use of available or potential forage supplies, or, again, where livestock is found in a frank state of undernutrition, without justification, due to inadequate working of that land. This same “improperly used land” is again 62/ defined as being land which is under the wrong crop or where incorrect cultivation practices are used, such that a substantial degradation of the soil ensues and, with it, a decline in productivity; or land under forest working where there is a notorious failure to observe the rules governing stocking rates, with the ensuing degradation.

Italy 63/ uses the expression “uncultivated, abandoned and insufficiently cultivated land”. The Act defines the latter in terms of the average yields obtainable, in the respective land tax districts, on land of the same cadastral characteristics as the land under examination, consideration also being given to the crops suitable for the district in question. Thus, land meeting this description will be land where ordinary average production per unit area over the last three years has failed to reach 40 percent of the production obtained with the same crop over the same period on similar land.

Poland 64/ uses the expression “farming with an insufficient level of production”, while the EEC 65/ refers to farms with development potential, and Spain 66/ to “holdings clearly capable of improvement”.

## 7. Efficiently worked land

As opposed to the legislative approach under which land that is unworked or underworked is the object of attention, a trend may be noted toward a preference for positive definitions whereby the law prescribes the requirements to be met in order that land shall not come under those other descriptions. Examples are to be found in Venezuela 67/ (efficiently worked holdings), Spain 68/ (exemplary and qualified farms) and Poland 69/ (the rational working of a holding).

Some of the elements taken into account in identifying good husbandry are: the proportion of the holding worked (two thirds in Tunisia 70/); improvements (Venezuela 71/); the use of the correct agricultural and managerial practices (Colombia 72/, Ecuador 73/, Honduras 74/ Spain 75/).

## 8. Mountain and hill areas

The EEC has a Council Directive 76/ dealing specifically with “mountain and hill farming and farming in less-favoured areas”. These are characterized by, respectively, very difficult climatic conditions because of altitude and an excessive degree of slope, and by low productivity of the environment and low or dwindling population, where this situation cannot be remedied except at excessive cost.

In some countries the “less favoured” concept follows an exclusively geographic criterion. Thus, in Peru 77/ the structure is designed to bring about integrated development of the Selva and Ceja de Selva regions. In other countries the criteria followed are those of productivity or agricultural characteristics, as seen in such terminology as “insufficiently worked

areas” or “inaccessible regions” as in Venezuela 78/, “depressed areas” (Spain 79/) and “areas that are difficult to farm due to topography” (Switzerland 80/).

## 9. Land tenure; land use

The laws governing these specific subject matters usually distinguish between the owner who personally works his land and the owner receiving rent from the actual farmer without sharing in any of the farming tasks. The former is variously termed “owner cultivator” (Philippines 81/, Sri Lanka 82/) or, simply “farmer” (Switzerland 83/). In the first country mentioned, he is deemed to work the land with the help of his family.

The EEC Directive 84/ on the modernization of farms introduces the concept of “farmers practising farming as their principal occupation”. To qualify for aid, the individual farmer must obtain at least 50 percent of his aggregate income from farming and devote less than half his time to non-farm activities. This criterion of the farmer being vocationally occupied in farming is taken up by Belgium 85/, France 86/ and Italy 87/.

Italy 88/ takes over the Community rules but uses a more restrictive concept of farming as main occupation, the individual now being required to devote at least two-thirds of his time to farming and to obtain at least two-thirds of his income from that source.

If an owner does not cultivate his land but receives rent in any form from the actual occupier he is referred to simply as “landowner” in Sri Lanka 89/ or “non-farming owner” in Algeria 90/. The Philippines 91/ introduce the notion of “personal cultivation” (which is compatible with that of “lessee”) and “owner-manager”, this last-mentioned describing the owner who provides capital and management in the farm enterprise. In Sri Lanka 92/, again, the “cultivator” is the person who “by himself, or by any member of his family”, carries out specified farming operations, and the “occupier” is the person entitled to the use and occupation of agricultural land. Algeria refers to “direct and personal working of a farm”.

Where wage-earners are concerned, the term is used in Spain 93/ in connection with “farming systems using paid labour”, while reference is made specifically to the person “collaborating in the family farm”. It is expected that the last-mentioned person will be a relative of the head of the enterprise, will have attained his majority or have been emancipated, and will have worked for at least two years in farming and practice farming as his principal occupation. The notion of farm collaborator is closely related with that of the “young farmer” with right of succession - to be arranged by means of agreements for the progressive incorporation in the management of the farm of young persons (under 35 years of age) who meet the conditions required for recognition as collaborator.

#### 10. Forms and types of husbandry

Switzerland's two Ordinances 94/ define areas put down to forage, or used for grazing, including summer grazing. Sri Lanka's 1979 Act defines “paddy lands”. The Philippine Act defines “accredited cultivation practices” as those which are generally accepted by usage or are officially recommended by the agricultural productivity commission for a given type of farm.

#### 11. Organization of agricultural activities

Brazil's Land Statute 97/ defines a farm as “that undertaking by any natural person or body corporate, whether under public or under private law, operating according to economic and rational principles any rural holding under economic yield conditions characteristic of the region where that holding is situated, and working not less than a minimum cultivable area of such holding as determined publicly and beforehand by the Executive”. Spain 98/ refers to the “family farm” as “an aggregate of assets and interests organized on entrepreneurial principles by the owner for the purposes of agricultural production, chiefly for the market, provided such farm otherwise meets the requirements prescribed by law”. Yugoslavia's

definition of a farm 99/ makes reference to “agricultural organization” in the sense of an organization of labour engaged in agricultural production.

Further definitions are to be found in the Peruvian legislation, thus: “land settlement” (asentamiento rural) means any “undertaking organized by persons engaging in the integral, and integrated, working of renewable natural resources by means of systems of production geared to achieving the maximum profit in social, economic and ecological terms, and to securing a correct use of the land in the area” 100/; while “expanding the frontiers of agriculture” is defined as “that activity comprising forest clearance and the preparation of forest land or sub-humid scrubland for crop or animal husbandry purposes, the provision of irrigation works on arid or semi-arid land and works for the drainage of excess water or the leaching of salt outcrops, as well as reforestation and any other activity conducive to enlarging the productive area of the national territory” 101/.

## 12. Incentives

Panama's Agrarian Code 102/ defines “agricultural credit” as being an incentive measure consisting of all operations that the banks and similar institutions provide for the benefit of farmers, whether individuals or farmers in association, in order for them to meet their operational expenses and any capital outlay needed for the efficient running of their crop or animal husbandry undertakings and of any works for integrated development purposes.

Peru 103/ has a specific reference to, and definition of, “integrated technical assistance”. This, basically, consists in the provision of guidance, advisory services, practical demonstrations and systems intended to help the farmer apply the knowledge passed on to him regarding, for example, improved farming practices, making the correct use of inputs, machinery, equipment and tools, the management of natural resources, together with agro-industrial processing, conducive to increased output and enhanced productivity in agriculture.



13. Marketing; agro-industry

Peru defines “marketing at the rural level” as comprising those actions, functions and services having to do with the collection, grading, simple processing for the market, packaging, storage and dealing in agricultural products carried on at the place or on the area of production 104/; while “agro-industry” is the activity consisting in the primary processing of agricultural products performed directly by the producer, or by another undertaking situated in the area of production and closely linked with the production process 105/.

14. Agricultural requisites; agricultural machinery

The Regulations under Ecuador's Agricultural Promotion and Development Act provide several definitions going into considerable detail in the following matters:

“Agricultural machinery”; machinery serving the following purposes: farm traction, soil preparation, packaging, transport other than self-propelled transport within the holding, cultivation, sowing, fertilizer application, ploughing, harvesting and the processing of plants, fruit, crops, and harvested and other agricultural products requiring processing prior to marketing, storage or preserving, and the necessary preparation of fodder and balanced feed for use within the holding 106/.

“Equipment”: “items needed for agricultural research and development, as in the case of laboratories for hydrological and meteorological control, for irrigation, water storage distribution and metering, and those for soil drainage; items needed for fumigation purposes, plant health control and environmental sanitation, the control of pests and diseases of plant and animals; electric fencing, silos and their accessories (sieves, sorters, driers, graders) for use within the holding; and items required for artificial insemination, incubation and rearing of insects and livestock, and for the feeding and care of herds and for sheep shearing and wool

conditioning, for the treatment of cotton and other items not implying industrial processes (understood as being those processes which substantially, physically and chemically, transform raw materials). The definition extends to ambulances, veterinary apparatus and instruments, equipment for refrigeration and freezing, for laying hens and the collection and sorting and packaging of eggs, fruit, and to any other instruments required for the operations described for the purposes of marketing agricultural products” 107/.

“Agricultural requisites”: “seed, fruits, grafts, seedlings, cuttings, shoots, rhizomes, tubers, bulbs and any other form of materials for the reproduction and upgrading of plant species, coverings or other protective items for nurseries and standing crops, natural and man-made fibres in general, breeding stock and other animals, together with medicines, vitamins, bacteria, provitamins, enzymes, fodder, feed, manure, fertilizers, insecticides, fungicides and other plant health products” 108/.

#### IV. INSTITUTIONAL ASPECTS

The government organ having competence in matters relating to agricultural production is usually a Ministry of Agriculture, whatever variant on that name (the most frequently encountered) is used in the respective countries. In Costa Rica and Ecuador one finds a Ministerio de Agricultura y Ganadería and in Venezuela a Ministerio de Agricultura y Cría, this twofold distinction being met with also in Kenya's Ministry of Agriculture and Animal Husbandry. Italy and Japan have a Ministry of Agriculture and Forests.

In other countries besides those mentioned, the name of the ministry extends to other, agriculture-related activities. Thus, in Algeria one notes a Ministère de l'Agriculture et de la Révolution agraire, and in Iraq two ministries, of Agriculture and of Land Reform and Cooperatives, while Morocco has a Ministère de l'Agriculture et de la Réforme agraire, and Senegal a Ministère du Développement rural.

Yet other countries assign competence to a secretariat of state or department, such as the Secretaría de Estado de Agricultura y Ganadería in Argentina, the Secretariat of State for Agriculture and Natural Resources in the Philippines, the Secretaría de Estado de Recursos Naturales and Secretaría de Estado de Agricultura y Recursos Hidráulicos in Honduras and Mexico, respectively.

Also to be met with are coordinating bodies whose membership consists of representatives of the public agencies and of the farmers or their organizations and those of other production or service sectors, with administrative or advisory terms of reference. Examples are Colombia's Consejo Social Agrario 109/, Honduras' Comité Nacional Agropecuario 110/, Algeria's Commission nationale de la Révolution agraire 111/ and Sri Lanka's Agrarian Services Committees 112/.

Other countries, again, have branches of the administration with competence limited to certain aspects of agricultural activities only. This is the case with Argentina (Comisión Nacional de Conservación del Suelo) 113/; with Spain (Comisión Interministerial de Ordenación del Territorio) 114/; with France (Conseil supérieur de l'aménagement foncier and the Commission municipale (or départemental) de l'aménagement du territoire) 115/; and with Portugal (Centro Nacional de Reconhecimento e Planeamento Agrario) 116/.

In Luxembourg 117/, there are the various commissions for processing the applications submitted for aid for the modernization of farms and for improving jointly held farm equipment.

Coming, next, to the question of soil conservation, one notes how few countries have specialized bodies, whether central or self-governing, in their administrative structure -- Argentina 118/ has the already mentioned Soil Conservation Commission, while Costa Rica 119/ has a Comisión Nacional para el Mejoramiento de la Fertilidad de los Suelos. In many other countries this matter is dealt with by agricultural organizations, particularly those having to do with land reform. Special mention may be

made of Yugoslavia's municipal assemblies, which have powers to prescribe rules for soil conservation and land reclamation and to follow up compliance with those rules 120/.

Also to be noted are the regional, provincial and local organizations vested under law with wide powers within their respective territorial jurisdictions (e.g. Italy 121/ - see below) and the self-governing national-level bodies such as the regional “delegations” of the Brazilian Agrarian Reform Institute 112/, and Colombia's Regional Development Corporations 123/.

Meriting special mention here is the Italian legislation on agricultural development agencies 124/. These are public law bodies set up by the respective Regional laws under the terms of a national Act. On them are represented the various professional, trade and trade union organizations that are most representative at the national level and in proportion to their effective representativity within the region concerned. They have responsibilities for securing improved use of the agricultural acreage and provide technical and advisory services in farming matters to recognized mountain communities, to local agencies where their responsibilities in the agricultural sector are involved, and to the farm operators themselves, whether individuals or those organized in associations.

In Senegal, agricultural policy is implemented through a system under which several villages may associate in “rural communities” for matters of common interest. These are self-governing bodies with corporate status and financial autonomy 125/.

In Kenya the Minister may by notice appoint land control boards in the respective areas for the purposes of enforcement of the Land Control Act. The membership of these committees is drawn from among officials and residents of the area in question 126/.

Where the EEC countries are concerned 127/, the Community institutions are vested with considerable, supranational powers of decision and management. The highest of these are the Council of Ministers and the

Commission, which operate, within their respective terms of reference, in concert with the agricultural authorities of the Member States.

## V. MEASURES HAVING TO DO WITH LAND USE AND LAND SUITABILITY

### 1. Soil quality and soil conservation

In several countries the rules governing these matters will be found in specific enactments (Argentina 128/, Poland 129/, Sweden 130/, Tunisia 131/, Venezuela 132/). However, in most legal systems such rules must be looked for at various points in the country's general agricultural legislation.

Thus, in Argentina 133/ the 1981 Act calls for the setting up, in the respective soil conservation districts once these have been declared, of conservation consortia. These are voluntary associations of local farmers. They are required to adopt land use and management practices with a view to maintaining the productive capacity of the soil and to refrain from doing anything that may cause or lead to an appreciable diminution in that capacity. Similar provisions are to be found in the Natural Resources and Environment Protection Code of Colombia 134/.

In Ecuador the Minister may order the adoption of special soil management practices designed to secure erosion control and may undertake educational campaigns to promote soil management and conservation 135/. This country's Agrarian Reform Act 136/, moreover, makes land subject to expropriation if, for example, it is worked in any manner at variance with the natural capability of the soil.

Under Peru's Túpac Amaru Plan 137/ provision was made for strengthening the normal measures by means of soil conservation and reclamation activities as part of the intensive plans for expanding the country's agricultural acreage.

Tunisia's 1977 Decree 138/ regulates state aid for water and soil conservation works. The aid may be granted to individual farmers, whether owners or tenants, and to their cooperatives in the form of subsidies, loans interest subsidies or compensatory payments. It is available only to those who undertake water and soil conservation works, who plant tree crops or instal plantations in order to make use of the land in keeping with its agricultural potentialities. Operations must be compatible with the purpose of such conservation works, which must be carried out in accordance with technical standards and with the specifications of the relevant plan once approved. The farmers themselves must undertake to maintain these conservation works and any plantations and crops put down on their land. The technical services and authorized agents of the ministry are to see that plans are complied with and that any necessary repairs to the facilities provided are carried out.

The fact of declaring a land conservation area in no way implies that conservation work cannot be attempted outside such areas - a point expressly dealt with in the Argentinian 1981 Act 139/.

Generally in the various enactments studied there is a marked tendency toward giving preference to the direct intervention of the state, or incentives for farmer participation, over any measures of dissuasion. Several countries have government or parastatal bodies for supplying technical services or assistance (Guatemala 140/, Mexico 141/, Peru 142/).

## 2. Land use

### 2.1 Land use planning

Peru 143/, France 144/, Poland 145/ and Switzerland 146/ have specific provisions on land use planning, while in some countries, special bodies have been set up for this purpose centrally or at the local level, as in France (Conseil supérieur de l'aménagement foncier and the Conseil municipal (or départemental) de l'aménagement du territoire), in Spain (Comisión

Interministerial de Ordenación del Territorio) and in Portugal (Centro Nacional de Reconhecimento e Planeamento Agrario) 147/.

Morocco has set up Regional Agricultural Development Boards in officially declared irrigation schemes and drainage areas, where rules are laid down as to how holdings shall be farmed - this in the light of what the soil is best suited for and of economic exigencies 148/.

Land use planning is in most cases looked upon as one approach to implementing national agrarian policy. In the legislation on this subject one is accustomed to finding a certain diversity in the terminology used in order to define the concept and the scope of land use planning, though the general sense is sufficiently similar. Brazil 149/ defines the object of land use planning as being, inter alia, to determine the potential of the land, and Mexico 150/ as “the assessment of productive areas”; in Peru 151/ it is “an adequate supply of food to the population, in the light of ecological and economic conditions and those of water availability”, and in Spain 151/ “the economic and social transformation of the area or district concerned”. The many and detailed provisions of France's Agricultural Orientation Act 153/ state the broad objectives of agricultural policy, among them that of promoting of agricultural development, raising the income and improving the living conditions of farmers, but also that of encouraging agricultural exports, participation in combating world hunger and achieving harmonious regional organization. Switzerland 154/ places emphasis on “the equilibrium between rural and urban areas” and, again, on “self-sufficiency in food supply”.

In order to put the aims of land use planning into practice, it is usual to establish areas where specified agricultural activities will be undertaken and special consideration will be given to the quality of the land and its suitability for such activities. In Algeria “zones d'exploitation” may be declared in irrigation areas, in unworked areas, on waste land and wherever the State is carrying out or intends to carry out works for the provision of basic facilities or land reclamation. These areas are placed under land use organization measures, which may include the consolidation or the division of holdings 155/.

Zoning is usually compulsory, though there is a trend toward its taking on more of the character of guidance, with the voluntary principle and incentives coming to the fore. The latter may take such forms as credit (Spain [156/](#), France [157/](#), Peru [158/](#), Venezuela [159/](#)); subsidies (Spain [163/](#), France [164/](#), Switzerland [165/](#)); technical assistance (Spain [166/](#), Dominican Republic [167/](#), Venezuela [168/](#)); special conditions governing the use of water and the soil (Venezuela [169/](#)); land adjudication to farmers (France [170/](#)), or the determination of the economic value of the land by the State for the purposes of commercial transactions (Brazil [171/](#)). In other countries besides those mentioned one notes national-level bodies vested with wide powers to take such measures as they consider necessary for these purposes (Italy [172/](#), Mexico [173/](#)).

## 2.2 Unworked and underworked land

Some countries have specific rules, of a greater or lesser degree of detail, governing unworked or underworked land. Costa Rica, Spain, Gabon, Guatemala, Honduras, Italy, Madagascar, Poland and Portugal are examples. In other countries the rules in question will be found in the various laws on agriculture, in particular those on land reform.

In Portugal [174/](#), for example, a decree-law specifies the minimum levels of use in the light of the type and the capability of the land. Abandonment, underuse, or misuse is a matter for declaration by the regional director of agriculture in the light of a technical assessment received from the appropriate regional service. Once the declaration has been made the farmer and the owner (if not one and the same person) will be convened to a hearing in order for him (or them) to justify the situation or to undertake to pursue sound farming practices. If the reasons given are disallowed the persons concerned will be required to submit a farming plan.

France's Rural Code [175/](#) provides for wide-ranging intervention in the agricultural sector, the interests of the landowner yielding to those of production. The chapter dealing with unworked land lays down that the owner or actual farmer may be warned to work it. If the person concerned fails to



do so or otherwise declines to comply with the injunction, another person applying to farm the land will be allowed to do so. The authorization given for this purpose implies, without any further formality being required, the constitution of a tenancy, which, again, will be annulled if the holding is not worked within a year.

Italy's Unworked, Abandoned and Underworked Land Act 176/ vests powers in the authorities of the Region to determine sectors of their territory where there are sizeable areas that have been abandoned yet are capable of use. The owners or persons holding any rights in respect of such land are required to submit a development plan, which must conform to the guidelines laid down by the respective regions. In the event of non-compliance, the land may be assigned to persons applying to use it, preference being accorded to cooperatives, family farm undertakings and young farmers. The juridical relationship thus coming into being between the person assigned the land and the owner of it will be governed by the Rural Leases Act.

The formula of authorization to work land (as in the case of France) and that of allocating the land (as in the case of Italy) represent an instrument whereby the use of the land can be encouraged without it being necessary to deprive the owner of the option of working it himself or of agreeing that others shall do so under lease.

The principles most frequently underlying the introduction of rules in this matter are those of “the social function of property” (Costa Rica 177/, Ecuador 177/, Honduras 179/, Panama 180/, Portugal 181/, Venezuela 182/); “the general, public or social interest” (Belgium 183/, Mexico, Peru 184/, Switzerland 185/); “the appropriate and economic use of land (Brazil 186/, Poland 187/); and “public needs or the needs of the national community” (Spain 188/), and in Italy 189/ that of compatibility with “social utility”.

Failure to work a holding, or to work it adequately, will, in many of the laws studied, constitute grounds for expropriation, reversion, nationalization, limitation on ownership or transfer to the State - whichever expression is used in the respective countries (Algeria 190/).

Brazil 191/, Colombia 192/, Costa Rica 193/, Ecuador 194/, France 195/, Guatemala 196/, Madagascar 197/, Mexico 198/, Panama 199/, Peru 200/, Venezuela 201/). In Spain 202/ expropriation (see p.28 for this term) may proceed, for the same reasons, at the request of the owner. In Poland 203/ unworked or insufficiently worked holdings are liable to compulsory sale by public auction as ordered by the municipal assembly. In Gabon 204/, if the tax owed on unworked land is as much as two years in arrears (except when litigation is pending), the land in question may be taken over into the State domain.

Land expropriated under the conditions described is usually adjudicated to farmers who satisfy certain statutory requirements. The various laws lay down the obligations with which the beneficiaries must comply, and among these will be that of working the land in accordance with the land reform or land use plans. It is also usual for time limits to be specified within which these beneficiaries must be cultivating the entire area of the land they have received (Ecuador 205/, Spain 206/, Panama 207/).

Forfeiture or the lapsing of use rights over land for causes contemplated in the law (which may also be seen as a form of expropriation) are provided for in Panama 208/, Peru 209/ and Venezuela 211/.

An additional penalty usually met with in the laws studied is the suspension of use rights (ownership rights remaining unaffected) and compulsory lease to the State, as in Spain 212/, or compulsory lease to interested private persons, in the case of France 213/, Italy 214/ and Mexico 215/. In Switzerland 216/ unworked or underworked land may be made over, without compensation for the owner, to persons prepared to farm or maintain it.

In certain cases expropriation or suspension of rights in respect of improperly used land may be preceded by measures allowing the owner or tenant a chance to mend his ways and improve his productivity. Such measures consist in the establishing of farming plans or the granting of authorizations to farm (Spain 217/, France 218/, Guatemala 219/, Italy 220/,

Mexico 221/, Sweden 220/) or in placing the owner-cultivator or occupier under supervision for a stated period (Sri Lanka 223/).

Other countries, again, levy special taxes or increase the normal ones (Costa Rica 224/, Guatemala 225/, Venezuela 226/) or require the return of any subsidies granted (Belgium 227/).

To complete this review, reference should be made to Spain's Act on Holdings Clearly Capable of Improvement 228/, which puts the finishing touches to that country's Land Reform and Development Act. Under it, owners and others having an interest in the holdings in question are required to submit a farming and improvement plan. If no plan is submitted, or if it is rejected, the authorities will themselves draw up such a plan under which the holding is declared as being "clearly capable of improvement" - this being an official description implying recognition of the social function of property and constituting grounds for "expropiación" - here taken to mean depriving the farmer of his use rights by the compulsory leasing of the land to the authorities for twelve months. If the owner so requests, this expropriation can take the form of withdrawing his ownership rights, too, in which case the holding taken over can be adjudicated under ownership, lease or sub-lease terms, in which case, again, it will be subject to mandatory farming and improvement plans. The institution of the compulsory lease, with the possibility that it offers of improving the land, can operate as a basic instrument for the reform of agrarian structures.

### 2.3 Less-favoured areas

With the exception of the European Economic Community's Council Directive No. 75/268/EEC on mountain and hill farming and farming in less-favoured areas, and its implementation in Member States, there is little legislation, and certainly little in the way of detailed provisions, on this subject. That being so, the EEC Directive takes on considerable interest for the purposes of the present study.

Within the meaning of the Directive “less-favoured areas” are characterized by a considerable limitation of the possibilities for using the land and by an appreciable increase in the costs of working it. They are homogeneous tracts of country from the standpoint of natural production conditions, the presence of infertile land largely unsuitable for cultivation or intensified working, with a limited potential that cannot be increased save at excessive cost but mainly suitable for extensive livestock grazing. Given their below-average productivity, they are at a disadvantage when judged in relation to the main economic indices characterizing the economic situation in agriculture. Again, their low or dwindling population is predominantly dependent on farming. These areas may sometimes include smaller areas burdened by specific handicaps where it is nevertheless desirable to maintain farming activities in being. The total extent of areas qualifying as less-favoured in any Member State may not exceed a set percentage.

The means of offsetting the disadvantages and the problems characterizing these areas are credit, technical assistance, the supply of farm and forestry machinery and research, and also improvement works the cost of which will be borne by the State.

#### 2.4 Irrigation

The specific provisions of water or irrigation laws, whether they deal with the use made of water in general or with the use that may be made of it on agricultural land in particular, are sometimes supplemented, yet without any conflict arising, by statutory rules on irrigation that are contained within the broader scope of agrarian legislation. Where this is so, rules on the agricultural use of water are frequently prescribed with the express purpose of their serving as instruments of policy designed to secure minimum levels of productivity.

Several laws accordingly provide that the State, either directly or acting through some self-governing agency, takes upon itself the task of designing, constructing and maintaining primary irrigation and drainage

works - obviously with a view to raising the productive capacity of the land in question. This can concern the entire national territory (as in Spain 229/, Dominican Republic 230/, Guatemala 231/) or a limited area or areas. Tunisia has set up an authority under the agrarian reform system, reporting to the Minister, for public irrigation “perimeters”, which are so declared for the purposes of implementing the land reform and carrying through any project geared to reorganizing land use there.

Credit and technical assistance in favour of farmers for carrying out secondary irrigation projects (Guatemala 233/) represent two kinds of incentives adopted for the purposes here described. Again, Peru 234/ encourages farmers to associate in order to constitute “funds” designed to secure increased production, whether or not by means of activities involving irrigation. The EEC provides financial aid to its Member States for the installation of farm irrigation works 235/.

In Venezuela under the terms of the Agrarian Reform Act 236/, the right to use water is subject to restrictions and other rules laid down by the Act itself and other enactments.

The laws of Morocco 237/ and Portugal 238/ also lay down that farmers enjoying the benefits of state-provided irrigation and drainage facilities must work their holdings efficiently.

### 3. Land tenure

#### 3.1 Size of holdings; concentration of holdings

In France and Japan these matters are among the cardinal considerations of agrarian policy. The official bodies operating in the agricultural sector of these two countries are required to direct their efforts to ensuring that holdings shall be suitably dimensioned - in the sense, basically, of being conducive to productivity.

Most of the provisions on this subject in the legislation studied contemplate similar measures to this end, namely voluntary exchanges - with government incentives for these - and aid in the form of credit for small farmers to enable them to purchase land voluntarily released by the owners or land expropriated for subsequent redistribution as in Spain 239/, Guatemala 240/ and Costa Rica 241/.

Some laws also stress the need for the active participation of the farmers affected by the land consolidation process (Yugoslavia 242/). The operations entailed in consolidation of holdings are usually declared to be in the public interest, so that, if the persons concerned do not come forward, the authorities will intervene.

The Spanish 1973 Decree 243/ provides for the grouping of land by land classes, in the light of their productivity and the type of farming carried on and, also, for the imposition of a farming plan pending completion of the consolidation process. The purpose is to adjudicate to the individual owner a “rounded-off” property, or the least numerous possible replacement parcels, a land area of the same use class and same value as that assigned to the parcels that were his at the start.

The Japanese law 244/ has in view a rational system of land tenure and the modernization of farms. The general approach is to secure an improved agrarian structure in terms of larger farm sizes, to be achieved through the concentration of holdings and the introduction of livestock and mechanized farming where these did not obtain before - all making for an improved agrarian structure.

France's Rural Code 245/ contains specific provisions on land use and links land use planning to the need to bring back into use abandoned land or land left uncultivated for more than three years. Like the Spanish decree just cited, the Code lays down that consolidation holdings must aim at obtaining holdings as far as possible with rounded-off shape or at least in well-grouped, larger-sized parcels.

Switzerland's Federal Act 246/ provides that the authorities when delimiting agricultural land must keep in mind the desideratum of rational production.

Again, Belgium 247/ has its land consolidation areas, where farmers are eligible for aid toward interest payments on loans needed to bring their holdings up to the desired size.

The EEC 248/ provides for the payment of an indemnity to farmers withdrawing from farming on account of age, in such a way that other farmers who have been working holdings of limited area can acquire the land thus made available. Belgium, France, Italy and Luxembourg have brought in legislation implementing these Community provisions.

### 3.2 Tenancies

Few of the enactments studied contain provisions designed to promote productivity specifically through the abolition or the regulation of forms of tenancy considered as being a disincentive to good farming. Where such provisions are nevertheless to be found, the approach is highly cautious, and most of the rules in question are directed toward creating obligations - for landlords and for their tenants - whereby productivity shall be maintained and even improved (Brazil 249/, Philippines 250/, Italy 251/, Sri Lanka 252/).

In certain basic legislative texts, including the Constitution in one or two cases, there are to be found declaratory principles on this subject. Thus, the Basic Principles introductory to Ecuador's 253/ Land Reform Act of 1978 refer, inter alia, to the need to deal with the matter of land ownership. A similar Act of Peru 254/ declares that the persistence of antisocial or feudal forms of working the land is contrary to the social interest. One of the objects pursued by Iraq's agrarian laws is to abolish tenant farming. In Panama 255/ in the Act creating the Ministry of Agricultural Development one reads that it is the function of that Ministry to modify any agrarian structure constituting an obstacle to production or to the improvement of the living conditions of the rural population, and to

establish procedures guaranteeing on a permanent basis the most productive use of the land”; while in Venezuela’s 1960 Agrarian Reform Act 256/ “indirect systems of land use such as tenancies, including share tenancies and similar forms, are deemed to be contrary to the principle of the social function of ownership”.

Coming, next, to the matter of tenancy contracts, one notes that the lease is usually taken as the typical form of these, as in the case of Sri Lanka 257/, where the Act prescribes for tenancies of paddy lands. The description of the lands in question refers to land cultivated to paddy or previously cultivated and still suitable for that purpose, and includes adjoining areas and appurtenances for the cultivator’s threshing floor and his dwelling. Paddy lands, furthermore, must be cultivated to rice or, during the season when rice is not grown, to other food crops, forage or other crops authorized by the appropriate government agency. The Act offers the tenant cultivator and his heirs security of tenure with particular reference to security from eviction. The maximum amount of land that may be cultivated by an owner-cultivator is five acres; and the amount of rent to be paid by the tenant may be determined (in kind, even) by the Commissioner of Agrarian Services, and may be reduced by that officer in the event of partial failure of the crop not attributable to any fault or neglect on the part of that tenant.

In contrast with the foregoing is the abolition of rent contracts in the land reform laws, especially of the Latin-American countries, where the trend is toward the elimination of any “indirect”, or non-owner, farming. This is the case in Ecuador 258/, Peru 259/ and Venezuela 260/, though in the last-mentioned country tenant farming is tolerated but only when the area to be let is the portion in excess of the “minimum indispensable” for maintaining a family.

Farmers with no land of their own are accorded facilities making possible their access to the ownership of land in Spain, Italy and Luxembourg. In the Philippines, cooperatives receive incentives for this purpose.



## VI. MEASURES AFFECTING AGRICULTURAL ACTIVITIES

### 1. Programmes and forms of agricultural activity

The laws of some of the countries studied here contain generic statements as to the form in which farming activities must be pursued.

In Colombia 261/ land must lend itself to the most productive form of working, and in Ecuador 262/ farms must be operated in a manner consonant with “the natural vocation” of the land. In Honduras the State affords special encouragement “for the cultivation of those items that are conducive to improved nutrition”, and to “promote diversification in agriculture”. Venezuela 263/ lays down that “private property must fulfil its social function... with an efficient application of the factors of production to the land, in keeping with the area in question, and with its specific characteristics”.

A similar provision to that just cited is to be found in the Spanish 1973 Decree 264/, to the effect that the social function of the land is fulfilled when it is worked in the light of the relevant technical and economic criteria and the most appropriate use. The agricultural policy of Luxembourg calls for the promotion of such crops as are best suited to the potentialities of the respective regions of the country.

In several countries one finds measures applied in specific sectors or geographic areas - irrigation and drainage schemes in Morocco 266/, and the Selva and Ceja de Selva regions in Peru 267/. In others again, incentives are available for specific farming activities, such as stock raising in Venezuela 268/ and rice growing in Sri Lanka 269/. The last-mentioned country, furthermore, lays down in the Act that it is the duty of every owner-cultivator or occupier of any agricultural land to cultivate it with such crops or rear such breeds of livestock there as are best suited for the land, having regard to the extent of the land and its situation and natural resources, with a view to improving productivity (270/) and maintaining efficient standards of production (which the Act goes on to enumerate 271/).

In Belgium, Colombia, Honduras, Luxembourg, Poland, Portugal, Sweden and Yugoslavia any farmer applying for loans or other benefits provided under law is required to submit a working and development plan. In Gabon and Guatemala this obligation is incumbent on owners and occupiers of land considered as unworked or underworked. In Algeria anyone who has been adjudicated property under the agrarian revolution, especially if his holding is situated in a development area, must comply with cultivation plans, which must themselves be drawn up in conformity with similar plans at the national and regional levels.

In Ecuador, Morocco, Spain and Yugoslavia the appropriate authority prescribes technical standards and cultivation methods for specified holdings while in Senegal and Tunisia this function may be performed by cooperatives and similar associations.

Other measures which, one way or a other, may influence this kind of farming are supervised credit (Peru 272/, Tunisia 273/); the provision of information and technical matters on crops (Dominican Republic 274/); tax rebates for specified activities (Venezuela 275/); extension services (Ecuador 276/), and subsidies (Sweden 277/, Switzerland 278/).

In its Council Directive No. 72/159/EEC on the modernization of farms the European Community provides for a selective system of aid to stimulate investment in farms which have a development potential. In order to qualify for benefits, the farmer is required to submit an application together with a development plan upon completion of which the holding it is proposed to modernize will be capable of yielding, in respect of one or more man-work units, an income comparable to that obtainable from non-farming activities in the region.

The same Directive provides that Member States may establish the minimum number of man-work units taking into account the type of production and the working conditions associated with it, an adequate return on the capital invested in the farm and the modernization target as governed by the development plan. Member States may also set a percentage (which should

not normally exceed 20 percent) of the work-derived income to be achieved upon completion of the plan, for a number of hours worked per year not exceeding 2 300. Plan implementation may not be protracted beyond nine years, though Member States may provide for a longer period in certain regions.

Again, among the Member States that have introduced their own laws in accordance with the aims of this Directive, France 279/ empowers the Minister for Agriculture to prescribe by Order a higher minimum number of man-work units for specified systems of production, or a maximum number, and a plan may be made to run for up to eight years. In each of that country's territorial departments a determination will be made of the earnings to be obtained per man-work unit by the time the plan in question is completed.

## 2. Organization of farming activities

Among the several possible ways of organizing farming activities, pride of place is given in the laws studied here to the cooperative formula, in particular that of the production cooperatives. These associations are placed on the same footing, where rights are concerned, with the individual farmer (Portugal, Dominican Republic 280/). They are given encouragement with the special aim of reducing production costs (Panama 281/, Philippines). They are structured in such a way as to permit the optimum use of agricultural equipment (Belgium, Luxembourg) or enhancing entrepreneurial skills (Switzerland) or rationalizing the marketing of farm produce (Japan) or, again, to follow-on from the country's political orientation (Poland, Yugoslavia). In Tunisia, any farmer who has received a state subsidy is required to join a cooperative, and in Algeria this requirement extends to all who have been adjudicated land under the agrarian revolution.

Japan 282/, Spain 283/, France 284/, Italy 285/, Luxembourg and Panama 286/ provide incentives for organizing activities along the lines of family or jointly-worked farms, as a concomitant to land use planning and

the consolidation of holdings. In the country first-mentioned the Government's undertakings are to be found not only in the economic development that it seeks to encourage but also in the adoption of measures necessary for transforming as many family farms as possible into economically viable units.

In Spain the Family Farms and Young Farmers' Statute introduces a system of benefits and aids for those operating a family holding and intend to modernize it in conformity with a plan, which in its turn it must be aligned with the national agrarian policy following consultation with the chambers of agriculture and the farmers' or other interested associations. The rules embodied in the Statute closely resemble those of the EEC Directive, the aim being to assure the integrity and continuity of the family farm, which is to be organized on entrepreneurial lines for market-oriented production.

Italy's Act implementing this EEC Directive on the modernization of farms singles out the family farm, whether individually worked or worked in association, as beneficiary of the aid designed to promote this modernization and the other component elements of improved agricultural structures. The type of farm envisaged has an important role in the agricultural policy of the European Economic Community. Even where forms of association are recognized as being necessary in order to arrive at the required farm size, the farming family is still looked upon as an essential factor in the enterprise.

In the legislation of other countries, provision will be made for specific forms or organization, whether on the basis of population groups such as Senegal's rural communities, or on that of land adjudicated under reform laws, as with Mexico's ejidos 287/, or of financial grants to farms (cf. the "funds" instituted under Peru's Decree-Law 288/) or, again, by relying on existing forms covered by the general law of a country as in the case of Poland's socialist economic units 289/ or Yugoslavia's labour organizations 290/.

The functions provided by these organizations range from the simple uniting of effort for farming tasks to services and marketing, and to the establishing of technical and cultivation standards and conservation measures (Senegal 291/). In other cases these functions are relied on to promote agricultural extension, research and training (Peru 292/) or to provide supervised credit geared to productivity (Philippines 293/, Mexico 294/, Panama 295/). At the present time incentives are provided in Algeria 296/ for a very wide range of cooperatives and pre-cooperatives, including those where membership is obligatory. The purpose of these pre-cooperative groupings concerned with agricultural development is to secure the working of abandoned and underworked land or, again, land calling for reclamation tasks that are beyond the capacities of the individuals adjudicated land under the agrarian revolution 297/.

These instruments designed to stimulate productivity contain provisions for training and extension for individual farmers and their cooperative associations - thus Italy's 1975 Act 298/ and Venezuela's Agrarian Reform Act 299/, the former also demanding technical capacity as a condition of eligibility for the special aid available for the modernization of farms.

### 3. Measures for the promotion of agriculture

#### 3.1 Credit

Agricultural credit is widely resorted to promote productivity. Sometimes it is granted through a country's banking system, subject to special conditions (Costa Rica 300/, France 301/, Sweden 302/), while at others a special agency will be set up for this purpose (Guatemala 303/, Iraq, Mexico 304/ and Peru 305/).

Generally speaking, those entitled to obtain agricultural credit will be the farmers, in the widest connotation of that term, i.e., individuals or bodies corporate engaging in agriculture (Honduras 306/, Dominican Republic 307/), cooperatives, landowners and tenants, including sharecroppers

(Tunisia [308/](#)), owners cooperatives and other associations (Philippines, Sweden). Even so, the laws of several countries accord privileges to specified categories - farmers in organization (France); recognized small farmers (Italy), Mexico's ejidos or beneficiaries under the land allocation provisions of Algeria's agricultural revolution. Completing this survey are countries where agricultural credit is reserved to specified associations - the so-called rural communities in Senegal and farmers joining consortia in Argentina [309/](#), in the latter case for credit linked with soil conservation and reclamation.

The purpose assigned to credit varies from country to country within the broad context of incentives to productivity, whether it be for farm improvement (Honduras [310/](#), Italy [311/](#), Sweden [312/](#), Tunisia [313/](#)); as incentives for less-favoured areas (Peru [314/](#)), for soil conservation and reclamation (Argentina [315/](#), Brazil, Italy, Peru, Sweden, Tunisia); for the purchase of agricultural equipment and other requisites (Algeria, Italy, Senegal, Sweden); for access to ownership of the land (Italy, Philippines, Sweden); for land improvement and the carrying through of special plans for underworked land (Spain [316/](#), France [317/](#), Italy [318/](#), Kenya, Sweden, Venezuela [319/](#)); or for family maintenance during the installation period (Algeria).

Credit allowed to farmers in order for them to instal secondary irrigation works (Algeria, Tunisia), and technical assistance for the farmer for the development of irrigation plans (Guatemala), are two examples to be found in the laws examined in this study. Peru [320/](#) has promoted farmers' associations for the constitution of "funds" where higher output is the aim pursued. The EEC assigns aid to Member States for the provision of irrigation systems in agriculture.

The basic conditions on which agricultural credit is granted are to be found mostly in the general rules of law governing the credit system as such, though in some cases one may note that these conditions are referred to as "special" - in that they affect interest rates, amounts granted and conditions for eligibility. Credit is usually made available for a medium

or long term, but for a short term only exceptionally (e.g. in Sweden, for the purchase of machinery and requisites).

In Costa Rica 321/ if a farmer in a given year exceeds the average level of productivity set by the lending institution he will be entitled to receive up to 25 percent additional credit the following year.

By its Council Directive 72/159/EEC 322/ the Community introduced an incentive system for the modernization of farms. Under it credit is made available to farmers submitting approved development plans. Among other components, the system offers interest rate subsidies in the case of loans needed for carrying out such plans, security on the loans taken out and on the interest where the farmer cannot offer sufficient personal or property collateral. The maximum interest rate subsidy is set at five percent, while the beneficiary must bear not less than three percent. The term of a loan may be as much as 15 years, though Member States may extend this to 20 years where land transactions are involved, and to set it at ten years for other capital outlay requirements. There is also a special system of financial aid for defraying the costs of irrigation operations and for the consolidation of holdings.

It is for the Member States to prescribe rules for the implementation of this Directive. In some cases, in addition to the EEC aid, countries provide national aid. Thus, in Belgium the farmer or horticulturist may claim a subsidy if his land lies within a consolidation area. In Italy a “structural contribution premium” is available for persons renting out their land for not less than 15 years or selling that land or leasing it to beneficiaries of the measures here described, where such beneficiaries are likely to achieve a higher level of productivity with the extra land thus coming into their possession.

The special system of aid instituted by the Community Directive for hill and mountain farming and farming in less-favoured areas 323/ consists in the granting of aid designed to offset permanent natural handicaps, aid for joint investment and national aid designed to ensure the continuity of

the holding. Pursuant to the Directive, Belgium 324/ and Italy 325/ have in their turn introduced a scheme of annual compensation for farmers in less-favoured areas cultivating at least three hectares of land and undertaking to continue doing so for five years. The actual amount of the compensation is determined by these countries with reference to conditions in the region concerned.

### 3.2 Taxation

Several countries have introduced a tax specific to unworked or underworked land. This will be calculated according to unit area (the hectare in Gabon) or the economic value of the land (Costa Rica 326/) or a combination of these and perhaps other factors, according to a statutory scale (Guatemala 327/, Honduras 328/, Panama 329/, Venezuela). In cases of underuse of land, some countries such as Brazil 330/ prescribe an increase in the taxes ordinarily payable.

In Tunisia 331/ owners of land lying within a public irrigation scheme are required to contribute to defraying the capital outlay made by the Government; and they must, in addition, work any other land that is suitable for cultivation in line with the constant and regular practices of irrigated farming. Here the owner will be allowed two years in which to put in hand the necessary operations. If he fails to do so, an annual tax will be payable on the holding.

Sri Lanka 332/ levies betterment charges on land in “betterment areas”, where the value of land has increased as a result of certain development projects financed in whole or in part by the State.

Abatements on ordinary tax are allowed to farmers achieving a higher level of productivity in the laws of Brazil 333/ and Venezuela 334/. Argentina 335/ makes provision for farmers laying out capital for soil conservation and reclamation, Peru 336/ for the reinvesting of profits, and Sri Lanka 337/ for cases of loss of harvest due to weather or disease of a related kind are the measures introduced by the Act of the Dominican



Republic 338/ on tax relief for the purchase of agricultural requisites. Algeria allows a five-year tax exemption for those adjudicated land under the agrarian revolution.

A somewhat special case in this connection is Senegal, where part of the proceeds of agricultural taxes goes toward financing that country's "rural communities".

A system of tax relief and exemption has been introduced in Argentina 340/ in favour of landowners, tenants, sharecroppers, usufructuaries and others in possession of poorly productive land. Intending beneficiaries are required to furnish an investment plan, together with a descriptive report each year on the work carried out until completion of the plan. Similar provisions are to be found in the laws of Honduras 341/ and the Dominican Republic.

Another type of incentive is to be seen in measures designed to encourage the most efficient use of land. Such measures may take the form of progressive or degressive rates of tax (e.g. in Brazil 342/) or the imposition of a tax on land that is unworked but could be brought into production (France 343/).

Typical of Latin-American countries is the tendency on their agrarian reform, and agricultural development laws in general, to create a progressive tax on idle and unworked land (cf. Costa Rica 344/, Guatemala 345/, Honduras 346/, Panama 347/ and Venezuela 348/). In some cases the tax applies only on land in excess of a specified number of hectares (Costa Rica, Guatemala, Honduras). If an owner rents out his land or makes it available to the authorities for the creation of holdings no tax will be payable on such land (Guatemala, Honduras).

### 3.3 Subsidies; indemnities

Peru 349/ and Venezuela 350/ make provision for bonus payments to farmers achieving a significant increase in the productivity of their land as compared with the average for the region. In the latter country, if the

farmer holds agrarian reform land under purchase arrangements, the bonus will consist in a discount on the payments outstanding.

Subsidies, bonuses and similar benefits may be obtained in connection with the following: capital outlay made with a view to improving productivity (Spain [351/](#), France [352/](#), Mexico [353/](#)); installing soil and water conservation works (Argentina [354/](#), Spain [355/](#)); support activities for land use planning and consolidation operations (Spain [356/](#)); specified crops (Italy [358/](#), Switzerland [359/](#)); promoting the mechanization of agriculture (Italy [360/](#), Tunisia [361/](#)); and aid for the installation of young farmers on the land (Spain [362/](#)), and for those adjudicated land (Algeria, Tunisia).

Pursuant to the EEC Council Directives, France [363/](#) and Italy [364/](#) pay indemnities to aged farmers withdrawing from agriculture. The incentives created within the framework, of the Directives mentioned consist in an annual allowance or a premium in amounts to be determined by the Member State.

These benefits may be claimed by wage-earners and persons working on a permanent basis in the farm family when they, too, cease farming on account of age and undertake not to continue on the farm. The land thus made available by the persons accepting the scheme must be rented out for not less than twelve years, or sold or leased to farmers who are beneficiaries under one or other promotional measure according to the Directives on the modernization of farms [365/](#).

Belgium [366/](#) had already (i.e., before the EEC Directive on the cessation of farming was issued) promulgated an Order granting benefits to those relinquishing farming and thus making way for the restructuring of agriculture. France [367/](#), again prior to the appearance of the Community Directive, provided incentives for the cessation of farming and thus reallocation of their land, which can then be used for structural improvement purposes.

To complete the foregoing recital, one may note that in Poland 368/ special benefits are granted to any farmer relinquishing his land to the State; and there is the further arrangement in other countries - thus Belgium 369/, France 370/, Italy 371/, Luxembourg 372/, Sweden 373/ and Switzerland 374/ - whereby farmers established in less-favoured areas are eligible for an annual subsidy.

### 3.4 Technical assistance; extension services; education

Generally speaking, technical assistance comes as yet another formula contemplated in the laws studied here to promote productivity - thus in Brazil, Guatemala 375/, Panama 376/, Peru 377/, Dominican Republic 378/ and Venezuela 379/. The laws of other countries, again, make specific provision for technical assistance in connection with soil and water conservation schemes (Argentina 380/) or with irrigation works (Guatemala, Morocco), encouragement for the growing of certain crops (Colombia 381/) and the settling of beneficiaries under land reform allotment schemes (Colombia), the use of agricultural credit (Costa Rica 382/), with the system of cultivation geared to improving productivity or to securing the protection of natural resources (Venezuela 383/) and the modernization of agriculture (Spain). In France any extraordinary aid may be granted, among other things to cover the costs of technical assistance for certain farmers that encounter serious production difficulties.

Education and training receive special attention from the legislator in Spain 384/, Italy 385/, Japan 386/, Dominican Republic 387/ and Venezuela 388/, while in the Philippines the focus is on agricultural extension services 389/.

In Mexico a specialized State agency undertakes agricultural and ecological studies for the benefit of farmers, the main concern, again, being improved productivity.

#### 4. Marketing; agro-industry

Despite the importance of marketing and agro-industry, few of the laws studied prescribe explicitly for these aspects when creating incentives for agricultural production. It is sometimes laid down that the appropriate authorities are required to determine prices for agricultural products in order to achieve a degree of stability that will encourage production. In Japan 390, if imports cause a substantial fall in the prices of competing farm products, with the potential harm that this implies for home production, the State is required to adjust customs tariffs and restrict the imports in question. The laws of other countries have provisions concerning marketing in the generic sense of the term.

In Algeria and Panama marketing is singled out as one of the objectives of agricultural policy.

#### 5. Agricultural inputs

As a general rule, the laws governing agricultural inputs deal with these together with supervised credit. Specialized bodies for supplying seed, fertilizers, amendments and pesticides and for providing the associated technical assistance have been set up in one or two countries only. In this connection, one finds farmers' cooperatives and other centralized organizations in Guatemala and Mexico; and Peru has a specific law concerning seed.

#### 6. Mechanization of agriculture

A similar process to that observable in the case of inputs has gone forward in connection with farm mechanization. The laws studied generally provide for supervised credit for the purchase of machinery and equipment. In some cases, there are centralized or self-governing agencies that provide aid for the purchase or maintenance of such equipment or equipment services (Guatemala, Peru). In Mexico small-scale farmers may enter into association with parastatal agencies for these purchases.

## VII. OFFENCES; PENALTIES AND RELATED MEASURES

Most of the enactments studied here lack a special chapter on offences and penalties. However, there are several provisions requiring that land be used - and used profitably - in the sense that penalties or other coercive expedients are created for contravention of, or failure to comply with, the rules created in this connection.

Generally speaking, the following are deemed to be offences: abandonment of cultivation (Algeria, Brazil, Costa Rica, France, Madagascar, Panama, Philippines, Venezuela); failure to comply with the obligation of cultivating the land (Ecuador, Poland); failure to work the land in accordance with the rules governing cultivation (Guatemala, Italy, Yugoslavia); failure to respect the social function of property (Ecuador, Panama, Venezuela); failure to comply with the obligation of making the land produce or of enhancing its productivity (Argentina, Colombia); and failure to comply with plans for land improvement or reclamation or failure to improve idle land (Spain, Guatemala, Mexico, Sweden).

The foregoing omissions render the offender liable, according to the gravity of the offence, to penalties which may include imprisonment, the compulsory sale or expropriation of his land, the forfeiture of any land adjudicated to him under ownership or tenancy terms, repayment of any loans he has received, and fines. In addition to other penalties, prison sentences may be imposed under the laws of, for example, Algeria and Sri Lanka 391/. In the latter country any person who damages irrigation works or interferes with another's rights of cultivation is punishable. Other penalties include forfeiture of use rights for beneficiaries of land adjudications under land redistribution programmes (Venezuela 392/) or expropriation (Yugoslavia) in cases of failure to comply with the relevant rules or of doing any act compromising the fertility of the soil.

Again, in cases of failure to return sworn statements as to land not worked or otherwise left idle, the offence is punishable by an increase in the taxes ordinarily payable on such land in Gabon 393/ and Honduras 394/ while Costa Rica has a similar penalty for false statements made in this connection.

In Spain 395/ failure to submit farming and improvement plans in the case of holdings clearly capable of improvement is punishable by the compulsory letting of the land or an automatic foreclosure of the lease or sublease.

Under Peru's Land Reform Act 396/, all attempted actions against agricultural production (non-performance of cultivation tasks or delay in harvesting, or selling the crop and thus causing it to spoil, or setting fire to or otherwise damaging installations or standing crops), thereby frustrating the purposes of land reform, may incur penalties applicable to acts of sabotage which come within the purview of military law. Land on which acts deemed to be sabotage are committed will be placed under cooperative working and the payment of the relevant compensation will be suspended until the criminal proceedings are concluded.

Some enactments punish offences committed by officials or employees in the performance of their land use law enforcement duties. Thus, in Honduras 397/ any official or employee divulging or making unlawful use of information obtained for the purposes of the Agricultural Development Act, or using extortion for his own gain on persons engaging in agricultural activities, will be dismissed his post, irrespective of any criminal sanctions otherwise applicable in his case. In Mexico, employees and officials failing to report, as they are required to do, any idle land are liable to a fine.

Argentina's Soil Conservation Promotion Act 399/ has a special chapter dealing with the liability of professional persons misrepresenting or withholding information when plans are being submitted, or when they are certifying works and other capital projects. Offenders are jointly and severally liable with the persons owning such plans for any obligations incumbent on the latter, irrespective of any professional debarment with which they - for up to ten years - may be penalized.

The Member States of the European Economic Community have penalties applicable in the event of false statements being made. In Belgium 400/, for example, the offender in such cases will be punished by having the expected aid denied him. In France 401/ any farmer unduly obtaining payment as a result of a fraudulent declaration will be required to repay any moneys received. Luxembourg's 1978 Act 402/ brings within the purview of the Criminal Code any person who knowingly by means of false statements obtains benefits; and the benefits themselves must be repaid.

In most of the enactments examined the official body responsible for prescribing rules governing penalties and related coercive measures is the ministry, or secretariat, in charge of agricultural affairs. In Argentina, for offences under the Soil Conservation Promotion Act, the Secretariat of State for Agriculture decides in such matters, and may appear whenever cases are brought before the Federal Appeals (Criminal Causes) Chamber. In Honduras the Secretariat for Natural Resources is competent and, in appeal, the National Agricultural Committee.

The land laws and agrarian reform laws usually specify the competence of the enforcement authorities, which the laws themselves will have set up, for taking action in the case of offences. In Costa Rica the authority in question is the Land and Land Settlement Institute, in Guatemala the Agrarian Transformation Institute, and in Panama the National Agrarian Reform Department.

NOTES\*

- 1/ WCARRD/Rep. World Conference on Agrarian Reform and Rural Development, Rome, 7-20 July 1979, p.3.
- 2/ FAO Conference, Report of the Twenty-first Session, 7-15 November 1981, p.38.
- 3/ Federal Act on Land Use Planning. - 4 October 1974.- Feuille fédérale No.41, 14 October 1974, p.816 (summarized in FAO Food and Agricultural Legislation (FAL), Vol. XXIV, No.1, p.27).
- 4/ Act on the consolidation and exchange of land holdings. - 24 January 1968. - Dziennik Ustaw Polskiej Rzeczypospolitej Ludowej No. 3, 27 January 1968, Text 13, p.62; also in FAL Vol. XVII, No.3, p.1.
- 5/ Act No.22.428: The Soil Conservation Act. - 16 March 1981. - Boletín oficial No. 24.632, 20 March 1981, p.4.
- 6/ Land Maintenance Act. - 12 December 1969. - Svensk Författnings-samling No. 698, 22 December 1969, p.1781; also in FAL Vol. XIX, No.2, p.1.
- 7/ Act No. 2825: Land and Land Settlement Act (being a codification of Chapter VI arising out of amendments introduced by Article 1 of Act No. 3336, 31 July 1964. - 14 October 1961.- La Gaceta No.184, 14 August 1961, p.2929; also in FAL Vol. XIV - No.3).
- 8/ Act No. 7/63: Act to impose a tax on unworked or insufficiently worked land. - 11 January 1963. - Journal official. - 15 February 1963, p.179.
- 9/ Legislative Decree No. 1551: Agrarian Transformation Act. - 16 October 1982. - El Guatemalteco No. 97, 19 October 1962, p.1281; also in FAL Vol. XII. No. 2, fasc. 2.
- 10/ Act No.22.211: Act to provide tax relief for investment in poorly productive agricultural land.- 18 April 1980. - B.O. No. 24.407, 29 April 1980, p.2 ()
- 11/ Decree-Law No.21.846 authorizing farmers to set up “funds” for the purpose of expanding their production and marketing. - 18 May 1979. - El Peruano No.10841, 11 May 1977, p.1; Legislative Decree No.2 promulgating the Agrarian Promotion and Development Act. - 17 November 1980. - El P. No.12194. - 25 November 1980, p.5; Supreme Decree No. 147-87-AG issuing the Regulations under that Act. - 2 October 1981. - El P. 10 October 1981, p.4549.

\* Where an enactment is cited more than once, an indication (“see note...”) is given of the note where the full bibliographical reference first appears.



- 12/ Royal Notification concerning Government support for the rationalization of agriculture, etc. - 9 June 1967. - S.F. No. 453, 28 June 1967.
- 13/ Federal Act to institute subsidies for the working of land for agricultural purposes under unfavourable conditions. - 14 December 1979, F.F. 1979, I 1317, p.679.
- 14/ Decree No.64-78 prescribing rules governing State encouragement for the development of productivity of cultivated land. - 12 March 1964. - Journal officiel No.13, 10-13 March 1964, p.289.
- 15/ Act No.22.211 of 10 April 1980 (see Note 10).
- 16/ Act No.135 on Social Land Reform, of 12 December 1961, as supplemented and amended by Act No.1 of 1968, of 26 January 1968. - Published by the Instituto Colombiano de Reforma Agraria; also in FAL Vol. XVII, No.4, fasc.2. The 1961 Act was also published in FAL Vol. X, No.4.
- 17/ Legislative Decree No.2 of 17 November 1980: The Agrarian Promotion and Development Act. - El P. No.12194, 25 November 1980; and: Supreme Decree No. 147-81-AG of 2 October 1981 issuing the Regulations thereunder (see note 11).
- 18/ Treaty establishing the European Economic Community, 1957, art. 39; Council Directive NO.72/159/EEC of 17 April 1972, art.1. - Official Journal No. L 96, 23 April 1972, p.1.
- 19/ “One of the objectives of Japan's agricultural policy... is that of ensuring that productivity may increase in such a way as to narrow the gap between agriculture and other industries and that those engaged in agriculture may earn greater incomes enabling them to make a living comparable to that achieved by those engaged in other industries” A translation of Japan's Agricultural Basic Law (Law No.127 of 1961), of 6 June 1961, was published in FAL Vol. XI - No.3. fasc.1.
- 20/ Decree No.69: Agricultural Promotion Act. - 20 November 1970. - La Gaceta, No.20311, 25 February 1971, p.1.
- 21/ Agricultural Promotion Act. - 27 December 1980. - Diario Oficial, No.1, 2 January 1981, p.9.
- 22/ Legislative Decree No.2 of 1980: The Agrarian Promotion and Development Act (see note 11).
- 23/ Act No.532: The Agricultural Promotion Act. - 12 December 1969. - Gaceta Oficial No. 9171, 27 December 1969, p.1.

- 24/ Council Directive No 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas. - J.O. No L 128, 19 May 1975, p.1; Council Directive No. 72/160/EEC, of 17 April 1972 concerning measures to encourage the cessation of farming and the reallocation of the utilized agricultural area for the purpose of structural improvement, - J.O. No. L 96, 23 April 1972, p.9.
- 25/ Act No.7/63 (see note 8).
- 26/ Act No.22.211 of 18 April 1980 (see Note 10).
- 27/ Ibid., sec. 2.
- 28/ Act No.22.428 of 16 March 1981; The Soil Conservation Act (see note 5).
- 29/ Ibid., sec. 8.
- 30/ Code Rural, Book I, Title I - Agricultural Land Use Planning, art. 1 (inserted by Act No. 60-808 - The Agricultural Orientation Act), also published FAL Vol.X - No.1, fasc.2).
- 33/ Act No.34 of 1967: The Land Control Act 1967. - 11 December 1967. - Kenya Gazette, Suppl. No. 98, 11 December 1967, p. 333; also in FAL Vol.XVII, No.2, fasc. 6.
- 32/ Legislative Decree No.1551: The Agrarian Transformation Act, Secs. 2 and 3 (see note 9).
- 33/ The term ejido refers to land and the form of tenure under which it is distributed among farmers (ejidatarios) forming a community recognized under the Federal Agrarian Reform Act and as determined by the general assembly of ejidatarios, the ejido committee, and the supervisory council (sections 22 ff of the Act).
- 34/ Agricultural Promotion Act (see note 21), sec.19.
- 35/ Act No. 4.504 of 30 November 1964: The Land Statute (Published by the National Agrarian Development Institute, 1965), sec.2.
- 36/ Decree No 118/1973 of the Presidency of the Government approving the text of the Agrarian Reform and Development Act. - 12 January 1973. - art.1.- Boletín Oficial del Estado No.3 February 1973, p.1990; also in summary form in FAL Vol.XXII - No.2, p.30.
- 37/ Act No. 37 approving the Agrarian Code of the Republic, 21 September 1962, sec.30. - Gaceta Oficial No.14.726, 28 September 1962, p.1; also in extract form in FAL Vol.XII - No.3, fasc.3.
- 38/ Land Reform Act of 1960.- 22 February 1960.- Gaceta Oficial No.611, 19 March 1960, p.1, sec.19.

- 39/ Land and Land Settlement Act, No. 2825 (see note 7), sec.6.
- 40/ Land Reform Act of 1960 (see note 38), sec.9.
- 41/ Act No.7/63, of 11 January 1963 (see note 8), sec.5.
- 42/ Act No.440 to prescribe rules governing the use to be made of uncultivated, abandoned and insufficiently cultivated land. - 4 August 1978. - Gazzetta Ufficiale No.227, 16 August 1978, p.5758, sec.2.
- 43/ Act No.135 on Social Land Reform (see note 16), sec.1.
- 44/ Act No.2825: The Land and Land Settlement Act of 14 August 1961 (see note 7), as amended by Act No.3042 of 1962 (4 October 1962. - La G. No.228, 10 October 1962), sec.41.
- 45/ (See note 42).
- 46/ Decree No. 17.716: The Land Reform Act.- 24 June 1969 (Published by the Land Reform Training and Research Institute, Santiago, Chile), sec.2; also in summary form in FAL Vol. XIX, No.1, fasc.2.
- 47/ Decree-Law No.255/82 prescribing minimum levels of productive use of land. - 29 June 1982. - Diário da República I, No. 147, 29 June 1982, p.1860; (also in FAL Vol.XXXII - No.1, p.7).
- 48/ Republic Act No. 3844: The Agricultural Land Reform Code.- 8 August 1963. - Official Gazette No.18. - 4 May 1964, p.2478; also in extract form in FAL Vol. XIII, No.2, fasc.6.
- 49/ Legislative Decree No.1551: The Agrarian Transformation Act, 19 October 1962, sec.71 (see note 9).
- 50/ Order No.7: Regulations governing the tax on uncultivated and idle land. - 17 February 1972. - Diario Oficial No.20631, p.1.
- 51/ Agricultural Promotion Act (see note 21), sec.71.
- 52/ Land Reform Act (Consolidation).- 26 June 1978. - Registro Oficial No.631, 18 July 1978, p.1), secs. 28 and 35; also in extract form in FAL Vol. XXVIII, No.1, p.16:.
- 53/ Act No.4.504 (see note 35), sec.4 (v).
- 54/ Act No.37/1979 on land clearly capable of improvement. - 16 November 1979. - Boletín Oficial del Estado No.231, p.27054, secs. 1 and 2.
- 55/ Land Maintenance Act, 22 December 1969 (see Note 6) sec. 1.
- 56/ Republic Act No.3844.- 8 August 1963 (see note 48), sec.166(18) and (19).

- 57/ Decree-Law No. 17.716 of 1969: The Land Reform Act (see note 46), sec. 8.
- 58/ Ibid., sec. 192.
- 59/ Act No.440 of 1978 (see note 42), sec.2.
- 60/ Decree-Law No.255/82 (see note 47), art.2.
- 61/ Ibid.
- 62/ Ibid.
- 63/ Act No.440 of 1978 (see note 42), sec.2.
- 64/ Order of the Minister of Agriculture on the classification of certain farms in the category of farms insufficiently productive by reason of the negligence of the farmer and on the amount of expenditure necessary for restoring land to fertility, 26 March 1968.- Dz.U. No. 11, 12 April 1968, Text 58, p.156; also in FAL Vol.XVII - No.3, fasc.2, p.8.
- 65/ Council Directive No. 72/159/EEC of 17 April 1972 (see note 18).
- 66/ See note 54.
- 67/ Land Reform Act of 1960 (see note 38), sec.32.
- 68/ Decree No.118/1973 (see note 36), arts. 270 and 275.
- 69/ Order of the Minister of Agriculture, 26 March 1968, Text 59 (see note 64 for reference), art. 3(1).
- 70/ Act No.63-18 providing for land reform in public irrigation zones. - 27 May 1963. - Journal officiel No.26, 24, 28 and 31 May 1963, p.746, sec.19; also in FAL Vol.XII - No.4, fasc.1.
- 71/ Land Reform Act of 1960 (see note 38), sec.32.
- 72/ Act No.135 on Social Land Reform (see note 16), sec.56 (second proviso).
- 73/ Land Reform Act (see note 52), sec.28.
- 74/ Order No.7 of 17 February 1972 (see note 50), art.3.
- 75/ Decree No.118/1973 (see note 36), arts. 270 and 275.
- 76/ Council Directive No. 75/268/EEC on mountain and hill farming and farming in certain less-favoured areas. - 28 April 1975. O.J. No. L 128, 19 May 1975, p.1, art.3.

- 77/ Decree-Law No.22.175 to provide for the Native Communities and the Development of Agriculture in the Selva and Ceja de Selva Regions. - 9 May 1978 (El P., 10 May 1978, p.1), superseding Act No.20.653 of the same title (summarized in FAL Vol.XXII - No.2), 18 June 1975, art.1.
- 78/ Land Reform Act of 1960 (see note 38), sec.4.
- 79/ Decree No. 118/1973 (see note 36), art.5.
- 80/ Federal Act of 14 December 1979 (see note 13); Ordinance of 16 June 1980, of the same title, as amended by Ordinance of 8 July 1981 (Receuil des lois fédérales No.25, 24 June 1980, p.683).
- 81/ Act No.3844 of 14 August 1963 (see note 48).
- 82/ Agrarian Services Act, No. 58 of 1979. - 25 September 1979. - Gazette of the Democratic Socialist Republic of Sri Lanka, Suppl. to Part II, 28 September 1979.
- 83/ Ordinance of 16 June 1980, as amended by Ordinance of 8 July 1981 (see note 80).
- 84/ Council Directive No.72/159/EEC, of 17 April 1972 (see note 18), art.3.
- 85/ Crown Order relative to the modernization of farms. - 21 June 1974. - Moniteur belge No.127, 29 June 1974, p.8933.
- 86/ Decree No.74-129 relative to the modernization of farms. - 20 February 1974. - Journal officiel, 21 February 1974, p.2035, art.8.
- 87/ Act No.153 to provide for the implementation of the Directives of the Council of the European Communities relative to land reform. - 9 May 1975. - Gazzetta Ufficiale No.137, 26 May 1975, p.3298, sec.12.
- 88/ Ibid.
- 89/ Act No.58 of 1979 (see note 82).
- 90/ Ordinance No.71-73 relative to the Agrarian Revolution. - 8 November 1971. - Journal officiel No.97, 30 November 1971, p.1281.
- 91/ Act No.3844 of 1976 (see note 48).
- 92/ Act No.58 of 1979 (see note 82).
- 93/ Act No.49/1981; The Family Farm and Young Farmers' Statute. - 24 December 1981. - B.O.E. No.9, 11 January 1981, p.539, sec.2.1.
- 94/ Ordinances of 16 June 1980 and of 8 July 1981 (see note 80).

- 95/ Act No.58 of 1979 (see note 82).
- 96/ Act No.3844 of 1978 (see note 48).
- 97/ Act No.4.504, 30 November 1964 (see note 35), sec.2.
- 98/ Act No.49/1981: The family farm and young farmers' statute (see note 93), sec.2.
- 99/ Basic Act (consolidated text) on the working of agricultural land. - 23 April 1965. - Sluzbeni List No.25, 2 June 1965, Text 452, p.1076 (as amended by the Act of 1 March 1967. S.L. No.12, 15 March 1967, Text 177, p.282; also in extract form in FAL Vol.XVII - No.2, fasc.5.
- 100/ Decree-Law No.22.175 of 1978 (see note 77), art.3.
- 101/ Legislative Decree No.2 of 1980: The Agrarian Promotion and Development Act (see note 11), sec.6.
- 102/ Act No.37 of 1962 (see note 37) prescribing rules designed to promote the application of conservation management practices, sec. 363.
- 103/ Supreme Decree No.147-81-AG (see note 11), art.52.
- 104/ (See note 101).
- 105/ Ibid., sec.29.
- 106/ Order No.0349: General Regulations under the Agricultural Promotion and Development Act. - 8 August 1979. - R.O.No. 11, 27 August 1979, p.4.; (also in summary form in FAL Vol.XXIX - No.1, p.1), art.1, fourth indent.
- 107/ Ibid., art.1, fifth indent.
- 108/ Ibid., art.1, sixth indent.
- 109/ Act No.135 on Social Land Reform. - 12 December 1961 (see note 16), sec.1, first paragraph.
- 110/: Decree No.69 of 1970 (see note 20), arts.25 and 27.
- 111/ Ordinance No.71-73 on the Agrarian Revolution, 8 November 1971 (see note 90), art.244.
- 112/ Act No. 58 of 1979 (see note 82), secs.43 ff.
- 113/ Act No.22.428 of 16 March 1981: The Soil Conservation Act (see note 5), sec.24; Decree No.681 prescribing the regulations thereunder. - 27 March 1981.- B.O.E. No.24.642, 3 April 1981, p.2, arts.26 and 27.

- 114/ Crown Decree No.2491/1978 appointing the Interministerial Land Use Planning Committee. - 1 September 1978. - B.O.E. No.256, 26 October 1979, p.24670); also in FAL (extracts) Vol. XXVIII, No.1, - p.43:.
- 115/ Code Rural (as amended by Act No.80-502. - 4 July 1980. - J.O. 5 July 1980, p.1670, art.26-1).
- 116/ Decree Law No.255/82 (see note 47), art.17.
- 117/ Act to promote the modernization of agriculture. - 30 November 1978. - Mémorial A No.83, 18 December 1978, p.2020, sec.41.
- 118/ Act No.22.428 of 1981 (see note 28), sec.24; Decree No.681 (Regulations under Act No.22.428) of 27 March 1981, arts.26 and 27.
- 119/ Executive Decree No.2771-A (setting up the National Committee for the improvement of soil fertility). - 8 January 1973. - La G. No.16, 24 January 1973.
- 120/ Basic Act of 1965, as amended by the Act of 1967 (see note 99), secs.2, 3, 4 and 34.
- 121/ Act No.386 to prescribe principles and special and financial rules governing development agencies. - 30 April 1976. - G.U. No.149, 8 June 1976, p.4461. of 1976, sec.3.
- 122/ Act No.4.504 of 30 November 1964 (see note 35), sec.42.
- 123/ Act No.135 of 1961 on social land reform, as amended (1968) (see note 16), sec.99.
- 124/ Act No.440 of 1978 (see note 42); Act No.386 of 1976 (see note 121).
- 125/ Act No.72-25 of 1972 relative to rural communities in Senegal - 19 April 1972 - separate publication.
- 126/ Act No.34 of 1967 (see note 31).
- 127/ Treaty of Rome, 1967 (see note 18).
- 128/ Act No.22.428: The Soil Conservation Act (see note 5).
- 129/ Act on the protection of agricultural and forest land. - 26 October 1971. - Dz.U. No.27, 4 November 1971, Text 249, p.257.
- 130/ Land Maintenance Act (see note 6).
- 131/ Decree No.77-195 regulating State incentives for water and soil conservation. - 17 February 1977. - J.O. No.13, 22 February 1977, p.465; also in FAL Vol.XXVII - No.1, p.47.
- 132/ The Forests, Soils and Waters Act. - 30 December 1965. - Gaceta Oficial No.1.004, Extr., 26 January 1966, p.1; also in FAL Vol.XV - No.3, fasc.7.

- 133/ Act No.22.428 of 16 March 1981 (see note 5), secs.1, 3, 4, 7, 8 and related sections.
- 134/ Art.179.
- 135/ Order No. 0349 of 1979 (see note 106), arts.19 and 21.
- 136/ Sec.33.
- 137/ Supreme Decree No.020-77-PM (approving the Government “Túpac Amaru” Plan). - 4 October 1977. - Separate Publication; also (extracts) in FAL Vol. XXVII - No.2, p.1.
- 138/ Decree No.77-195 regulating State incentives for water and soil conservation. - 17 February 1977. - J.O. No.13, 22 February 1977, p.465; also in FAL Vol.XXVII - No.1, p.47.
- 139/ Act No.22.428 of 16 March 1981, The Soil Conservation Act (see note 5), sec.3.
- 140/ Legislative Decree No. 1551: The Agrarian Transformation Act, 19 October 1962 (see note 9), secs. 43, 83 ff.
- 141/ Federal Land Reform Act of 1971. - 16 March 1971. - Diario Oficial No.41. - 16 April 1971, p.1, sec.148; Agricultural Promotion Act of 1980 (see note 21), secs. 58, 60 and 61.
- 142/ Decree-Law No. 22.175 of 1978 (see note 77), art.89.
- 143/ Legislative Decree No.2: The Agrarian Promotion and Development Act, 17 November 1980 (see notes 11 and 17), sec. 2.
- 144/ Code Rural, Book I of Title I (see note 30).
- 145/ Act on the compulsory sale of landed property constituting farms. - 24 January 1968.- Dz.U. No.3, 27 January 1968, Text 14, p.64, secs.1 to 4; also in FAL Vol.XVII - No.3, fasc.2.
- 146/ Federal Act on Land Use Planning, 1974. (See note 3)
- 147/ See under Chapter IV, section 6 of this study.
- 148/ Royal Decrees Nos. 827-66 to 833-66 of 22 October 1966 (establishing these regional offices), No.2-70-157 of 1970 and No.1-74-238 of 1975 (of a similar tenor).
- 149/ Act No.4.504: The Land Statute (see note 35), sec.45.1.
- 150/ Agricultural Promotion Act of 27 December 1980 (see note 34), secs.17 and 20.



- 151/ Decree-Law No.21.965 providing for the declaration of land areas for specified types of farming. - 11 October 1977. - El P., 11 November 1977, art.1.
- 152/ Decree No.118/1973 (see note 36), art.5.
- 153/ Code Rural (Act No.60-808) (see note 30), art.1, and Agricultural Orientation Act (Act No. 80-502), art. 1.
- 154/ Federal Act of 4 October 1974 (see note 3), sec.1.
- 155/ Ordinance No.71/73 (see note 90), arts.70 and 85.
- 156/ Decree No.118/1973 (see note 36).
- 157/ Decree No.81-1067 instituting an exceptional aid with a view to helping certain farms in difficulties toward their re-establishment. - 3 December 1981. - J.O. No.284, 4 December 1981, art.4.
- 158/ Legislative Decree No.2: The Agrarian Promotion and Development Act (see note 11), arts.2 and 44.
- 159/ Land Reform Act of 26 February 1960 (see note 38), sec.121.
- 160/ Decree No.118/1973 approving the Agrarian Reform and Development Act (see note 36), art.68
- 161/ Code Rural (Act No.60-808) (see note 30), art.1..
- 162/ Legislative Decree No.1551: The Agrarian Transformation Act, 19 October 1962 (see note 9), secs. 46 and 69.
- 163/ Decree No.118/1973 (see note 36).
- 164/ Decree No.81-1067 providing for exceptional aid toward the rehabilitation of certain farms in difficulties.- 3 December 1981. - J.O. No.284, 4 December 1981, p.3304, arts.1 and 3.
- 165/ Federal Act of 14 December 1979; Ordinance of 16 June 1980 (see note 83).
- 166/ Decree No.2565/1975 relative to aid for the integrated improvement of farms and systems of production. - 16 October 1975. - B.O.E. No.260, 30 October 1975, p.22727.
- 167/ Act No. 532: The Agricultural Promotion Act.- 10 December 1969.- Gaceta Oficial No.9171, 27 December 1969, p.1.
- 168/ Land Reform Act of 1960 (see note 38), secs. 20, 40, and 119 to 121.
- 169/ Ibid., secs.52, 54 and 123; Forests, Soils and Waters Act of 1965 (see note 132), sec.83.

- 170/ Code Rural (as amended by Act No.78-10. - J.O. No.4, 5 January 1978, p.184), art.12, (and as amended by Act No.75-621 (J.O. No.301, 25/26 December 1974, p.13041), arts.19 and 21.
- 171/ Act No.4.504 of 1964: The Land Statute (see note 35), sec.46, I and II.
- 172/ Act No.341, of 18 May 1959 (provisions governing prize competitions and similar schemes designed to promote increased productivity in agriculture). - G.U. No.136, 10 June 1959, p.2074; Act No.454: Five-Year Plan for the development of agriculture. - 2 June 1961. - G.U. No.141 (Ordinary Supplement), 10 June 1961, p.1 (also in FAL Vol.X - No.3, fasc.1, p.34); Act No.910 to prescribe measures for the development of agriculture during the five-year period 1966-1970. - 27 October 1966. - G.U. No.278 (Ordinary Supplement), 9 November 1966, p.1; and Act No.440 (see note 42) rules governing the use to be made of uncultivated, abandoned and insufficiently cultivated land. - 4 August 1978. G.U. No.227, 16 August 1978, p.5758.
- 173/ Agricultural Promotion Act. - 27 December 1980 (see note 21), sec.53.
- 174/ Decree-Law No.255/82 (see note 47).
- 175/ Code Rural (as provided by Act No.53-185 relative to codification procedure in respect of legislative texts concerning agriculture. - J.O. No.62. - 13 March 1953, p.2372).
- 176/ Act No.386 of 1976 (see note 121).
- 177/ Land and Land Settlement Act - Act No.2825 of 14 October 1961, as amended and consolidated by Act No.3042 of 1962 (see note 44); Decree No.9: Regulations for the collection of the tax on uncultivated land (as provided for under that Act). - 13 February 1965. - La G. No.41, 20 February 1965, p.677.
- 178/ Land Reform Act (Consolidation) (see note 39), sec.2.
- 179/ Order No.7 of 1972 of the National Agrarian Institute (see note 50), art.1.
- 180/ Agrarian Code of the Republic (as approved by Act No.37 of 21 September 1962) (see note 37). Articles 3 and 4 affirm that “land is a factor of production, and landowners shall ensure that their holdings fulfil their social purpose as provided for in the National Constitution. Accordingly, any act by private individuals or public officials that hinders or checks the efficient use of land shall be prohibited. The agrarian policy of the State shall be directed to achieving the complete and efficient utilization of land in the Republic, in keeping with the interests of the Nation and ensuring that measures are taken to bring idle or insufficiently worked land into production.”

- 181/ Decree-Law No.255/82 (see note 47).
- 182/ Cf. (a) Constitution, arts. 99 and 105, where the right of farmers to the land is guaranteed, though with the proviso that, given its social function, ownership of land is subject to taxation, restrictions and obligations prescribed by law in the interests of public utility or community interest; (b) The 1960 Land Reform Act (see note 38), where section 20 makes aspecial point of deeming the persistence and maintenance of unworked holdings - particularly in the country's economic development regions - to be at variance with the social function of land ownership and incompatible with the national wellbeing and economic development.
- 183/ Act relative to the legal consolidation of rural property. - 22 July 1970. - Moniteur Belge 4 September 1970, p.8917.
- 184/ Cf. (a) Political Constitution, where article 34 lays down the rule that “Property shall be used in accordance with the social interest. Limitations on and conditions attaching to the right of ownership shall be prescribed by law”; (b) Decree-Law No.17.716: The Land Reform Act. - 24 June 1969 (see note 46), secs.15 and 16, where reference is made to “case in which... it is considered that rural landed property is not being used in accordance with the social interest. Among such cases are the abandonment of the land, or it insufficient working, the continued existence of anti-social or feudatory forms of working the land...”. All idle or insufficiently worked land is to be expropriated under the Act.
- 185/ Federal Act of 14 December 1979 (see note 13), sec.6.
- 186/ Act No.4.504: The Land Statute (see note 35), secs.18(a) and (c) and 20.VI.
- 187/ Orders of the Minister of Agriculture, 26 March 1968, Texts 58 and 59 (see note 64).
- 188/ Decree No. 118/1973 (see note 36), arts. 1 to 5.
- 189/ Constitution, arts.41 and 44.
- 190/ Ordinance No.71-73 (see note 90), art.28.
- 191/ (As note 186)
- 192/ Act No.440 of 1978 (see note 42), secs.72 and 55.
- 193/ Land and Land Settlement Act (see note 7), secs.143 and 144 (1).
- 194/ Land Reform Act (Consolidation) (see note 52), sec.35.

- 195/ Code Rural (see note 30), art.829.
- 196/ Legislative Decree No.1551: The Agrarian Transformation Act, 19 October 1962 (see note 9), secs. 27, 59 and 61.
- 197/ Ordinance No.62-110 laying down penalties for the abuse of property rights and proclaiming the transfer to the State of unworked properties. - 1 October 1962. - Journal officiel No.252, 26 October 1962, p.2495; also (extracts) in FAL Vol. XII, No.2, fasc.3;
- 198/ Agricultural Promotion Act of 27 December 1980 (see note 21), secs.17, 20, 44, 71 and 72.
- 199/ Agrarian Code of the Republic (see note 37), arts.11, 12, 31, 64, 65 and 70. Inherent in the tenure, distribution and use of land is the obligation of fulfilling the relevant social and economic functions thereof. Responsibility for securing this fulfilment extends to all organs and agencies of the State and the municipalities, and to individuals and bodies corporate exercising land ownership rights. Privately owned land not fulfilling its social function is to be distributed, following expropriation by the State, in conformity with the provisions of the Constitution. The fact of there being, and maintained in being, any uncultivated or otherwise idle landholdings is deemed to be particularly contrary to the social function of property and incompatible with the wellbeing of the nation. Persons receiving adjudications of State land in excess of 50 ha, and private buyers, are required to make an express undertaking to respect the social function of ownership. If the purchaser has not complied within two years with the conditions laid down in the case of land acquired from private persons, the property will be subject to expropriation for agrarian reform purposes.
- 200/ Decree-Law No.17.716 of 1969: The Land Reform Act (see note 46), sec.8.
- 201/ Land Reform Act of 1960 (see note 38), secs. 20, 40 and 32; also, secs. 52, 54 and 83.
- 202/ Act No.34/1979 (see note 54), secs. 7 and 9.
- 203/ Act of 24 January 1968, Text No. 14 (see note 145).
- 204/ Act No.7/63 (see note 8), sec.13.
- 205/ Land Reform Act of 1978 (Consolidation) (see note 52), secs.35, 85 and 86.
- 206/ Act No.34/1979 (see note 54), secs. 10 and 13.
- 207/ Agrarian Code of the Republic (see note 37), arts.64, 65 and 70.

- 208/ Ibid., art.73, where it is provided that in contracts and land adjudication certificates the grounds for rescinding the adjudication include, the fact that the parcel has been given over to purposes other than farming, unjustified abandonment of the land or the family, negligence and gross mismanagement of the parcel by the settler.
- 209/ Decree-Law No.22.175 of 1978 (see note 77), art.59; Supreme Decree No.147-81-AG (see note 11), art.112, where it is provided that in any settlement projects in the Selva and Ceja de Selva Regions, the adjudication contract may be rescinded on the grounds, among others, that the farming unit has been abandoned for more than two consecutive years or that the working of that unit has not been put in hand within twelve months following the signing of the contract.
- 210/ Act of 24 January 1968, Text 14 (see note 145); Act on the protection of agricultural and forest land, and the returning of land to cultivation. - 26 October 1971, Dz.U. No.27, 4 November 1971, p.257, Text 249.
- 211/ Land Reform Act of 1960 (see note 38).
- 212/ Act No.34/1979 (see note 54), secs.5 to 7, 10 and 13.
- 213/ Code Rural art. 39, as amended by Act No. 60-808, and art. 40, as amended by Act No.78-10.
- 214/ Act No.440 of 1978 (see note 42), sec.5.
- 215/ Agricultural Development Act. - 21 December 1980. - D.O. No.1, 2 January 1981, p.9. Cf.secs. 80 and 84, under which the working of idle land is placed in the hands of a legally authorized agency in the public sector which is empowered to enter into contracts for the use and enjoyment of idle land with applicants meeting conditions laid down by law. Among the latter conditions may be mentioned the requirement of conforming with the agricultural/technical directives that the authorities prescribe and to farm in accordance with the guidelines of the National Agricultural Development Plan.
- 216/ Federal Act of 1979 (see note 13), sec.6.
- 217/ Act No.34/1979 (see note 54), sec.5.
- 218/ Code Rural (see note 30), arts.39, 40 and 40-1.

- 219/ Legislative Decree No.1551: The Agrarian Transformation Act, 19 October 1962 (see note 9). Sections 34 and 35 provide that if the Institute is for the time being not interested in expropriating specific idle land, it may, without prejudice to the establishment of the idle lands tax, offer the owner the opportunity of bringing the idle lands concerned into cultivation in accordance with the plan and programme with which the Institute will supply him. If the owner agrees to the carrying out of improvements, the lands in question shall be made free of tax from the moment the improvement work is started and such exemption shall continue in force so long as the work continues at the rate and on the conditions provided for. The Institute shall... assist the owner of the idle lands, as far as possible, so as to encourage their development.
- 220/ Act No.440 of 1978 (see note 42), sec.4.
- 221/ Agricultural Promotion Act of 1980 (see note 21), secs. 75 and 79.
- 222/ Act of 12 December 1969 (see note 6).
- 223/ Act No.58 of 1979 (see note 82).
- 224/ Land and Land Settlement Act (Act No.2825 of 14 October 1961, as amended by Acts Nos.3042 of 1962 (see note 44) and 6735 of 1982 (29 March 1982. - *Collection de Leyes y Decretos*, 1° semestre 1982, Tomo I, p.L 34)), secs.68 (4) and 41.
- 225/ Legislative Decree No.1551: The Agrarian Transformation Act, 19 October 1962 (see note 9), sec.35.
- 226/ Land Reform Act of 1960 (see note 38), sec.20.
- 227/ Ministerial Order providing for the grant of a compensatory allowance to farmers in less-favoured regions in respect of permanent natural handicaps. - 6 November 1975. - Moniteur belge, 15 November 1975, p.14476.
- 228/ Act No.34/1979 relative to land clearly capable of improvement (see note 54).
- 229/ Decree No.118/1973 (see note 36), art.97 (h).
- 230/ Act No.532 of 1969: The Agricultural Promotion Act (see note 23), secs.1, 2(7), 6(3), and Chapter III, secs. 22 and 32.
- 231/ Legislative Decree No.1551: The Agrarian Transformation Act, 19 October 1962 (see note 9), sec.69.
- 232/ Act No.77-17 to set up the Land Reform Board for Public Irrigation Zones. - 16 March 1977. - J.O. No.18, 18 March 1977, p. 651; also in extract form in *FAO XXVII* - No.1, p. 25.
- 233/ See Note 231.

- 234/ Decree-Law No.21.846, 10 May 1977 (see note 11).
- 235/ Council Directive No.72/159/1972 of 17 April 1975 (see note 18), art.13, as amended by Council Directive No.81/528/EEC of 30 June 1981. - J.O. No. L 197, 20 July 1981, p.41..
- 236/ Land Reform Act of 1960 (see note 38), Chapter III.
- 237/ Decree No.1-69-25: The Agricultural Investment Code. - 25 July 1969. - Bulletin officiel No.2960 bis. - 29 July 1969, p.781, art.50.
- 238/ Decree-Law No.21.846, 10 May 1977 (see note 11).
- 239/ Act No.34/1979 (see note 54), secs.1, 7 and 9.
- 240/ Legislative Decree No.1551; The Agricultural Transformation Act, 19 October 1962 (see note 9), secs. 36 and 37.
- 241/ Land and Land Settlement Act (Act No.2825 of 14 October 1961, as amended by Acts Nos. 3042 of 1962 (see note 44) and 6735 of 1982 (see note 224)), sec.54.
- 242/ Basic Act, Text No.452 of 1965 (see note 99), secs. 51 and 54. Thus: “51.(1) The consolidation of agricultural land may be carried out only if:
- 1) the provisions governing boundary adjustment do not allow for land planning or boundary adjustments of land belonging to agricultural organizations;
  - 2) existing rights of occupanc or the high degree of fragmentation prevent land being farmed in such a way as to ensure sufficient social returns on the resources invested in regions where reclamation has been approved or in regions where reclamation works are proceeding;
  - 3) by reason of the high degree of fragmentation of land in respect of which ownership rights exist, the holdings concerned cannot be farmed in a more efficient manner.
54. Land consolidation shall proceed at the request of an agricultural organization or the administrative authority competent in agricultural matters, or in cases contemplated in Article 51, (1), 3) of this Act, at the request of the majority of owners of land included within the area within which consolidation operations are contemplated.”
- 243/ Decree No.118/1973 (see note 36), arts.157 and 171 to 173.
- 244/ Basic Law No.127 of 1961: The Agricultural Basic Law (see note 19), sec.2.

- 245/ Code Rural (Act No.53-185 (see note 175), art.12, as amended by Act No.78-10 (see note 170)), and art. 19, as amended by Act No. 75-621 (see Note 170).
- 246/ Federal Act of 14 December 1974 (see note 12).
- 247/ Crown Order of 21 June 1974 (see note 85), art.8.
- 248/ Council Directive No.72/160/EEC, 17 April 1972. - O.J. No.96, 23 April 1972, p.9.
- 249/ Act No.4.504 of 1964: The Land Statute (see note 35).
- 250/ Act No.3844 of 1963 (see note 48), secs.26 and 29.
- 251/ Act No.440 of 1978 (see note 42).
- 252/ Act No.58 of 1979 (see note 82).
- 253/ Land Reform Act (Consolidation) (Legislative Commission introduction, fourth paragraph) (see note 52).
- 254/ Decree-Law No.17.716 of 1969: The Agrarian Reform Act (see note 46), sec.15.
- 255/ Act No.12 to create the Ministry of Development. - 25 January 1973. - Separate publication, sec.2(1).
- 256/ Land Reform Act of 1960 (see note 38), sec.20.
- 257/ Act No.58 of 1979 (see note 82), sec.68
- 258/ Land Reform Act (Consolidation) (see note 39), sec.38 and related sections.
- 259/ Decree-Law No.17.716 of 1969: The Agrarian Reform Act (see note 46), secs.127 and 141.
- 260/ Land Reform Act of 1960 (see note 38), Title VIII, Chapters I and II.
- 261/ Act No.135 on Social Land Reform, as amended by Act No.1 of 1968 (see note 16), sec.1.
- 262/ Land Reform Act of 1978 (Consolidation) (see note 52), sec.33(3).
- 263/ Land Reform Act of 1960 (see note 38), sec.19.
- 264/ Decree No.118/1973 (see note 36), art.2.
- 265/ Act of 1978, sec.2 (see note 117).
- 266/ Royal Decree No.810-67 assigning to the regional agricultural development offices certain water resources for agricultural purposes. - 29 December 1967. - B.O. No.2881, 17 January 1968, p.27.



- 267/ Decree-Law No.22.175 of 1978 (see note 77).
- 268/ Land Reform Act of 1960 (see note 38).
- 269/ Act No.58 of 1979 (see note 82).
- 270/ Ibid., sec.33.
- 271/ Ibid., sec.34.
- 272/ Decree-Law No.22.175 of 1978 (see note 77), art.89; Legislative Decree No.2 of 1980: The Agrarian Promotion and Development Act (see note 17), secs. 8, 16, 24, 44, 55 and 60.
- 273/ Decree No.77/195 prescribing rules governing State aid for water and soil conservation. - 17 February 1977. - Journal officiel, 22 February 1977, p.465., art.9.
- 274/ Act No.532 of 1969 (see note 23), secs.6, 8 and 16.
- 275/ Decree No.1.130 (providing for income tax exemption on gains from agricultural, forestry or fishery activities), 9 September 1975. - Gaceta Oficial No.30.184. - 7 October 1975, p.231.629.
- 276/ Order No.0349 of 1979 (see note 106), arts.19 and 21.
- 277/ Crown Notification of 9 June 1967; Ordinance relative to special subsidies for Farms in certain sparsely populated areas. - 1 June 1978. - S.F. 465, 21 June 1978.
- 278/ Federal Act of 14 December 1979 (see note 13), secs. 1 to 4.
- 279/ Decree No.74-129 of 1974 (see note 86), art.1.
- 280/ Agrarian Reform Act (No.5879 of 1962).- 27 April 1962.- Gaceta Oficial No.8671, 14 July 1962, p.3, secs. 51 to 54; also in FAL Vol.XII - No.2, fasc.1.
- 281/ Agrarian Code of the Republic (Act No.37 of 1962) (see note 37), Title VIII.
- 282/ Law No.127 of 1961 (see note 19).
- 283/ Act No.49/1981:The Family Farm and Young Farmers' Statute (see note 93).
- 284/ Code Rural art.1, as amended by Act No. 78-10, relative to recoverable uncultivated land. - 4 January 1978. - J.O. No. 4, 5 January 1978, p. 179.
- 285/ Act No.153/1975 (see note 87), sec.11.

- 286/ Agrarian Code of the Republic (Act No.37 of 1962) (see note 37), Preliminary Title, Divisions 1 and 2, in particular art.18.
- 287/ Federal Land Reform Act of 1971 (see note 141), Book II, in particular sec.148.
- 288/ Decree-Law No.21.846, 10 May 1977 (see note 11).
- 289/ Act of 26 October 1971, Text 249 (see note 210), sec.16.
- 290/ Basic Act, Text No.452 of 1965 (see note 99), as amended by Act, Text No.177, of 1977, sec.5.
- 291/ Act No.72-75 relative to rural communities in Senegal. - 19 April 1972. - Separate publication.
- 292/ Decree-Law No.21.846, 10 May 1977 (see note 11).
- 293/ Act No.3844 of 1963 (see note 48), sec.108.
- 294/ Federal Land Reform Act of 1971 (see note 141), sec.148.
- 295/ Agrarian Code of the Republic (Act No.37 of 1962) (see note 37), arts 15 to 18.
- 296/ Decree No.72-150 issuing model statutes for pre-cooperative farm operation groupings. - 27 July 1972. - J.O. No.64, 11 August 1972, p.794.
- 297/ Ibid., art.4.
- 298/ Act No.153/1975 (see note 87), sec.1.
- 299/ Land Reform Act of 1960 (see note 38), secs. 125 to 127.
- 300/ Land and Land Settlement Act (Act No.2825 of 14 October 1961, as amended by Acts Nos.3042 of 1962 (see note 44) and 6735 of 1982 (see note 224)), sec.133.
- 301/ Decree No.81-1067 (see note 164), arts. 1 and 3.
- 302/ Crown Notification of 9 June 1967 (see note 12), arts. 2 and 5.
- 303/ Legislative Decree No.1551: The Land Transformation Act, 19 October 1962 (see note 9), secs.83 ff.
- 304/ Agrarian Reform Act of 1971, secs.53 and 54; Agricultural Promotion Act of 1980 (see note 21), sec.62.
- 305/ Legislative Decree No.2 of 1980: The Agrarian Promotion and Development Act (see note 17), sec.2.

- 306/ Decree No.69 of 1970 (see note 20), arts. 4 and 5; Decree No.3 (providing for an expansion in agricultural land). - 5 July 1972. - La G. No.20.730. - 17 July 1972, p.1, art.1.
- 307/ Agricultural Promotion Act (No.522 of 1969), secs. 16, 39 and 43.
- 308/ Decree No.64-78 (see note 14).
- 309/ Act No.22.428 of 16 March 1981: The Soil Conservation Act (see note 5), sec.14.
- 310/ Decree No.69 of 1970, art.14 (see note 20).
- 311/ Act No.454 of 1961 (see note 172), secs. 8, 14 and 20.
- 312/ Crown Notification of 9 June 1967 (see note 12), arts. 1 and 5.
- 313/ Decree No.64-78 (see note 14).
- 314/ Executive Resolution No. 144-80-ORDEA; Legislative Decree No.2 of 1980: The Agrarian Promotion and Development Act (see note 17), sec.44.
- 315/ Act No.22.428 of 1981 (see note 5), sec.9.
- 316/ Decree No.118/1973 (see note 36), art.145.
- 317/ Act No.80-502 (see note 115); Decree No.81-1067 (see note 164), secs. 1 and 3.
- 318/ Act No.440 of 1978 (see note 42), sec.9.
- 319/ Decree No.548 of 1980 prescribing rules for the planning of agricultural activities and for the marketing of agricultural products. - 20 March 1980. - G.O. No.31.948.- 20 March 1980, p.241.006, art.1.
- 320/ Decree-Law No.21.846 of 1977 (see note 11).
- 321/ Land and Land Settlement Act (Act No.2825 of 14 October 1961, as amended by Acts Nos.3042 of 1962 (see note 44) and 6735 of 1982), sec.36.
- 322/ Council Directive No.72/159/EEC of 17 April 1972 (see note 18), art.8.
- 323/ Council Directive No.75/268/EEC of 28 April 1975 (see note 76).
- 324/ Ministerial Order of 6 November 1975 (see note 227), art.1.
- 325/ Act No.352 implementing the Council Directive on mountain and hill farming and farming in certain less favoured areas. - 10 May 1976. - G.U. No.146, 4 June 1976, p.4338, secs.1, 5 and 6.

- 326/ Decree No.9 of 1965 (see note 177), arts. 2 and 3.
- 327/ Legislative Decree No.1551: The Agrarian Transformation Act, 19 October 1962 (see note 9), secs. 16 to 19 and 21.
- 328/ Order No.7 of 1972: Regulations governing the tax on unworked and idle land (see note 50).
- 329/ Act No.37 of 1962 approving the Agrarian Code of the Republic (see note 37), secs. 33 and 34. Progressive taxes are levied on uncultivated or idle land, as prescribed by the relevant enactments, without prejudice, however, to expropriation as provided by the Agrarian Code. Incentives are also created for the benefit of those working land in a manner compatible with its social purpose and thus contributing to the country's economic progress.
- 330/ Act No.4.504 of 1964: The Land Statute (see note 35), secs. 49 and 50. The general rules governing the land tax contemplate the application of progressive and regressive coefficients and provide for, inter alia, the classification of land and its types of use and its profitability. The tax is increased in inverse proportion to the lowering of the profitability of the land below the minimum levels prescribed by the Act, account being taken of the type, cultivation conditions and the technological level of the farm.
- 331/ Act No.63-18 (see note 70), secs. 2, 19 and 20.
- 332/ Land Betterment Charges Law, No.28 of 1976. - 8 December 1976. - Laws of the National State Assembly, secs. 3 and 17.
- 333/ Act No.4.504, 30 November 1964 (see note 35), sec. 50,4(b). Coefficients are applied which reduce the amount of tax *pari passu* with the increase in profitability of the farm over and above the statutory minimum value and according as the suitability of the land from the economic standpoint is respected, as cultivation and stock raising practices and processes for improving or processing farm produce are employed.
- 334/ Decree No.1130 of 1975 (see note 275). This decree introduced a ten-percent income tax rebate in favour of taxpayers undertaking to make an effective capital outlay on fixed assets not previously made use of in Venezuela, when such assets have been purchased as a means of augmenting production in any agricultural - including stock raising - forestry or fishery activities, though not those having to do with racehorses or draft horses. The Decree also lays down conditions to be met by any enterprise engaging in the activities mentioned.
- The tax rebate in question applies only when the capital outlay represented by fixed assets (purchased or produced within the enterprise) are fully brought into the income generating process, and is valid for three years from the date of publication of the Decree.

- 335/ Act No.22.428 of 16 March 1981; The Soil Conservation Act (see note 5), sec.9.
- 336/ Legislative Decree No.2 of 1980: The Agrarian Promotion and Development Act (see note 17), secs. 55 and 60.
- 337/ Act No.28 of 1976 (see note 332), sec.23.
- 338/ Act No.532 of 12 December 1969 (see note 23), sec.6. The State is to provide incentives for the development of crop and animal husbandry, among them: educational services in crop and animal husbandry, and technical assistance, public health facilities and crop and animal husbandry zoning; extension of irrigation; improvement and expansion of credit services; tax exemption (single tax on imports of agricultural machinery and equipment, full exemption for imports of fertilizers, insecticides, seed and other farm requisites); promotion of crop and livestock insurance.
- 339/ Ordinance No.71-73 (see note 90), art.125.
- 340/ Act No.22.211 of 18 April 1980 (see Note 10).
- 341/ Decree No.69 of 1970 (see note 20): "The Secretariat of Natural Resources offers a wide range of protection and incentives for the intensification of the technical component of farming and enhanced economic productivity for both crop and animal husbandry. It is responsible for surveying and classifying land with a view to securing greater efficiency in its use in these two sectors. If, following the adoption of measures designed to promote agricultural production, it is found necessary to expand the area under cultivation or to achieve a more equitable distribution of landholding - where the land is left unworked - the Executive, acting through the National Agrarian Institute, may allocate up to 80 percent of the holdings of the Agricultural and Industrial Development Fund for financing land reform programmes, where the object is to create assets for the farming community, to raise farmers' productivity, their income and their standard of living generally.
- The Agricultural Promotion Act creates a series of benefits for individuals and associations engaging in farming activities. Where associations are being formed for the first time for the purpose of working the land, they enjoy income tax exemption for five years from the date of their constitution in respect of actual income, production and wealth. They also have the benefit of tax relief on agricultural implements and other requisites. They may apply, at the time of making out their tax returns, for income tax rebates and assign an accelerated system of depreciation for their fixed assets where these are used in their farming work - this formula being intended as a means of facilitating equipment renewal.
- 342/ See Note 330.

- 343/ Act No. 78-10 (see note 284).
- 344/ Act No.2825 of 14 October 1961, as amended by Act No.3042 of 1962 (see note 44).
- 345/ Legislative Decree No.1551: The Agrarian Transformation Act, 19 October 1962 (see note 9), secs. 16 to 18. The Agrarian Transformation Act contains detailed provisions dealing with idle land. An annual tax is levied on privately owned idle land, according to the class in question as established by the regulations, and by reference to a statutory scale. When such idle land belonging to one and the same proprietor involves different classes, the tax is calculated and collected in respect of the class representing the largest proportion. Fractions of hectare are not taken into account. From the second year on, there is a supplementary tax of 20 percent, the process being repeated until the fifth and subsequent years, where the surtax comes to 80 percent of the tax normally payable.
- 346/ Order No.7 of the National Agrarian Institute: Regulations governing the taxation of uncultivated or idle land, 17 February 1972. - Diario Oficial No.20631. - 17 March 1972, p.1, art.2. Any privately owned agricultural land left uncultivated or otherwise idle or insufficiently worked is subject to a progressive annual tax, irrespective of the area involved. This rule does not apply to land declared to be exempt from the ruled governing limitations on ownership.
- Individuals and bodies corporate are liable for tax, whether Honduran or foreign nationals, whether or not domiciled in the country, whenever they own or otherwise have possession of the land described. The tax here referred to is applied progressively on a scale increasing between the first and fifth years and for subsequent years at the rate of three percent of the declared value, up to 40 percent of that value.
- The Institute may invoke coercive measures for the purpose of collecting taxes, fines and surcharges.
- 347/ Act No.37 of 1962 (see note 329).
- 348/ Land Reform Act of 1960 (see note 38), secs. 20 and 23.
- 349/ Ministerial Resolution No. 1133 instituting four cash prizes as an incentive to farmers distinguishing themselves by increased production. - 19 April 1963. - El P. No.6605, 9 May 1963, p.3.
- 350/ Land Reform Act of 1960 (see note 38), secs. 23 and 78. The National Agrarian Institute provides incentives to farmers who achieve higher yields on their holdings and having care for the conservation of renewable natural resources. These incentives are to be in the form of abatements on balances outstanding in respect of land granted against payment or on premiums in cases of land granted without charge.

- 351/ Decree No.118/1973 (see note 36), arts. 121 and 130.
- 352/ Act No.80-502 (see note 115), secs. 15ff; Decree No.81-1067 (see note 164), arts. 1 to 4.
- 353/ Federal Land Reform Act of 1971 (see note 141), secs. 60 and 61.
- 354/ Act No 22.428 of 16 March 1981; The Soil Conservation Act (see note 5), sec.9, provides for various incentives, including development credit and grants to farmers members of a soil conservation consortium who make any capital outlay having to do specifically with soil conservation and reclamation under plans put forward by the consortium itself and approved by the administrative authority.
- 355/ Decree No.118/1973 (see note 36), arts. 1, 6, 121, 130 and 273.
- 356/ Ibid., art.178; Act No.49/1981 (see note 93), sec.61.
- 357/ Act No.454 of 1961 (see note 172), secs. 8, 14 and 20.
- 358/ Ibid.
- 359/ Federal Act of 14 December 1979 (see note 14); Ordinance of 16 June 1980 (see note 83).
- 360/ Act No.454 of 1961 (see note 172), secs. 8, 14 and 20.
- 361/ Decree No.64-1978 (see note 14).
- 362/ Act No.49/1981: The Family Farm and Young Farmers' Statute (see note 93).
- 363/ Act No.62-933 to extend the terms of the Agricultural Orientation Act. - 8 August 1962. - J.O. 10 August 1962, p.7962, as amended by Act No. 73-228 and Decrees Nos. 74-131 and 74-132.
- 364/ Act No.153/1975 (see note 87), sec.34.
- 365/ Council Directive No. 72/159/EEC, of 17 April 1972 (see note 18).
- 366/ Crown Order to promote the rehabilitation of agriculture and horticulture. - 21 June 1974. - M.B., 29 June 1974.
- 367/ Act No. 62-933 (see note 363).
- 368/ Act on the compulsory sale of landed property constituting farms. - 24 January 1968. - Dz.U. No. 3, 27 January 1968, Text 14; also in FAL XVII - No. 3, fasc. 2, Text 15; also in FAL XVII - No. 4.
- 369/ Ministerial Order of 6 November 1975 (see note 227), art.2.

- 370/ Decree No.77-566 relative to farming in mountain areas and certain less-favoured areas. - 3 June 1977. - J.O. No.128, 4 June 1977, p.3124. art.6.
- 371/ Act No.352 of 1976 (see note 325); Act No.440 of 1978 (see note 42).
- 372/ Act of 1978 (see note 117) and Regulations thereunder of 30 March 1979 (Mémorial A No.27, 6 April 1979, p.546).
- 373/ Ordinance of 1 June 1978 (see note 277).
- 374/ Federal Act of 14 December 1979 (see note 13); Ordinance of 16 June 1980 (see note 83).
- 375/ Legislative Decree No.1551: The Agrarian Transformation Act, 19 October 1962 (see note 9), secs.83ff.
- 376/ Act No.37 approving the Agrarian Code of the Republic (see note 37).
- 377/ Decree-Law No.21.846, 10 May 1977 (see note 11); Decree-Law No.22.175 of 1978 (see note 77); Legislative Decree No.2 of 1980: The Agrarian Promotion and Development Act (see note 17).
- 378/ Act No.532 of 1969 (see note 23), secs.6ff.
- 379/ Land Reform Act of 1960 (see note 38), secs. 121 and 123.
- 380/ Act No.22.428 of 16 March 1981: The Soil Conservation Act (see note 5).
- 381/ Act No.135 of 1961 (see note 16), secs. 3 and 110 bis.
- 382/ Act No.2825 of 1961 (see note 7), as amended by Act No.6735 of 1982 (sec.60).
- 383/ Land Reform Act of 1960 (see note 38), sec. 121.
- 384/ Decree No.2565/1975 (see note 166), art.1.
- 385/ Act No.153/1975 (see note 87), sec.1.
- 386/ Law No.127 of 1961 (see note 19), art.19.
- 387/ Act No.532 of 1969 (see note 23), sec.6.
- 388/ Land Reform Act of 1960 (see note 38), sec.123. As a means of securing strict compliance with the management plan, the authorities provide those adjudicated holdings and other farm operators the type of training they need for this purpose, chiefly through practical demonstrations, as well as the necessary technical assistance through agricultural extension programmes.



- 389/ Act No.3844 of 1963 (see note 48), sec.124.
- 390/ Basic Law No.127 of 1961 (see note 19).
- 391/ Act No.58 of 1979 (see note 82), secs. 56 and 57.
- 392/ Land Reform Act of 1960 (see note 38), sec.83.
- 393/ Act No.7/63 to institute a tax on unworked or insufficiently worked land. - 11 January 1963. - J.O. 15 February 1963, p.179, sec.16.
- 394/ Order No.7 of the National Agrarian Reform Institute, 17 February 1972 (see note 50), art.17.
- 395/ Act No.34/1979 (see note 54), secs. 5, 6, 7, 10 and 13.
- 396/ Decree-Law No.17.716 of 1969: The Land Reform Act (see note 46), eighth special provision.
- 397/ Decree No.69 of 1970, art.22 (see note 20).
- 398/ Agricultural Promotion Act of 1980 (see note 21), secs. 94 and 95.
- 399/ Act No.22.428 of 16 March 1981: The Soil Conservation Act (see note 5), sec.19.
- 400/ Ministerial Order of 6 November 1975 (see note 227), art.6.
- 401/ Decree No.77-566 (see note 370), art.13.
- 402/ Act of 1978 (see note 117), sec.454.

