

INTERNATIONAL LABOUR OFFICE



THE LANDLESS FARMER IN LATIN AMERICA

Conditions of Tenants, Share-Farmers and Similar
Categories of Semi-Independent and Independent
Agricultural Workers in Latin America



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PREFACE

The International Labour Office has from its inception concerned itself with the living and working conditions of agricultural workers of all kinds. As early as 1923 the I.L.O. published an article on the particular problems of tenants, share-croppers and similar categories of agricultural workers in Japan¹, while the first I.L.O. study on the subject in Latin America appeared in 1937.²

In recent years impetus to the study and the dissemination of information on this subject has been given by the programme of international action in the field of land reform recommended in 1951 by the Economic and Social Council, which has resulted in the United Nations, the Food and Agriculture Organisation of the United Nations and the International Labour Office co-operating in the preparation of reports on the subject for the Council.³ At the same time the various agencies have given priority within their own programmes of work to the study of those aspects of land reform within their special fields. As concerns the I.L.O., the Permanent Agricultural Committee, its technical advisory body on agricultural matters, at its Fourth Session in 1953 stressed the desirability of studying the impact of the various systems of land tenure on security of employment and on the living and working conditions of the various categories of agricultural workers affected. Subsequently, at its Fifth Session (Paris, 1955), the Committee adopted a resolution on the living and working conditions of share-croppers, tenant-farmers and similar categories of semi-independent or self-employed agricultural workers, which, among other things, recommended that the I.L.O. continue to undertake and publish studies in this field on an international, regional and national basis.

Among recent publications mention should be made of the chapter devoted to agrarian systems in *Indigenous Peoples*⁴, and a report on

¹ "Disputes between Landowners and Tenant Farmers in Japan", in *International Labour Review* (Geneva, I.L.O.), Vol. VIII, No. 3, Sep. 1923, pp. 459-463.

² E. MUNGUÍA: "The Agrarian Problem in Mexico", *ibid.*, Vol. XXXVI, Nos. 1 and 2, July and Aug. 1937, pp. 49-85 and 200-238.

³ See United Nations: *Progress in Land Reform* (document E/2526, New York, 1954), and *Progress in Land Reform, Second Report* (document E/2930, New York, 1956).

⁴ I.L.O.: *Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries*, Studies and Reports, New Series, No. 35 (Geneva, 1953).

similar questions in Asia which has been prepared for the Fourth Asian Regional Conference of the I.L.O. to be held in New Delhi in 1957.

The aim of the present report is to analyse the situation of agricultural workers in Latin America who till land belonging to others on a cash-rental or share-farming basis or under some similar system of land tenure and to describe the legislative protection given to these classes of workers, its scope and implementation. The problem is one of particular importance in Latin America, first of all because of the numerical importance of this type of worker, but also because in many of the countries concerned their legal, social and economic position has evolved very slowly and is still governed by practices and customs of feudal origin.

No attempt has been made to make this report exhaustive or to cover all the diverse regions of Latin America or the multitudinous forms of tenure under which land is cultivated in the various countries. In discussing certain subjects, such as internal land settlement and credit, which are related but not necessarily integral parts of the main subject of the report, it has been deemed sufficient to give a few examples of what is being done in selected countries.

The International Labour Office hopes that this general outline will draw attention to the plight of these millions of people and to the need to improve their lot.

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CHAPTER I

SYSTEMS OF LAND TENURE IN LATIN AMERICA

GENERAL

The relationship between man and the soil in Latin America finds its expression in a great variety of social and legal forms which have developed from the interaction of two great cultural movements, namely the pre-colonial indigenous cultures which held sway over large areas of Latin America on the one hand and the Spanish and Portuguese conquest, with the standards and the institutions they brought with them, on the other. The results of the meeting of these two forces were often widely dissimilar in character, and three main groups can be distinguished.

First of all, we find forms in which can be detected survivals of the old pre-colonial indigenous institutions, such as the Aztec *calpulli* and the Inca *ayllu*.¹ Today this group consists mainly of communal land-tenure systems and of the grouping of individual land holdings into larger units; in these practices we can see the influence of long-standing bonds of a social character which still find practical expression in the performance of tasks of benefit to all (but not necessarily all agricultural work) by all the members of the community working together.

The second group contains the institutions which the conquerors, taking advantage of existing circumstances, built up in order to exploit the land and the large and efficient indigenous labour force which they found in certain regions. Institutions such as the *encomienda*, the *repartimiento* and the *merced* were established on political or religious pretexts; the result was that the indigenous labourers were reduced to serfdom, bound to the land and forced to work for the new owner, receiving in exchange the right to cultivate plots of land for themselves and their families in their spare time and certain other minor perquisites such as grazing rights. In this way a system of land tenure of the *latifundia* type was gradually built up; some of its main characteristics can still be met with in certain regions and have even formed the subject of statutory instruments in certain countries.

¹ At the end of this study a glossary will be found giving brief definitions of the words used in the text which are peculiar to particular regions of Latin America.

Lastly, in certain other regions land tenure developed more in accordance with law and practice in the countries (mainly European) from which the main migratory movements came.

Having indicated the broad outlines of the historical development of forms of land tenure in Latin America we must now, for the purposes of this study, give a rough classification of the methods by which agricultural workers can obtain the use of land which does not belong to them.

One difficulty arises immediately, namely the fact that the terminology used varies from country to country—and often from one part of a country to another—owing to the survival of words of indigenous origin in particular areas. In addition, an apparent similarity between two systems does not necessarily mean that the two are identical; the indigenous customs and traditions dating from before the colonial era, which even then were extremely varied, have inevitably developed along different lines since coming into contact with the laws and customs which were introduced during or after the colonial period.

The systems encountered are, then, divided into two main groups. In the first group are included cases in which the relationship between the owner of the land and the man who tills it has a *de jure* basis of a statutory, contractual or customary nature, while the second contains systems of *de facto* occupation and usufruct without any relationship being established between the man who tills the land and the man who holds the title of it.

The forms of tenure based on *de jure* relationships include a great variety of systems under which a farmer can obtain from a landowner the right to cultivate an area of land. A number of major categories can be distinguished.

Where the tenancy is on a fixed-rental basis (*arrendamiento*) the tenant is granted the full usufruct of a specified area of land and agrees in exchange to pay a predetermined amount in cash or in kind. For the purposes of this study the main feature of this system is that in general the tenant is completely free to choose what he wants to grow or rear on the land and carries on farming operations on his own initiative and without taking orders from anybody; he bears all the risks of production.

Share-farming (*aparcería*) is taken as covering all arrangements under which the farmer has to hand over a portion (previously agreed on) of what he produces on the land which the owner places at his disposal. Under the simplest form of share-farming the farmer provides all or most of the means of production; he is not free to choose what he wishes to cultivate but has a completely free hand in the actual running of the farm. *Mediería* is a special form of share-farming in

which the crop is shared equally between the two parties. Under this system the landowner receives a greater share than under most types of share-farming; in theory this is because he also provides equipment, seed, etc., but in fact *mediería* systems are frequently met with under which he does not do so.

By assimilation it has become customary to consider as share-farming other share arrangements in which the farmer provides only his labour-power and that of his family while the landowner provides all the other means of production. Admittedly, the share paid to the landowner may be considered as a form of rent, but the position of these cultivators differs from that of share-farmers in that they have no independence or freedom of action and their position is more akin to that of wage labourers.

There are other institutions (such as the *colonato* and the *huasipungo*) which can be considered as "tenant-labour" systems, i.e. forms of tenancy with the qualification that the rent is paid in the form of labour. Here the farmer undertakes to perform a certain number of days of work on the land which the owner uses for himself; in exchange he is granted the usufruct of an area of land and certain other perquisites. One of these may be that he receives a wage, although it will be less than that of a wage labourer. This classification of these institutions has been challenged by a number of writers who base their arguments on their respective historical origins, which have already been outlined. With this reservation one can admit that there is some similarity between the situation of the tenant-farmer and the indigenous *colono* or *huasipunguero*, but only with regard to the relative freedom that both enjoy to cultivate the land placed at their personal disposal as they wish. Even so, the *colono* and *huasipunguero* are relatively less independent, mainly because the work they perform for the landowner must take precedence over everything else. This fact creates additional risks for them (such as the loss of crops because they are unable to bring the harvest in in time).

When speaking of *de facto* forms of tenure the word "squatter" (*ocupante precario*) will be used to describe farmers who are settled on land which does not belong to them but have no legal relationship with the owner of the land. The vast uncultivated areas which still exist in Latin America provide ideal conditions for arrangements of this kind. Squatters have no protection whatsoever and usually occupy a marginal position in the agricultural economy of the country concerned. In the great majority of cases their methods of cultivation are of the "slash-and-burn" type¹; the farmer chooses a piece of land (usually in virgin

¹ T. Lynn SMITH: *Brazil: People and Institutions* (Baton Rouge, Louisiana State University Press, 1947), pp. 36-60.

forest), cuts down the vegetation with implements such as the axe and matchet and burns it off and then plants maize, beans or (where the rainfall is adequate) rice. It is a well-known fact that this system of cultivation yields barely enough to keep body and soul together and at the same time does incalculable damage to the natural resources of the country by leaving the land defenceless against erosion.

There are often special reasons for the settlement of squatters in this way. It even happens that landless farmers are sometimes deliberately encouraged to settle on land which does not belong to them. Two kinds of cases are encountered. Firstly, in countries which have legislation on land settlement which is beneficial to landless farmers, the landowner may be able to induce the State to buy his land and distribute it among the farmers who have already settled on it. Alternatively, the landlord may simply not want to spend more money on making his forest land fit for cultivation, and once the squatters have made the desired improvements he turns them out—a practice in which he enjoys the support of the authorities.¹

EXISTING SYSTEMS

Argentina

In Argentina the European immigrants who settled on the land from the middle of the nineteenth century onwards usually acquired farms by purchase, paying in instalments, or by rental or share-farming arrangements, from the landowners, the bulk of the cultivable land being already in the hands of ranchers, colonisation companies and other landlords. An Act concerning rural tenancies (No. 11170) was promulgated on 28 September 1921. Previously tenancies in the countryside, as in the towns, had been governed by the appropriate sections of the Civil Code. The 1921 Act was later amended on a number of occasions, the most important amendment being Act No. 13246 of 10 September 1948 concerning farm tenancies and share-farming, which is still in force. This Act, which was amended by Act No. 13897 of 1950, regulates the operation of farm tenancies and in its section 2 clearly defines a tenancy (*arrendamiento*) as the granting by one party of the usufruct of a land holding for any agricultural purpose whatever and the payment by the other party of cash for the said usufruct.

Section 21 of the same Act defines share-farming (*aparcería*) as the

¹ T. Lynn SMITH: "Some Observations on Land Tenure in Colombia", in *Foreign Agriculture* (Washington, D.C.), Vol. XIV, No. 6, June 1952, p. 122.

granting to another person, for any agricultural purpose whatsoever, of animals or a land holding with or without plants, seed, livestock, chattels or implements with the object of sharing the produce. *Mediería* is defined in Section 12 of Act No. 12842 of 1946 as "any arrangement whereby the two contracting parties bear an equal share of the cost of farming a holding". For purposes of supervision the Act makes it compulsory for simple accounts to be kept. In stock farms, the position of the *tambero mediero* should be mentioned. Decree No. 3750/46 (Act No. 12921), issued on 5 February 1946, prescribes the duties and rights of the *tambero mediero*, i.e. of any individual, whether known by this or some other name, who has a share in the running and the produce of a *tambo*. The systems of tenancy of such establishments include arrangements whereby the milkers are given a share of the milk; alternatively, the owners of dairies may lease cattle to milk-distributing companies on a share basis, either *aparcería* or *mediería*. There is also a type of farmer who owns a dairy herd and rents pasture, paying the milkers with a share of the output.

Section 9 of Decree No. 7786 of 31 March 1949, which regulates the application of Act No. 13246, stipulates that contracts presupposing a dependent relationship in which the contracting party is granted a share in the produce with or without a fixed cash return, as in the case of *peones a la rendita*, *tanteros*, *interesados*, *habilitados*, *al quinto*, *tamberos medieros*, etc., are deemed to be contracts of employment and not share-farming agreements.

In Argentina the squatter is known as an *agregado*. This form of tenure appears to be fairly widespread throughout the country.

Bolivia

In Bolivia the lease of land for a cash rental does not appear to be a particularly common form of tenure. Generally the tenant is called an *inquilino*, although in the Santa Cruz area this term is normally applied to those who pay their rent in kind.¹ In the valleys one finds the "part-owner" (*propietario en parte*)—a farmer who has not enough land of his own and leases extra land for which he pays in cash, in kind or in labour.

The payment of rent in the form of labour or services was the most common arrangement in Bolivia until 1953, when the legislative decree on agrarian reform was enacted. On the High Plateau the bulk of the

¹ O. E. LEONARD: *Santa Cruz: a Socio-Economic Study of an Area in Bolivia*, Foreign Agriculture Report No. 31 (Washington, D.C., 1948), p. 23.

rural population was employed under the *colonato* system. The *colono* undertook to work on the owner's estate without payment or for a fraction of the normal wage and in exchange was given the use of a plot of land (*sayaña*) for himself. The *colono* used his own tools and draught animals both on the estate and on his own holding. Although the obligations incurred by the *colonos* varied from one part of the country to another, it can be stated that this system barely enabled the *colono* and his family to keep body and soul together. The Legislative Decree of 2 August 1953 on agrarian reform abolished the *colonato* system and any other system whereby personal services are performed without payment or in exchange for benefits granted by the landowner and provided that the former *colonos* were to be assigned land, which would become their property, by the National Agrarian Reform Service.

Share-farming in the valleys, and particularly in the valley of Cochabamba, is sometimes called *compañía*, while on the High Plateau itself it is referred to as *mediería*. In both cases the tenant contributes the equipment, tools, seed and labour (although occasionally the landowner provides the seed) and the crop is shared equally. The *pegujalero* is in much the same situation as the *colono* of the high plateau.

Squatters are found in the sparsely-populated areas of Bolivia; they are known as *tolerados*.

Brazil

In Brazil the legal concepts of tenancy on a fixed-rental basis (*arrendamento*) and share-farming (*parceria*) in the rural areas are regulated and defined in accordance with the principles embodied in Portuguese legislation of the colonial period. These principles survived the Empire intact, and they form the foundation of section 1410-1423 of the Brazilian Civil Code, which defines tenancy and share-farming as distinct contractual forms both economically and legally. Thus, while tenancy implies a right to the full usufruct of land in exchange for a specified sum of money, a share-farming agreement is defined as the transfer of a plot of land to another individual who undertakes to cultivate it and to share its produce on an agreed basis.

The methods and types of share-farming in Brazil vary enormously owing to the sheer size of the country and the consequent diversity of the ethnic composition of the population and of farming systems. To these must be added the changes brought about by up-to-date farming techniques, which in Brazil, as in other Latin American countries, have modified, and occasionally supplanted, the traditional methods of Indian agriculture.

The term *arrendamento* is used throughout the country even when the rent is paid in kind. In the north-east the term *rendeiro* is frequently used to describe the tenant of a small plot of land, while elsewhere, as in the sugar-growing areas in the state of Pernambuco, the term means a farmer who leases land from the sugar mills.

Parceria is common particularly in the state of São Paulo, where this term is used to describe a system whereby the share-farmer receives the seed and the land already prepared for the year's crop and undertakes to sow it, cultivate it and reap the harvest. The crop is shared out on the holding itself in a proportion which varies from region to region. According to Schmidt, the crop may be shared on a 50-50 basis, or, when the quality of the soil is such that no fertilisers are needed, the owner only receives a third.¹ In the wooded region of the Paraíba valley the share-croppers clear and burn small plots of land (*roças*) on which they plant their crops; the landowner in such cases is entitled to a fifth or as much as a quarter of the harvest. Livestock share-farming is also encountered in the stock-raising areas of Brazil. In such cases the *vaqueiro* is entirely responsible for the livestock and in exchange he receives a quarter of the yearly output of young steers.

Share-farming on a 50-50 basis is chiefly found in the agriculturally backward areas. A survey carried out in the town of Cunha, in the state of São Paulo², describes the *mediero* as a cultivator who is given board, lodging and seeds by the landowner, with whom he divides the crop equally.

A particular form of share-farming (*empreiteiro*) is found in coffee-growing. In the north of Paraná an *empreiteiro* is employed by the estate or *fazenda* to establish new coffee plantations. A written contract is signed whereby the estate undertakes to clear and burn the land and to measure and mark out the area to be covered by the rows of plants, to plough the furrows (*cobas*) and to supply the seeds and the boards needed to protect the seedlings from the sun. The *empreiteiro* undertakes in turn to sow the coffee and to shield the seedlings with boards, to weed over the plantation two or three times a year and to thin the plants out twice. In exchange he receives the first coffee crop, payment in cash when the plantation is handed over and, for four years, the usufruct of a plot of land (*roça*) and lodging provided by the *fazenda*.

In this same region the *colono* is the person who looks after the fully grown coffee trees. His annual contract requires him to hoe the planta-

¹ Carlos B. SCHMIDT: "Systems of Land Tenure in São Paulo", in *Rural Sociology* (University of North Carolina), Vol. 8, Nos. 1-4, 1943, p. 242.

² Emilio WILLEMS: *Cunha, tradição e transição em uma cultura rural do Brasil* (Secretaria de Agricultura, São Paulo, 1947), p. 32.

tion two or three times a year, receiving in exchange a sum of money and the usufruct of a plot of land both of which vary in accordance with the size of the plantation he tends. In addition he undertakes to work as a hired labourer whenever his services may be required by the estate (i.e. during the two months of the coffee harvest). This system is also very widespread in the state of São Paulo.

Squatters in Brazil are known as *posseiros*, *moradores*, *intrusos* or *ocupantes*. There are unlimited opportunities in the huge areas of uncultivated land in Brazil for settlement in this way, which is practised by semi-nomadic cultivators who use slash-and-burn methods. However, according to Smith, there is a fairly marked tendency on the part of these cultivators to settle down as *agregados*¹, who correspond more or less to the *peones acasillados*² of pre-revolutionary Mexico.

Chile

Rural tenancies in Chile are subject to the general provisions of the Civil Code, which apply to any type of fixed-rent lease. All forms of share-farming are regulated by the Labour Code, Sections 75-76 of which classify the share-farmer as a farm worker.

Share-farming in Chile conforms to the normal pattern; the share-farmer uses his own equipment and the landowner provides the land and sometimes part of the seed. In certain areas and for certain crops the contract may provide for the produce to be shared equally, in which case the arrangement is called *mediería*. A *mediero* who is unable to provide the means of production, with the result that the landowner himself has to supply them, is described as a *mediero apatronado*, although even if he works under the immediate supervision of the landowner he does not necessarily incur any more obligations than if he had undertaken to farm the holding as a *mediero*.

The Chilean *inquilino* lives on the estate and in addition to board and lodging receives a plot of land, and sometimes grazing rights (*talaje*) as well, in addition to the wage he is paid for the work he carries out for the employer. McBride attributes the origin of the *inquilino* system to the destruction during colonial times of the tribal ties between the Chilean Indians and the land. The same writer describes the regulations issued by the Prince of Esquilache (Francisco de Borja, Viceroy of Peru) in 1619 and shows that even then the Indians living on Chilean estates were called *inquilinos* and were required to work 160 days in

¹ T. LYNN SMITH: *Brazil: People and Institutions*, op. cit., pp. 459-464.

² See p. 13.

the year for their employers, in exchange for which they were given the usufruct of 5 *almudes* (approximately 2½ acres) of arable land, together with the implements needed to till it.¹

The *inquilino-mediero* is an *inquilino* who, in addition to the usual plot of land, is granted another holding, half the produce of which he gives to the landowner.²

Squatters in Chile are known as *precarios*.

Colombia

In Colombia tenancy on a fixed-rental basis and share-farming are widespread throughout the country. The owners of plantations in the coffee-growing areas in the hilly country in the east often live either in Bogotá or abroad and lease out their estates.³ In the sugar-growing areas of the Cauca valley land is rented from the sugar mills, which buy up the tenant's crop. The terms *arrendamiento* and *aparcería* are used throughout the country.

Tenant-labourers fall into two main classes: the *agregados* or *vivientes* and the *terrazgueros*.⁴ The *agregado* lives on the estate, which grants him the usufruct of a plot of land, in exchange for which he works for a given number of days on the estate at a prescribed wage. This practice is widespread throughout the country. *Terrazgueros*, however, are found mainly in the western part of the Andean uplands, particularly in the departments of Narino and Cauca. The tenant-labourer is given the usufruct of a small plot of land (*pegujal*) in exchange for various services which he performs for the estate owner. This is known as the *terraje* system. In some districts the *terrazguero* has to work for a specified number of days a month in payment for the use of his *pegujal* and several more as a wage labourer. A survey carried out in 1944 revealed that the wage paid was of the order of 10 centavos per day, while in certain districts the wage is paid in boiled maize at a price fixed by the employer.⁵

¹ George McCutchen MCBRIDE: *Chile: Land and Society*, American Geographical Society, Research Series, No. 19 (New York, 1936), pp. 113-114.

² Ricardo MARÍN MOLINA: *Condiciones económico-sociales del campesino chileno* (Santiago, 1947), p. 30.

³ Kathryn H. WYLIE: *Agriculture of Colombia* (Washington, D.C., United States Department of Agriculture, 1942), p. 45.

⁴ These persons are also called *arrendatarios*, because in some parts of the country such systems of tenure are disguised as tenancies. In such cases the rent for housing and the plot of land is still paid for in the form of personal services. See United Nations, Economic Commission for Latin America: *Analysis and Projections of Economic Development. III. Economic Development of Colombia* (E/CN.12/365/Add.1, 6 Aug. 1955), pp. 163-164.

⁵ See *Indigenous Peoples*, op. cit., p. 346.

The term *colono* is used in Colombia to describe a squatter. Their poverty and their numerical importance are such that one of the main purposes of the Land Tenure Act of 1936 (No. 200) was to solve the *colonato* problem. Smith, discussing the reasons for the Act, states that *colonos* are the main social problem facing the country and adds that one of the chief causes of the disorders created by the settlement of *colonos* on estates was the fact that landowners allowed them to remain there for a number of years and then evicted them forcibly as soon as the land was in a fit state to be farmed. This author adds that very often the squatters were tricked into settling on the estates.¹

Costa Rica

In Costa Rica an Act regulating rural tenancies (No. 58) was passed on 9 March 1944. Section 3 of the Act deals with *mediería* (sometimes referred to as *medianería*), which it treats as a form of tenancy. After laying down the procedure for fixing rents, this section goes on to state that "landowners who make land available without payment and who, in addition, provide assistance in the form of seed, draught animals and implements or who advance money without interest for the same purpose shall be considered, if the parties so agree, as equal partners in the undertaking".

The term *esquilmo* is also used in Costa Rica to describe tenancies, whether rent is paid in kind or in both cash and kind. Generally speaking the *esquilmo* lasts for one crop only.

Squatters are referred to as *colonos*, *parásitos* or *ocupantes gratuitos*, depending on the part of the country. Squatters are to be found in isolated areas which are not really suitable for farming.

Cuba

In Cuba tenancy on a fixed-rental basis, share-farming and their variations have been clearly defined in the agrarian legislation, which is largely based on customary practice.

The explanatory statement issued in conjunction with the agricultural census of 1946² defines tenants (*arrendatarios*) as persons who pay a cash rent for the holding granted to them in usufruct and a sub-tenant (*subarrendatario*) as a person who receives a plot of land from a

¹ T. Lynn SMITH: "Some Observations on Land Tenure in Colombia", loc. cit., pp. 119-123.

² *Memoria del Censo Agrícola Nacional de 1946* (Havana, Ministry of Agriculture, 1951), p. 87.

tenant and pays him a cash rent. Act No. 7 of 1948 lays down the principles regulating agricultural tenancies.

In the sugar-growing districts a person who leases land from a sugar mill is called a *colono controlado*, while a person who leases land from an owner other than a sugar mill is called a *subcolono*. These, together with the *colono libre*, i.e. one who grows sugar on his own land, are referred to collectively in the sugar industry as the *colonato*.

Share-farming (*aparcería*) is also defined in the 1948 Act. Section 25 defines share-farming as an arrangement between the landowner, usufructuary, occupier or tenant of an agricultural holding and one or more persons for the production of crops or raising of livestock for the purpose of dividing the produce between them. The person who provides the land is required to provide the farmer with accommodation, tools, part of the seed, fertiliser, installations and water whenever the latter may be necessary for farming purposes.

There is a sub-chapter of the 1948 Act (Sections 32 to 35) dealing with share-farming in the tobacco-growing areas. In addition to the *partidarios* (another word for *aparceros*), it is also common in these areas to find tenants who are described as *cuartarios* or *terciarios*. These terms are derived from the proportion of the crop which the tenant has to pay for the right to use the land. The proportion of the crop the tenant has to hand over seems to depend largely on the amount of tools and equipment he supplies.

Squatters in Cuba are called *precaristas* and are defined in the 1946 national census as persons who farm a plot of land without any legal right to it and without paying rent or being answerable to anyone for their actions.¹

Ecuador

In Ecuador the term *arrendamiento* is used in its normal sense in the rice-growing coastal areas. There are other words, such as *sembrador*, *finquero* and *desmontero*, for special types of arrangement such as that under which a cultivator plants an area with cocoa-plants and looks after them for anything up to eight years, after which he hands them over to the landowner, receiving in exchange a sum of money calculated on the basis of the number of trees which are giving a yield. The cultivator also receives the crop (if any) gathered in while he is responsible for them. Arrangements of this kind are also common on some large banana estates in the provinces of Los Ríos and El Guayas. These words are also used when alluding to workers in the rice-growing areas who give labour in exchange for the usufruct of a piece of land.

¹ *Memoria del Censo Agrícola Nacional de 1946*, op. cit., p. 87.

The *huasipunguero*, who is the equivalent in the Ecuadorean highlands of the former Bolivian *colono*, is defined in Section 244 of the Labour Code as "a person who works on an estate for remuneration which he receives partly in cash as wages and partly in the right to use a piece of land made available to him by the employer". The services to be provided by the *huasipunguero* are determined in the form of a given number of days' work each week. In addition the *huasipunguero's* wife usually has to milk the cows of the estate and perform other agricultural tasks, for which she receives either a ration of food, a share of the crop or a small remuneration in cash.¹ In practice cash payments are reduced to a minimum or are omitted altogether.

Section 246 of the Labour Code deals with another special class of workers frequently encountered in certain mountainous areas (especially the provinces of Pichincha and Imbabura), namely the *yanapero* or *ayuda*. It defines the *yanapero* as a person who "enters into an agreement in which he undertakes to work on an estate for a specified number of days in a week or a month in return for certain benefits he receives from the owner". These benefits usually consist of grazing rights in upland corners of the estate or the right to take firewood and water for domestic use.²

Guatemala

In Guatemala the term *arrendamiento* is normally used to denote an arrangement whereby payment is made in kind for the use of land. The term *aparcería* covers a number of methods of dividing the produce, depending on how much the share-tenant has invested in equipment and tools.

The Guatemalan tenant-labourer is known as a *colono*, *pegujalero* or *mozo*. Whatever the name, this system involves the performance of various services in exchange for a plot of land known as a *pegujal*. Whenever payment is made for these services the rate is always lower than the normal daily wage in the district. The *colonos-arrendatarios* in Patzicia, a town in Chimaltenango province, are required to provide 45 days' labour without payment and also to give the landowner a specified share of their crops.³ This system is used not only for crops but sometimes for stock-raising as well; in some parts of the country there are herdsmen whose only remuneration is the right to use a plot of land.

Squatters are known as *ocupantes*.

¹ *Indigenous Peoples*, op. cit., p. 346.

² *Ibid.*, p. 349.

³ See *Crédito agrícola supervisado para Guatemala* (Guatemala City, Instituto de Fomento de la Producción, 1951), p. 36.

Honduras

In Honduras the land-tenure system is much the same as in Guatemala.

Mexico

In Mexico the operation of tenancy on a fixed-rental basis and share-farming systems has been closely bound up with the forms of land tenure which have shaped the agrarian structure of that country during its history. Both forms existed under the Aztec system of land tenure even on *calpulli* lands, i.e. land owned by villages or town districts and conquered lands which were distributed to nobles and warriors. It was common, however, to use the services of the former owners—known as *mayeques* or *maeques*, *tlamaltecas* or *tlamaites*—who became for all practical purposes a class of share-farmers with privileges which they were allowed to pass on to their descendants.¹ By confining themselves to transferring the benefits of the Aztec system from the conquered Mexicans to the privileged among their own numbers the Spanish conquerors helped to establish the system of land tenure which remained in force in Mexico until the agrarian revolution of 1910. The pre-revolutionary estate owners made extensive use of cash-rental and share-farming systems in order to avoid the capital investment that would otherwise have been required if they farmed their enormous estates themselves.

The attached labourer (*peón acasillado*) was paid in two ways: partly in the form of credit at the estate store (with its usual disastrous results for the worker) and partly by being given the usufruct of a plot of land on which he could at least partially support himself.

At the present time both renting and share-farming are regulated and defined by the Civil Code, which applies in the federal district and territories and also in some of the states. The Idle Lands Act of 23 June 1920 regulates all tenancies on uncultivated lands. A special chapter of the Civil Code deals with share-farming in crops and livestock respectively.

Panama

In Panama the chief forms of tenancy which concern us here are renting and the squatter system. In some inland areas tenant-labourers are sometimes used to open up new pasture land. Under this system

¹ L. MENDIETA Y NÚÑEZ: *El problema agrario de México* (Mexico City, Porrúa, 1934), p. 6. See also Silvio A. ZAVALA: *La encomienda indiana* (Madrid, Centro de Estudios Históricos, 1935), p. 151.

the cattle farmer gives landless labourers the right to cultivate an unlimited area of virgin land for one or two years, after which the land, which is now cleared and sown with grass, reverts to the owner, whose only outlay has been the cost of the seed. For this reason the definition of tenancy used in the 1950 census of agriculture and livestock is not restricted to arrangements involving payment in cash or kind alone but also covers arrangements whereby payment is made in the form of services such as clearing land, mending fences, sowing pasture, etc.¹

The same source defines the squatter (*usufructuario*) as a person who uses or cultivates a plot of land without having any title to its ownership and without paying for its use in cash, kind or services. In Panama the *usufructuario* resembles in almost every way the squatter as described earlier in this chapter, even to the primitive methods of cultivation he uses.²

Peru

In Peru the main characteristics of *arrendamiento* and *aparcería* are outlined in the Civil Code, which has been in force since 1936. In practice the word *arrendamiento* is used in its ordinary sense, especially when speaking of large areas of land which are usually intended to be tilled by persons other than the owners. However, the term is also sometimes used to designate tenant-labourers, who work under two kinds of arrangement, namely *colonato* and *yanacónaje*. The former is found mainly in the Andean uplands, while the latter is more common in the coastal areas. One Peruvian author has stated that “*colonato* is a double contract of hire in which the tenant is lessee of the land and at the same time lessor of his own service”. He goes on to say that while tenancy for a cash rental is a contract entered into for a specified period, the hiring inherent in the *colonato* is for an indefinite period and frequently results from a situation of fact in which previous agreement had no part.³ The *yanacóna* is defined by another Peruvian author as “a worker who performs two contracts at the same time: one in which he undertakes to serve the estate as a regular worker and another by which he receives a piece of land to cultivate on his own account. It is this second contract which gives binding force to the agreement.” This second contract may be a leasehold or a share-farming contract. In the

¹ Special communication from the Contraloría General de la República, Panamá, Nov. 1953.

² See p. 3.

³ FRANCISCO PONCE DE LEÓN: *Al servicio de los aborígenes peruanos* (Cuzco, Librería e Imprenta D. Miranda, 1946) p. 70.

former case the rent is normally agreed upon in terms of money, but it is usually paid in products specified in fixed quantities by the employer.¹

Natural pastures are sublet to *majaderos*, among others, who, in addition to paying a nominal sum for the right to graze each head of cattle, sheep or pigs on the estate, are required to perform a specified amount of work during the year.

The Act of 15 May 1947 (No. 10835) describes a *yanacona* as "a person who receives a plot of land for cultivation not exceeding 15 hectares in the irrigated areas and hill country and not exceeding 30 in the highlands". Under this Act a *yanaconaje* contract may provide for the rent to be paid in cash, in kind, in services or by sharing the crop. In the latter case the *yanacona* is referred to as an *aparcero*, *partidario*, *socio*, *compañero*, *camayo* or *concertado*, according to the district. In practice, however, the system of *yanaconaje* is closely bound up with the performance of services either in direct exchange for the use of a plot of land or in return for a share-farming contract. Farm workers employed to establish coffee and cocoa plantations or orchards in the departments of Huánuco and Junín are known as *mejoreros*. The worker assumes full responsibility for preparing the soil and sowing and caring for the crops; in exchange he can plant his own crops in between the rows and is paid a fixed sum for each producing tree which he hands over, usually at the end of three years. Cash advances, tools or any basic items he may have received are allowed for in the general settlement which is made when he hands the plantation over.

The *allegado* is a person who is granted the usufruct of a plot of land by a *yanacona* or *colono*, towards whom he contracts a number of obligations which, in the main, are similar to those existing between the latter and the landowner. His most important personal obligation is to take the place of the *yanacona* or *colono* in carrying out the latter's obligations to the landowner.²

El Salvador

In El Salvador both fixed-rental tenancy and share-farming (which is known as *terraje*) are found in the same forms as elsewhere. However, the most frequently encountered arrangement is the *colonato*, the chief characteristic of which is that the *colono* actually lives on the coffee

¹ Manuel SÁNCHEZ PALACIOS in a communication to the I.L.O. in May 1950; quoted in *Indigenous Peoples*, op. cit., p. 352.

² United Nations: *Report of the Commission of Enquiry on the Coca Leaf*, Economic and Social Council, Official Records, Fifth Year: Twelfth Session, Special Supplement No. 1 (Doc. E/1666) (Lake Success, New York, 1950), p. 77.

plantation or estate.¹ In this way the coffee planters always have at their disposal the plentiful supply of labour which is necessary for coffee-growing. On the other hand, the *colono* has little free time to till his own plot and is unable to do more than plant cereals to feed himself and his family.²

In the "tenant" group we find tenant-labourers who have to work for the estate as well as pay rent, the *arrendatario simple*, who lives in a village outside the estate, and the *arrendatario con promesa de venta*, who enters into a hire-purchase contract with the landowner and pays the price in instalments, usually on a yearly basis.

Uruguay

In Uruguay the law defines tenancy as a contract whereby one of the parties undertakes to grant the usufruct of a plot of land against payment in cash or "in crops or farm produce".³ In practice, however, tenancy always involves the payment of a fixed cash rental agreed upon in advance.⁴

Share-farming is defined in Section 141 of the Rural Code as a contract whereby one of the parties undertakes to cede a piece of land or animals or both while the other undertakes to care for the animals or cultivate or look after the land for the purpose of sharing the crops or livestock. The term *medianero* is frequently used as a synonym for a share-tenant; it does not imply that the crops will be shared on a 50-50 basis. The term used for squatters is *ocupantes*.

Venezuela

In Venezuela the definitions used for the purpose of the census of agriculture and livestock in 1950⁵ deal with *arrendamiento* and *aparcería* along the usual lines. They state that rent may be paid either in cash or in kind and, with regard to *aparcería*, draw a distinction between *medianería* and *terciería*. The same document states that squatters sometimes

¹ By extension the term *colono* is also used to cover wage labourers on small coffee estates the land of which is so valuable that all that can be set aside for the worker is a small patch to build his home on.

² Francisco ALTSCHUL: "El problema de los cereales en la República de El Salvador", in *Revista de Economía de El Salvador* (San Salvador), Vol. II, Nos. 5-6, Jan.-June 1951, p. 210.

³ Rural Tenancies Act, 1954, art. 2.

⁴ Special communication to the I.L.O. from the Instituto Nacional de Colonización, Montevideo, Dec. 1953.

⁵ Ministerio de Fomento, Dirección General de Estadística: *Resultados preliminares del Censo agropecuario de 1950* (Caracas, 1952), p. 4.

occupy a plot of land with the owner's permission. Such land may belong to private individuals, to the State (including waste land) or to municipalities (*ejidos*).

Nevertheless, squatters are usually referred to as *conuqueros*; they rely mainly on slash-and-burn methods and move on elsewhere from time to time. A special study made by the Institute of Inter-American Affairs in the Lake Valencia region calls this system "a black spot in the agriculture of this region".¹

* * *

There is a great variety of tenure arrangements peculiar to Latin America and of the terminology used to identify them. The same word may have many different meanings according to the country to which reference is made; for example the word *colono* means entirely different things in Argentina, Cuba and Peru.

The only terms which may be used without difficulty throughout the region are *terrateniente* or *propietario* (owner) and *arrendatario* (a tenant paying rent in the form of cash or a fixed quantity of produce). The term *aparcero* (share-farmer) is commonly used but is not applicable in all countries; in some cases *mediero* or *medianero* are used to describe similar arrangements. However, for purposes of convenience the systems of tenure which have a number of features in common have been grouped together in this study. No particular merit is claimed for the grouping used, but it may at least be considered as a possible framework on which a more detailed analysis might be based. The advantages in following some accepted terminology when making studies of land tenure in Latin America are obvious.

¹ Institute of Inter-American Affairs: *The Lake Valencia Region in Venezuela* (Washington, 1948), p. 7.

CHAPTER II

IMPORTANCE OF THE VARIOUS FORMS OF LAND TENURE

There is not enough information available to assess the importance of the various forms of land tenure by any method applicable to all the Latin American countries. Up to 1950 only two countries in this region had published agricultural censuses which could be considered as in any way comprehensive or as giving a fairly accurate picture of the working conditions of the agricultural population. Since 1950, however, all of them have made considerable efforts to improve their agricultural statistics in order to find out about various problems affecting their agrarian systems. The holding of these censuses was largely due to the efforts of the Inter-American Statistical Institute, which decided in 1947 to set up a committee for a census of the Americas ; this step fitted in with the proposal of the United Nations Food and Agriculture Organisation to carry out a world agricultural census in 1950.

TABLE I. NUMBER OF HOLDINGS IN TEN LATIN AMERICAN COUNTRIES GROUPED ACCORDING TO TYPE OF TENURE

Country	Census year	Total number of holdings	Percentage in each category			
			Owners ¹	Tenants ²	Squatters	Other forms ³
Argentina	1947	468,680	36.8	33.4	—	29.8
Brazil	1950	2,064,519	80.8	9.1	10.1	—
Costa Rica	1950	43,086	81.1	3.6	—	15.3
Cuba	1946	159,958	36.3	53.9	8.6	1.2
Guatemala	1950	341,188	48.3	16.4	3.9	31.4
Panama	1950	85,473	14.1	9.3	67.3	9.3
Paraguay	1943	94,495	15.9	6.6	63.0	14.5
El Salvador	1950	175,317	62.9	18.1	19.0	—
Uruguay	1951	85,258	50.2	34.7	3.1	11.4
Venezuela	1950	248,738	41.3	20.6	35.8	2.3

¹ In Brazil, Cuba and Guatemala this category includes estate managers. ² In all countries this category includes share-tenants. In Costa Rica and Cuba it also includes *esquilmo* and sub-tenancies respectively. ³ Includes mixed systems. In Guatemala includes *colonos* and *comuneros*. In Costa Rica includes squatters.

Two particularly interesting statistical tables based on the information produced by the agricultural censuses held in a number of Latin American countries are given. Table I shows the number of holdings, broken down into four groups, according to the type of tenure, in ten countries with a total of some 3½ million farm holdings, while table II shows the area of cultivated land under the same four types of tenure in six of these countries, which between them account for over 250 million hectares. Although these tables cover a considerable number of farmers, who together with their families cultivate very large areas of land under various types of tenure, their value is seriously impaired by the lack of similar data for the other countries or of details making it possible to distinguish between the different types of land tenure. Despite these limitations they illustrate to some extent the relative importance of the various forms of tenure among quite a large proportion of the farming population of Latin America.

To analyse the situation in countries which have not published much on this subject it has been necessary to fall back on local or regional surveys carried out by various institutions or individuals. It is unfortunate that the countries of the Andean region, where the most primitive and unstable systems of land tenure in Latin America are most widespread, should also have the least information on the relative importance of these systems of tenure within their own agrarian systems.

TABLE II. AREA UNDER CULTIVATION IN SIX LATIN AMERICAN COUNTRIES ACCORDING TO TYPE OF TENURE ¹

Country	Census year	Area (hectares)	Percentage in each category			
			Owners	Tenants	Squatters	Other forms
Brazil	1950	233,988,108	90.1	5.6	4.3	—
Costa Rica	1950	1,811,433	89.7	0.7	—	9.6
Cuba	1946	9,077,086	58.0	38.5	2.7	0.8
Guatemala	1950	3,550,085	74.5	2.8	1.2	21.5
Panama	1950	1,159,082	38.9	7.4	39.7	14.0
Uruguay	1951	16,973,632	40.3	33.0	0.6	26.1

¹ The different forms of tenure have been classified in the same way as in the previous table.

In order to correlate the information from the different agricultural censuses reproduced in these two tables it has been necessary to put rent-paying and share-tenants together in one column. The findings

of each census will be analysed separately. Nevertheless, the above tables call for some general comment. Of the 3½ million farm holdings roughly 64 per cent. are farmed by their owners, while tenants and share-farmers together account for about 16 per cent. In the nine countries that supplied detailed information about squatters it was found that the latter were cultivating 15 per cent. of the total number of farm holdings; in both Panama and Paraguay they were operating over 60 per cent. of all holdings. In five of the countries the squatters till roughly 4 per cent. of the total area of farmland (roughly 10 million hectares).

The figures in the tables should also be considered in relation to the total active agricultural population of Latin America. A recent survey by the United Nations Economic Commission for Latin America (E.C.L.A.) on manpower in that continent¹ showed that in 1950 the active agricultural population of Latin America totalled 28 million or so, i.e. 53.2 per cent. of the total economically active population.

Despite the long-term upward trend of the total agricultural population, the E.C.L.A. survey shows that during the last decade the rate of increase has been slower than in the earlier decades and in some countries has actually come to a halt. The survey accordingly estimates that if economic development continues at the same rapid pace as it did during the period 1945-51 for another 30 years the agricultural population will cease to grow and after a short period of apparent stability will begin to fall.

ARGENTINA

In Argentina the majority of farmers in the cereal-growing areas and in the stock-raising belt have traditionally been either fixed-rental tenants or share-farmers. This dates back to the headlong expansion of agriculture in the last century, when the demand for cereals, coupled with the influx of large numbers of immigrants without capital and the high price of land, made it necessary to use these forms of tenure to settle the land and bring it into full production.

The statistics on this point do not permit any exhaustive or accurate analysis of the trend in these systems of land tenure. Owing to the persistent tendency to use the heading "other forms of tenure" in all the agricultural censuses that have been carried out so far, it is impossible to make any comparative study of the different categories of farmers. Into this category are lumped not only squatters but also workers

¹ United Nations, Economic Commission for Latin America: "Estudio sobre la mano de obra en América latina", reproduced in *Panorama Económico* (Santiago), No. 146, 8 June 1956, p. 280.

TABLE III. ARGENTINA : PERCENTAGE OF FARM HOLDINGS ACCORDING TO FORM OF TENURE IN 1914, 1937 AND 1947

Province or territory	1914			1937			1947		
	Owners	Tenants ¹	Other forms	Owners	Tenants ¹	Other forms	Owners	Tenants ¹	Other forms
Buenos Aires	33.8	54.6	11.6	30.9	65.2	3.9	31.0	50.2	18.8
Santa Fe	32.8	59.2	8.0	32.4	62.8	4.8	31.5	44.8	23.7
Entre Ríos	54.8	36.8	8.4	42.5	48.9	8.6	41.9	30.9	27.2
Corrientes	62.9	27.6	9.5	55.9	23.2	20.9	44.5	22.1	33.4
Córdoba	55.4	32.1	12.5	44.3	47.7	8.0	39.4	39.7	20.9
San Luis	73.0	11.1	15.9	61.9	16.0	22.1	54.5	11.6	33.9
Santiago del Estero	77.4	12.7	9.9	35.5	28.6	35.9	23.4	25.9	50.7
Tucumán	76.6	15.1	8.3	74.3	19.3	6.4	66.7	13.9	19.4
Mendoza	72.5	15.6	11.9	53.0	25.1	21.9	71.7	13.0	15.3
San Juan	77.4	13.9	8.7	64.9	14.2	20.9	79.0	7.9	13.1
La Rioja	81.6	5.1	13.3	61.0	6.6	32.4	46.4	5.1	48.5
Catamarca	77.0	10.4	12.6	63.3	13.6	23.1	69.8	8.8	21.4
Salta	34.3	57.7	8.0	25.7	46.3	28.0	24.5	41.4	34.1
Jujuy	34.2	58.9	6.9	24.3	62.1	13.6	22.2	48.9	28.9
Chaco	57.8	24.9	17.3	9.7	26.9	63.4	9.4	16.2	74.4
Chubut	50.6	11.0	38.4	18.3	29.9	51.8	22.1	8.9	69.0
Formosa	62.5	20.8	17.7	2.4	18.5	79.1	2.3	4.2	93.5
La Pampa	33.6	54.3	12.1	27.7	62.2	10.1	30.9	49.6	19.5
Los Andes ²	91.7	6.7	1.6	0.2	—	99.8	—	—	—
Misiones	70.6	10.7	18.7	35.4	3.1	61.5	40.5	2.9	56.6
Neuquén	52.1	31.6	16.3	9.0	11.4	79.6	19.1	6.9	74.0
Río Negro	66.5	14.9	18.6	24.3	21.7	54.0	34.5	11.1	54.4
Santa Cruz ³	49.7	27.0	23.3	11.1	66.6	22.3	8.6	2.3	89.1
Tierra del Fuego	21.9	18.8	59.3	31.5	37.0	31.5	17.9	3.6	78.5
Comodoro Rivadavia . . .	—	—	—	—	—	—	13.7	4.7	81.6
Whole country	50.5	38.4	11.1	37.9	44.3	17.8	36.7	33.5	29.8

Source: Argentine National Census, 1914; Argentine Censuses of Agriculture and Livestock, 1937 and 1947.

¹ Including share-tenants. ² This territory no longer exists as a political unit; it has been absorbed by the provinces of Jujuy, Salta and Catamarca. ³ It is assumed that for the years 1914 and 1937 these figures cover the new territorial division of Comodoro Rivadavia.

who perform services which are remunerated in cash or form part of tenant-labourer arrangements (*contratistas*, *puesteros*, etc.). The agricultural censuses of 1914 and 1937 clearly showed increases ranging from 3.6 to 39.6 per cent. in the proportion of tenants and share-farmers in all the areas where productivity was highest. With a few exceptions (in the vine-growing and mixed-farming areas) this trend was accompanied by a fall in the number of farms operated by owners or their agents. On the other hand, according to the fourth census of agriculture and livestock, held in 1947, in which a total of 468,680 farm holdings were registered, there was at the same time a sharp drop in the number of tenant-operated holdings (viz. from 200,318 to 156,633); thus the ratio between the numbers of farms operated by tenants and of those run by owners and agents was relatively little affected. However, the full significance of this fact cannot be fully appreciated, as the number of farms classified under "other forms" almost doubled and reached the same percentage as the other two categories. As for the relative proportions of cash- and share-tenants, who are lumped together in the Argentine census under the heading "tenants", a detailed study of the 1937 census shows that of the 200,318 farm holdings classified under this heading more than half (57.5 per cent.) were leased on a cash basis and 39.4 per cent. were subject to share-farming arrangements, while the remainder were subject to various combinations of these two systems.

The highest percentage of tenancy is found in wheat growing—the 1937 statistics show that tenants and share-farmers accounted for 66 per cent. of the area under wheat—while the next highest proportions were to be found in stock-raising and maize-cultivation respectively.

There is no information available on the number of squatters, since in the Argentine censuses they are included in the "miscellaneous" group.

BOLIVIA

In Bolivia there are no official statistics which give any clue to the numbers of tenants and share-farmers. In any case the situation is constantly changing, and it is still impossible to analyse the impact of agrarian reform on the pattern of land tenure so far.

BRAZIL

In Brazil the agricultural censuses of 1920, 1940 and 1950 enable a more detailed analysis to be made of the extent and development of

various forms of land tenure. According to the 1920 census Brazil then contained 648,153 agricultural holdings, of which 23,371 (3.6 per cent.) were farmed by tenants, 47,572 (7.3 per cent.) by *administradores* and the remainder (577,210, or 89.1 per cent.) by owners. The census showed that tenancy was relatively most widespread in the areas where the population was lowest, e.g. the Amazon Basin, the Mato Grosso and the states of Rio de Janeiro, Rio Grande do Sul and Pernambuco. The total area registered during this census was 175,104,675 hectares, of which 72.4 per cent. was classified as being tilled by owners, 22.7 per cent. by agents and 4.9 per cent. by tenants.

Between 1920 and 1940 there was a considerable increase in the number of tenants in Brazil. The relatively small figure of 23,371 tenant-farmers registered in the 1920 census had risen to 221,505 by 1940—an increase of 849 per cent. The area and total value of tenant farms also rose by 123 and 556 per cent. respectively. Whereas in 1920 only 3.74 per cent. of the agricultural holdings covered by the census were operated by tenants, in 1940 this proportion had risen to 12.65 per cent. and accounted for 9.67 per cent. of the total area covered by the census.

The 1940 agricultural census revealed a total of 1,904,589 agricultural holdings with a total area of 197,720,247 hectares, of which 18,467,170 hectares were cultivated by tenant-farmers as follows :

<i>Use made of land</i>	<i>Hectares</i>
Permanent cultivation	324,215
Temporary cultivation	1,522,216
Pasture	6,392,251
Scrub	8,210,443
Uncultivated	2,027,045
Total	<u>18,467,170</u>

TABLE IV. BRAZIL : IMPORTANCE OF THE VARIOUS FORMS OF TENURE
ACCORDING TO NUMBER, AREA AND ECONOMIC SITUATION IN 1940
(Percentages)

System of tenure	Holdings covered by census	Area	Value of holdings	Value of output in 1939	Persons in employment
Owner	72.28	64.37	69.48	69.34	72.43
Agent	9.37	22.68	20.53	16.96	14.99
Tenant	11.63	9.67	8.46	10.45	8.50
Squatter	5.72	2.67	1.31	2.89	3.56
Others or undeclared . .	1.00	0.61	0.22	0.36	0.52
Total	100.00	100.00	100.00	100.00	100.00

Source: Instituto Brasileiro de Geografia e Estatística: *Recenseamento Geral do Brasil, 1º de setembro de 1940* (Rio de Janeiro, 1950).

TABLE V. BRAZIL: NUMBER AND AREA OF AGRICULTURAL

	Total		Owners	
	Holdings	Area (hectares)	Holdings	Area (hectares)
<i>All Brazil</i>	2,064,519	233,988,108	1,550,662 (75.1)	155,901,001 (66.6)
<i>North</i>	78,229	23,357,918	50,380 (64.4)	10,896,391 (46.6)
Guaporé	530	693,775	257 (48.5)	317,969 (45.8)
Acre	1,701	8,897,957	638 (37.5)	3,370,090 (37.9)
Amazonas	15,222	5,853,755	11,126 (73.1)	3,519,516 (60.1)
Rio Branco	446	596,323	268 (60.0)	280,964 (47.1)
Pará	59,876	6,581,875	37,899 (63.3)	3,210,001 (48.8)
Amapá	454	734,233	192 (42.3)	197,851 (26.9)
<i>North-East</i>	543,557	41,992,089	355,683 (65.4)	28,146,448 (67.0)
Maranhão	95,165	9,536,666	25,044 (26.3)	6,174,309 (64.7)
Piauí	34,116	7,863,581	27,506 (80.6)	4,713,330 (60.0)
Ceará	86,689	10,411,269	69,681 (80.4)	7,541,234 (72.4)
Rio Grande de Norte	34,396	3,855,179	26,233 (76.2)	2,386,088 (61.9)
Paraíba	69,119	3,613,944	52,912 (76.5)	2,659,982 (73.6)
Pernambuco	172,112	5,229,085	120,230 (69.8)	3,683,857 (70.5)
Alagoas	51,960	1,482,365	34,077 (65.6)	987,648 (67.0)
<i>East</i>	660,741	60,194,736	560,040 (84.8)	44,689,627 (74.2)
Sergipe	42,769	1,112,677	36,474 (85.3)	843,942 (75.8)
Bahia	258,123	16,165,617	216,216 (83.7)	10,925,126 (67.5)
Minas Gerais	265,487	36,807,535	234,721 (88.4)	28,742,685 (78.1)
Espírito Santo	44,170	2,539,312	38,387 (86.9)	2,083,469 (82.0)
Rio de Janeiro	40,655	3,176,396	31,626 (77.8)	2,033,517 (64.1)
Federal District	5,264	41,309	2,076 (39.4)	13,471 (32.6)
<i>South</i>	702,227	54,545,973	534,978 (76.2)	36,414,803 (66.8)
São Paulo	221,611	19,071,351	143,090 (64.6)	11,390,603 (59.7)
Paraná	89,461	8,032,743	68,609 (76.7)	5,068,893 (63.1)
Santa Catarina	104,434	5,356,419	94,140 (90.2)	4,622,808 (86.3)
Rio Grande do Sul	286,721	22,085,460	229,139 (79.9)	15,332,499 (69.4)
<i>West Central</i>	79,765	53,897,392	49,581 (62.2)	35,753,732 (66.3)
Mato Grosso	16,024	29,189,279	11,651 (72.7)	18,967,018 (65.0)
Goiás	63,741	24,708,113	37,930 (59.5)	16,786,714 (67.9)

Source: 1950 census of agriculture. The figures in italics are percentage figures.

HOLDINGS FARMED UNDER DIFFERENT FORMS OF TENURE IN 1950

Tenants		Squatters		Agent	
Holdings	Area (hectares)	Holdings	Area (hectares)	Holdings	Area (hectares)
186,899 (9.1)	13,085,038 (5.6)	207,866 (10.1)	9,917,757 (4.3)	117,977 (5.7)	54,941,269 (23.5)
4,608 (5.9)	5,375,700 (23.0)	19,651 (25.1)	631,585 (2.8)	3,568 (4.6)	6,431,727 (27.6)
33 (6.2)	96,317 (13.9)	199 (37.6)	45,378 (6.6)	41 (7.7)	234,111 (33.7)
715 (42.0)	3,254,267 (36.6)	238 (14.0)	3,117 (0.03)	110 (6.5)	2,270,483 (25.5)
1,046 (6.9)	1,539,700 (26.3)	2,475 (16.3)	117,428 (2.1)	565 (3.7)	677,001 (11.6)
18 (4.0)	20,653 (3.5)	58 (13.0)	21,510 (3.6)	97 (22.0)	251,483 (42.3)
2,772 (4.6)	454,781 (6.9)	16,568 (27.8)	423,901 (6.4)	2,542 (4.3)	2,492,500 (37.9)
24 (5.3)	9,982 (1.4)	25 (5.5)	20,251 (2.7)	213 (46.9)	506,149 (27.0)
72,473 (13.4)	1,059,863 (2.5)	81,524 (15.0)	1,073,977 (2.7)	33,688 (6.2)	11,692,112 (27.8)
5,273 (5.5)	118,959 (1.3)	61,831 (65.0)	550,410 (5.8)	3,013 (3.2)	2,692,092 (28.2)
1,391 (4.1)	140,584 (1.7)	934 (2.7)	125,715 (1.6)	4,283 (12.6)	2,883,790 (36.7)
4,236 (4.9)	219,695 (2.1)	2,844 (3.3)	179,028 (1.7)	9,910 (11.4)	2,467,161 (23.8)
3,491 (10.2)	128,059 (3.4)	1,066 (3.1)	48,127 (1.3)	3,498 (10.4)	1,287,007 (33.4)
10,107 (14.7)	127,912 (3.5)	1,574 (2.3)	29,201 (0.8)	4,521 (6.5)	796,502 (22.1)
35,397 (20.6)	255,220 (4.9)	10,431 (6.1)	121,013 (2.3)	6,017 (3.5)	1,167,502 (22.3)
12,578 (24.2)	69,434 (4.7)	2,844 (5.5)	20,483 (1.4)	2,446 (4.7)	397,808 (26.9)
27,020 (4.1)	1,197,818 (2.0)	27,806 (4.2)	1,475,735 (2.5)	45,492 (6.9)	12,793,053 (21.3)
3,344 (7.8)	15,128 (1.3)	1,238 (2.9)	10,570 (1.1)	1,700 (4.0)	242,929 (21.8)
8,212 (3.3)	118,097 (7.3)	12,893 (5.0)	539,181 (3.1)	20,542 (7.9)	4,553,832 (28.1)
8,898 (3.4)	827,246 (2.2)	6,615 (2.5)	556,610 (1.5)	15,203 (5.7)	6,676,461 (18.1)
1,073 (2.4)	52,793 (2.1)	1,856 (4.3)	77,565 (3.1)	2,837 (6.4)	324,487 (12.8)
3,633 (8.9)	174,432 (5.5)	995 (2.6)	30,109 (1.0)	4,360 (10.7)	934,885 (29.4)
1,843 (35.1)	9,486 (22.9)	574 (10.9)	3,362 (8.2)	770 (14.6)	14,980 (36.3)
77,620 (11.0)	3,433,449 (6.3)	58,910 (8.5)	1,851,380 (3.4)	30,219 (4.3)	12,809,895 (23.5)
53,121 (24.0)	998,254 (5.3)	7,689 (3.5)	250,860 (1.3)	17,594 (7.9)	6,415,652 (33.8)
4,436 (5.0)	184,198 (2.3)	12,043 (13.4)	688,828 (8.6)	4,361 (4.9)	2,090,309 (26.1)
4,067 (4.0)	110,650 (2.1)	4,853 (4.7)	158,857 (3.2)	1,068 (1.1)	451,664 (8.4)
15,996 (5.7)	2,140,347 (9.8)	34,325 (11.9)	752,835 (3.4)	7,196 (2.5)	3,852,270 (17.4)
5,178 (6.5)	2,018,208 (3.7)	19,975 (25.0)	4,885,080 (9.2)	5,010 (6.3)	11,214,482 (20.8)
916 (5.7)	1,665,944 (5.7)	2,133 (13.4)	1,358,437 (4.7)	1,317 (8.2)	7,178,637 (24.6)
4,262 (6.7)	352,264 (1.4)	17,842 (28.0)	3,526,643 (14.3)	3,693 (5.8)	4,035,845 (16.4)

The majority of the rented farms given over to crops or to crops and stock-raising were small or medium-sized holdings (under 50 hectares), whereas among those given over exclusively to stock-raising the relative proportions of small and large-scale holdings were more evenly balanced.

The census showed that tenant-farming was evenly distributed throughout the country. The highest proportion was found in the Federal District (46.12 per cent. of the total number of holdings). This was followed by the territory of Acre, in which the proportion of 45.75 per cent. was due to the widespread practice of harvesting vegetable produce under concession arrangements. Fairly high proportions were also encountered in São Paulo (26.49 per cent.), Pernambuco (17.55 per cent.), Goiás (16.01 per cent.) and Alagoas (14.27 per cent.).

Table IV, the data in which are taken from the 1940 agricultural census, shows the distribution of the various forms of land tenure in 1940 and their importance in the country's agrarian economy.

The same census showed that share-farming played a greater part in agricultural production. Although there is no detailed information available on this point, the 1940 census registered 226,102 establishments, with an area of 35,664,034 hectares or 18.5 per cent. of the total covered by the census, operated under share-farming arrangements.

The 1950 census of agriculture showed an over-all drop of 2.5 per cent. in the number of tenancies since 1940. There was only one exception to this trend, namely north-eastern Brazil; in the state of Alagoas there was an increase of 10 per cent. However, the most noteworthy fact brought to light by this census is the sharp rise in the proportion of squatters, which almost doubled, rising to 10.1 per cent. of the total number of farmers. Squatters are particularly common in the state of Maranhão, in which they operate 65 per cent. of the total number of holdings, followed by the territory of Guaporé (37.6 per cent.) and the states of Goiás (28 per cent.), Pará (27.8 per cent.), Amazonas (16.3 per cent.), Paraná and Mato Grosso (13.4 per cent. each).

CHILE

In Chile the statistics available give little indication of the relative importance of different forms of land tenure in the country's agrarian economy. The 1940 census revealed that 609,000 persons were actively engaged in agriculture; 151,844 (25 per cent.) of them were classified as employers, 43,847 (7 per cent.) as permanent employees and 413,272

(68 per cent.) as labourers. The heading "employers" covered tenants and managers as well as owners. The number of owners was swollen by the enormous number of smallholders, the bulk of whom work partly on their own account and partly as wage earners.¹ The 1930 census showed that 30 per cent. of the farm labourers were *inquilinos* while the remainder were casual workers who, unlike the *inquilinos*, were not given the usufruct of a plot of land in addition to their wages.

A survey recently carried out by the Economic Commission for Latin America in two provinces in the central region (Santiago and Valparaíso), covering 401 farm holdings with an area of some 2 million hectares, showed that out of a rural population of somewhat more than 12,000 persons the economically active population, totalling approximately 4,000, was made up of 172 operators, approximately 110 skilled workers, 400 administrative employees and some 350 *medieros*, while *inquilinos* numbered between 2,800 and 3,000, i.e. three-quarters of the total economically active population.² The same source, after pointing out the similarity between conditions in the two provinces covered by the survey and the remainder of the central zone, states that *inquilinos* form the largest group of the working population and make the largest contribution to agricultural output. In the agricultural year 1951-52 55 to 60 per cent. of the total labour employed came from among these workers and their families; approximately 70 per cent. being the *inquilinos* themselves, i.e. the breadwinners, and the remaining 30 per cent. members of their families, who, if they live with the breadwinner, normally undertake to work on the estate.³

The survey also showed that out of a sample group of 397 holdings 73 per cent. were operated by owners, 18.2 per cent. by tenants and 8.8 per cent. by *medieros*.

COSTA RICA

In Costa Rica the 1950 population census showed that only 54.72 per cent. of the country's economically active population was engaged

¹ Ricardo MARÍN MOLINA: *Condiciones económico-sociales del campesino chileno*, op. cit., p. 32.

² United Nations, Economic Commission for Latin America: *Analysis of Some Factors Which Act as an Obstacle to the Increase of Agricultural Production* (document E/CN.12/306, Rio de Janeiro, 1953), p. 29. These figures do not include *afuerinos* (casual labourers). On the other hand they do include members of the family or the household and other persons who do not necessarily work in agriculture.

³ Ibid., pp. 25-26.

TABLE VI. COSTA RICA: NUMBER OF FARM HOLDINGS ACCORDING TO SYSTEM OF TENURE BY PROVINCES, 1950

Province	Total	Ownership		Tenancy		Esquilmo		Other forms ¹		Mixed systems ²	
		Number	Per-centage of total	Number	Per-centage of total	Number	Per-centage of total	Number	Per-centage of total	Number	Per-centage of total
San José	10,989	8,583	78.1	253	2.3	156	1.4	242	2.2	1,755	16.0
Alajuela	10,377	8,944	86.2	127	1.2	150	1.5	197	1.9	959	9.2
Cartage	3,701	3,013	81.4	101	2.7	16	0.5	227	6.1	344	9.3
Heredia	2,803	2,647	94.4	13	0.5	22	0.8	6	0.2	115	4.1
Guanacaste	7,804	5,876	75.3	149	1.9	263	3.4	290	3.7	1,226	15.7
Puntarenas	4,926	4,037	82.0	129	2.6	30	0.6	362	7.3	368	7.5
Limón	2,486	1,835	73.8	135	5.4	15	0.6	361	14.5	140	5.7
Whole country	43,086	34,935	81.1	907	2.1	652	1.5	1,685	3.9	4,907	11.4

TABLE VII. COSTA RICA: AREA OF FARM HOLDINGS ACCORDING TO SYSTEM OF TENURE BY PROVINCES, 1950

(In manzanas ³)

Province	Total	Ownership		Tenancy		Esquilmo		Other forms ¹		Mixed systems ²	
		Number	Per-centage of total	Number	Per-centage of total	Number	Per-centage of total	Number	Per-centage of total	Number	Per-centage of total
San José	306,724	274,782	89.6	1,312	0.4	449	0.2	1,604	0.5	28,577	9.3
Alajuela	442,934	414,571	93.6	744	0.2	675	0.1	4,914	1.1	22,030	5.0
Cartage	267,580	254,234	95.0	971	0.4	52	...	2,487	0.9	9,836	3.7
Heredia	56,836	54,777	96.4	82	0.1	67	0.1	50	0.1	1,860	3.3
Guanacaste	948,166	827,817	87.3	2,139	0.2	1,354	1.4	3,828	4.1	113,028	11.0
Puntarenas	387,210	357,029	92.2	3,010	0.8	241	0.6	13,630	3.0	13,300	3.4
Limón	182,770	142,918	78.2	10,379	5.7	2,065	1.1	7,112	3.9	20,296	11.1
Whole country	2,592,220	2,326,128	89.7	18,637	0.7	4,903	0.2	33,625	1.3	208,927	8.1

Source: Ministerio de Economía y Hacienda, Dirección General de Estadística y Censo: *Censo agropecuario de 1950* (San José, 1953).¹ Includes squatter systems and other unspecified types of tenure. ² Includes various combinations of the most frequently encountered systems, e.g. owner and tenant, owner and *esquilmo*, tenant and squatter, etc. ³ In Costa Rica 1 *manzana*=6,988 square metres.

in agriculture as against 61.77 per cent. in 1927.¹ The 1950 census of agriculture and livestock found that of a total of 43,086 farm holdings 81.1 per cent. were operated by their owners, 2.1 per cent. by tenants, 1.5 per cent. under the *esquilmo* system, 3.9 per cent. under "other systems" (squatters, etc.) and the remaining 11.4 per cent. under mixed systems, i.e. systems in which part of the land is owned and part held on a tenancy, *esquilmo* or squatter basis (see table VI). The same source states that the farms operated by their owners covered 89.7 per cent. of the total area while those operated under tenancies accounted for 0.7 per cent.; "other systems" accounted for 1.3 per cent. and holdings farmed under mixed systems for 8.1 per cent. of the agricultural land (see table VII).

The 1950 population census and the census of agriculture and livestock held in the same year show a preponderance of ownership over other forms of tenure; compared with the position in the other Central American countries this points to a reasonably balanced agricultural economy. A breakdown by provinces of the census figures shows that the relative frequency with which these different systems are encountered depends to a great extent on such factors as population density, climate, soil fertility and communications. For instance, the high percentage of owner-farmers in the province of Heredia, on the central plateau, is due to a favourable combination of these factors; on the other hand, in the coastal province of Limón, where conditions are less favourable, the percentage of owner-farmers is smaller. The opposite applies to the other groups, particularly the squatters, who are encountered mainly in the remoter areas where conditions are unsuitable.

CUBA

In Cuba the 1943 population census revealed a rural population of 2,171,093 persons, 575,798 of whom were classified as actively engaged in agriculture. The 1946 census of agriculture showed that in 1945 there were 159,958 farm holdings covering a total of 9,077,086 hectares. The numbers and areas under the various forms of tenure are shown in table VIII.

These censuses clearly show the predominance of indirect systems of farming through agents, tenants, share-farmers and similar systems of tenure. Farms run by agents make up 5.8 per cent. of the total number and 25.6 per cent. of the area. Cash tenants and sub-tenants, who held 33.2 per cent. of the total number of farms, cultivated approxi-

¹ Ministerio de Economía y Hacienda, Dirección General de Estadística y Censo: *Censo de población de Costa Rica* (22 May 1950) (San José, 1953), p. 44.

TABLE VIII. CUBA : NUMBER OF HOLDINGS AND AREA FARMED UNDER VARIOUS SYSTEMS OF TENURE IN 1946

Type of tenure	Farms		Total area	
	Number	Percentage	Hectares	Percentage
Owners	48,792	30.5	2,958,694.5	32.4
Agents	9,342	5.8	2,320,444.7	25.6
Tenants	46,048	28.8	2,713,929.7	30.0
Sub-tenants	6,987	4.4	215,215.5	2.4
Share-tenants	33,064	20.7	552,078.9	6.1
Squatters	13,718	8.6	244,588.8	2.7
Others	2,007	1.2	72,134.2	0.8
Whole country	159,958	100.0	9,077,086.3	100.0

Source : Ministerio de Agricultura : *Memoria del Censo agr cola nacional de 1946* (Havana, 1951), p. 88.

ately one-third—32.4 per cent.—of the total area of farmland. Share-tenants held 20.7 per cent. of the total number of farms and 6.1 per cent. of the total area. The share-tenant group was strongest (54.5 per cent.) in the province of Pinar del R o owing to the predominance of tobacco-growing, in which this system of tenure is very common.

Squatters cultivate 8.6 per cent. of the farms and 2.7 per cent. of the total area; according to the census 84 per cent. of them were found in the province of Oriente. They were cultivating the largest areas in this province (12.9 per cent.) and the province of Havana (11.5 per cent.). They were drawn to the latter province by the large estates in Isla de Pinos. In no other province is more than 0.4 per cent. of the arable land occupied by squatters.

A comparison of the 1946 figures with the statistics collected during the 1931 population census shows a fall of some 7 per cent. in the number of owners and in the area cultivated by them and an increase of 100 per cent. in the number of share-tenants, although the area cultivated by the latter showed no change. The proportion of cash-tenants fell by 16.8 per cent., while the area farmed by them remained at the same level as in 1931.

The 1946 census of agriculture showed that the average size of farms as a whole was 56.7 hectares. A breakdown by type of tenure showed that the average area of the farms operated under the various systems was as follows :

Type of tenure	Average area (hectares)
Owners	60.6
Agents	248.4
Cash-tenants	58.9
Sub-tenants	30.8
Share-tenants	16.7
Squatters	17.8
Others	35.9

The importance of the different systems of tenure from the standpoint of the country's agricultural economy can be seen more clearly if it is borne in mind that the farms operated by cash-tenants produced 38.2 per cent. in value of the country's agricultural output in 1945; those operated by owners 25.9 per cent.; those operated by managers 15.3 per cent.; and those operated by share-tenants 13.7 per cent. Farms run by sub-tenants accounted for only 4.1 per cent. and those operated by squatters for 1.9 per cent. If we take the three main crops (sugarcane, tobacco and coffee), we find that farms operated by cash-tenants produced 52.2 per cent. of the total output of sugarcane in 1945, those operated by managers 18.8 per cent. and those operated by owners 16.1 per cent.; in 1945-46 share-tenants produced 51.3 per cent. of the total tobacco crop, cash-tenants 22.7 per cent. and owners 19.1 per cent.; owners produced 48.8 per cent. by value of the 1945 coffee crop, while 19.8 per cent. came from estates operated by share-tenants, 12.3 per cent. from estates run by cash-tenants, 9.2 per cent. from squatter farms and 8.5 per cent. from estates operated by managers.

ECUADOR

In Ecuador the importance of the different forms of land tenure in terms of the population actively employed in agriculture ¹ can only be determined from regional surveys carried out in certain parts of the country. One such survey, conducted in 1952 in Pichincha province, showed that of a total of 20,115 farm holdings covering an area of 757,491 hectares, 47.1 per cent of the farmers, holding 62.9 per cent. of the total area, were owners, and 30.4 per cent., holding only 2.04 per cent. *huasipungueros* (see table IX).

¹ Calculated to be 820,000 persons, or 63 per cent. of the total economically active population of the country. See United Nations, Economic Commission for Latin America: *El desarrollo económico del Ecuador* (document E/CN.12/295, Mexico City, 1954), p. 34.

TABLE IX. ECUADOR: CLASSIFICATION OF FARM HOLDINGS IN PICHINCHA PROVINCE
BY AREA AND FORM OF TENURE IN 1952

Category	Owners		Tenants		Share-tenants		Huasipungueros		Other forms		Mixed systems		Total	
	Number	Area	Number	Area	Number	Area	Number	Area	Number	Area	Number	Area	Number	Area
Under 1 hectare	4,230	1,496	210	93	165	78	1,170	884	30	15	105	78	5,910	2,644
1-5 hectares	2,835	5,822	1,170	3,422	1,185	2,562	3,945	8,156	180	430	150	422	9,465	20,814
5-10 "	390	2,350	300	2,169	165	1,116	945	5,701	60	344	75	555	1,935	12,235
10-20 "	180	2,393	240	3,010	30	390	60	750	—	—	—	—	510	6,543
20-50 "	420	13,989	15	330	15	375	—	—	15	660	30	1,050	495	16,404
50-100 "	465	27,916	60	4,088	15	750	—	—	15	960	30	1,875	585	35,589
100-500 "	735	143,466	30	6,001	—	—	—	—	90	16,575	30	3,630	885	169,672
500 hectares and over .	225	278,711	60	146,144	—	—	—	—	45	70,740	—	—	330	493,590
All sizes	9,480	476,143	2,085	163,252	1,575	5,271	6,120	15,491	435	89,724	420	7,610	20,115	757,491

Source: Reply of the Government of Ecuador to the United Nations questionnaire on agrarian reform (New York 1952). See also Raymond J. JESSEN: "Agricultural Sample Survey of the Province of Pichincha", in *Estadística* (Washington, journal of the Inter-American Statistical Institute), Vol. XII, No. 44, Sep. 1954, p. 417.

A further 10.4 per cent., holding 21.5 per cent. of the area, were cash-tenants, while 7.8 per cent., holding 0.7 per cent. of the area, were share-tenants and *medieros*.

A survey carried out in the parishes of Cumbayá, Pomasquí, Nayón and Calderón¹ gave similar results: owners occupied 51.8 per cent. of all farm holdings, *huasipungueros* 16.8 per cent. and tenants and share-farmers combined 13.6 per cent.

All the evidence available suggests that the bulk of holdings are owned by those who till them. However, the great majority of them do not produce an adequate income, and their owners are forced to work as wage earners or to lease additional land. *Huasipungueros* come next in order of importance; the exact area farmed by them is not known, but the majority of the large estates on the High Plateau allocate between 15 and 30 per cent. of their total area to *huasipungueros* for cultivation or grazing.² These two categories are followed by various forms of fixed-rental tenancy, which are very common in the inter-Andean region and are tending to spread down to the banana plantations in the coastal areas. The breakdown is given in table IX.

GUATEMALA

In Guatemala the 1950 census of agriculture and livestock³ showed that the economically active population employed in agriculture totalled 1,052,794 persons or 37.8 per cent. of the country's total population. It is interesting to note that 40 per cent. lived on the west-central plateau, which covers 10 per cent. of the country, and that only 18.6 per cent. of the country's total area in fact consists of farmland.

The 1950 census showed that out of a total of 341,188 farm holdings, 158,782 or 46.6 per cent., representing 41.3 per cent. of the total area of cultivated land, were operated by owners; 30,106 farm holdings or 8.8 per cent. were run by part-owners, i.e. those who owned part of their holdings and either leased the remainder or farmed it under some other type of tenancy (as owner-tenants, owner-squatters, owner-

¹ Plutarco NARANJO VARGAS: *El campesinado ecuatoriano y el seguro social obligatorio*. Investigaciones médico-sociales (Quito, Imprenta Caja del Seguro, 1948).

² An E.C.L.A. survey of privately owned land in Ecuador shows that 40 per cent. in value of all the land holdings in the country belongs to 1,100 large estates, or rather less than 1 per cent. of all the holdings in the country, while at the other end of the scale 100,600 small holdings, or 91.9 per cent. of all the holdings, only have 32.1 per cent. of the country's agricultural land values between them. The disparities between these large numbers of tiny farms and the huge estates are particularly striking in the highlands. See *El desarrollo económico del Ecuador*, op. cit., pp. 74-75.

³ Dirección General de Estadística: *Boletín*, No. 39-40, Oct.-Dec. 1952, pp. 39-40.

TABLE X. GUATEMALA: SYSTEM OF TENURE ACCORDING TO SIZE OF FARM HOLDING, 1950

Size of holding	Total number of operators	Owners	Part-owners ¹	Tenants ²	Colonos ³	Squatters ⁴	Comuneros	Agents	Others ⁵
Under 1 <i>manzana</i> ⁶	72,775	32,765	1,768	13,106	14,474	2,686	2,267	109	5,600
1-2 <i>manzanas</i>	88,727	30,850	6,504	22,207	15,156	3,708	5,427	88	4,787
2-5 „	97,668	41,493	11,840	16,776	10,401	4,681	8,361	172	3,944
5-10 „	41,963	25,157	5,933	2,763	2,342	1,652	2,686	150	1,280
10-32 „	26,545	19,411	3,067	849	550	633	1,079	205	751
32-64 „	6,068	4,469	545	222	22	76	284	179	271
1-10 <i>caballerías</i> ⁷	6,382	4,272	419	68	4	30	47	1,006	536
10-20 „	552	216	19	5	—	1	—	256	55
20-50 „	351	123	6	1	—	—	—	179	42
50-100 „	103	19	4	—	—	1	—	76	3
100-200 „	32	4	1	—	—	—	—	23	4
200 <i>caballerías</i> and over	22	3	—	—	—	—	—	15	4
Whole country	341,188	158,782	30,106	55,997	42,949	13,468	20,151	2,458	17,277

¹ Includes operators who only own part of the land they cultivate, i.e. owner-tenants, owner-share farmers, owner-colonos and owner-squatters. ² Includes share-farmers and tenant-share-farmers, tenant-colonos and tenant-squatters. ³ Includes *colono*-squatters, *colonos-comuneros* and *colonos-aparceros*. ⁴ Includes squatter-comuneros. ⁵ Includes usufructuaries and *encargados* (who do not act as agents). ⁶ In Guatemala 1 *manzana* = 6,972.25 sq. metres. ⁷ 1 *caballería* = 64 *manzanas* (about 45 hectares).

colonos, etc.); 55,997 farm holdings or 16.4 per cent. of the total, representing 2.8 per cent. of the total area, were operated by tenants; 42,949 or 12.6 per cent., covering 1.6 per cent. of the total area, were operated by *colonos*; 13,468 holdings, or 3.9 per cent. of the total, representing 1.2 per cent. of the total area, were farmed by squatters; and 20,151 holdings, or 5.9 per cent. of the total, representing 1.7 per cent. of the total area, were operated by *comuneros*. Managers operated 0.7 per cent. of the farms, while the remainder—5.1 per cent.—are classified under "others". The breakdown by size is given in table X.

MEXICO

In pre-revolutionary Mexico the immense territorial power of the large estates rested on the *peón acasillado* (resident labourer) and the worker who received a share of the produce as remuneration. In 1910, 1 per cent. of the population owned 97 per cent. of the land, while the small farmers owned only 2 per cent. and the villages and *comunidades* a mere 1 per cent., despite the fact that these two groups between them accounted for 96 per cent. of the population engaged in agriculture. At that time, of the 70,000 villages in the country, 55,000 were actually on the large estates. There were only two kinds of opportunity open to the peasants on these estates—they could become *peones acasillados* or *medieros*. The degrading conditions to which the peasants were subjected eventually gave rise to a bitter and bloody struggle which only came to an end when the demands of the peasants for land of their own were granted and the relationship between the land and those who tilled it was finally stabilised.

In 1940 there were 3,803,030 economically active persons engaged in agriculture, 1,223,168 of whom were *ejidatarios* with holdings of their own. In addition there were 2,442,190 non-*ejido* holdings. These did not belong to an equivalent number of owners; nevertheless, this figure, if added to the previous total, gives some idea of the increase in the number of owners.

The 1930 census of agriculture showed that there were 36,683 tenants and share-tenants in the whole country, while the 1940 census of agriculture found that there were only 15,060; this figure, however, is considered to be far too low and is certainly due to the fact that many of the farmers concerned were registered in other groups. It should be added that whenever a holding is very small, i.e. of about the same area as an *ejido* holding, a peasant cultivates it in the same way as the *ejidatarios*, leasing it out if he finds that he is unable to cultivate it on his own

account or if he can find a more remunerative job elsewhere. In some parts of the country where farmland is scarce (as in the mountain districts of Chiapas, Oaxaca and Guerrero) or where farm labour is plentiful (as in the southern high plateau), some small landowners with a few hectares are able to rent them out to the tenants or share-farmers and live off the proceeds.

The 1950 census of *ejidos* casts a certain amount of light on the position of the *ejidatarios* as regards the tenancy of land outside the *ejidos*. This census showed that at that date 17,377 *ejidatarios* were renting a total of 59,163 hectares, or 10.3 per cent. of the non-*ejido* land, while 31,196 *ejidatarios* were cultivating 115,853 hectares (i.e. 20.3 per cent. of the total land area outside the *ejidos*) under share-tenancy arrangements.¹

PANAMA

In Panama 64 per cent. of the population of 622,576 lives in rural areas, and 55 per cent. of the economically active population is engaged in agriculture.²

The 1950 census of agriculture and livestock³ assessed the number of farm holdings with an area of more than 1 hectare at 85,473. The

TABLE XI. PANAMA : FARM HOLDINGS ACCORDING TO USE AND SYSTEM OF TENURE, 1950
(Areas in hectares)

Category	Owners	Squatters	Tenants	Mixed	Total
<i>Number of holdings covered by census</i>	<i>12,058</i>	<i>57,513</i>	<i>7,981</i>	<i>7,921</i>	<i>85,473</i>
Total area . . .	450,167.4	460,261.8	86,170.0	162,483.3	1,159,082.5
Area under cultivation .	42,406.7	139,675.7	28,604.4	25,925.1	236,611.9
Artificial pasture	203,596.4	129,000.1	23,178.2	71,782.4	427,557.1
Natural pasture	72,790.9	31,195.4	6,361.9	14,181.4	124,529.6
Fallow land	66,602.8	101,546.6	17,320.5	28,093.8	213,563.7
Miscellaneous	64,770.6	58,844.0	10,705.0	22,500.6	156,820.2

¹ Dirección General de Estadística: *Tercer censo ejidal de 1950: Resumen general* (Mexico City, Secretaría de Economía, 1953), p. 6.

² These figures do not include the Indian population, who, according to the 1940 census, made up 9.5 per cent. of the total population. This section of the population is chiefly engaged in gathering plant and tree produce, mainly coconuts.

³ Contraloría General de la República: *Censo nacional agropecuario de 1950*.

most noteworthy fact to emerge was the preponderance of squatters in the agrarian structure of Panama. No less than 67.3 per cent. of these holdings, representing 39.7 per cent. of the area declared, were cultivated by persons who had no title to them whatsoever. Owners, on the other hand, accounted for 14.1 per cent. of the number of holdings and farmed 38.9 per cent. of the area covered by the census; tenants represented 9.3 per cent. of the number and farmed 7.4 per cent. of the area; the remaining holdings, totalling 9.3 per cent. of the number and covering 14 per cent. of the area, were classified under "mixed systems".

The census showed that holdings covering between 1 and 4.9 hectares accounted for 52 per cent. of the total number and 8.3 per cent. of the total area; those between 5 and 9.9 hectares accounted for 19.7 per cent. of the total number and 9.2 per cent. of the total area; those between 10 and 49.9 hectares accounted for 23.9 per cent. of the total number and 33.6 per cent. of the total area; and lastly those covering more than 50 hectares accounted for 4.4 per cent. of the total number and 48.9 per cent. of the total area.

TABLE XII. PANAMA:
FARM HOLDINGS BY SYSTEM OF TENURE AND SIZE, 1950

Size of holding (hectares)	Number of holdings	System of tenure			
		Owners	Squatters	Tenants	Mixed
1.0 - 1.9	18,548	1,557	13,603	2,636	752
2.0 - 4.9	25,894	2,115	19,339	2,389	2,051
5.0 - 9.9	16,847	2,256	11,698	1,144	1,749
10.0 - 19.9	12,235	2,313	7,360	1,013	1,549
20.0 - 49.9	8,231	2,188	4,291	587	1,165
50.0 - 99.9	2,407	908	924	143	432
100.0 - 199.9	809	381	233	40	155
200.0 - 499.9	348	224	58	15	51
500.0 - 999.9	93	67	5	8	13
1,000.0 and over	61	49	2	6	4
Total	85,473	12,058	57,513	7,981	7,921

The importance of squatter farming in Panama can be appreciated even more clearly if it is borne in mind that this class cultivates 59.1 per cent. of the mixed farming land (planted in maize, rice, vegetables, etc.)—in other words, the squatters make a bigger contribution to the country's agricultural economy than all the other farmers put together. This fact becomes even more significant if it is remembered that the squatters settle on the poorest land in the country and rely exclusively on slash-and-burn methods.

TABLE XIII. PARAGUAY: NUMBER OF OPERATORS BY SIZE OF HOLDING AND SYSTEM OF TENURE, 1943

Size of holding (hectares)	Number of holdings reporting	Type of operator						
		Owners	Tenants	Squatters	Owner- tenants	Owner- squatters	Tenant- squatters	Owner-tenant- squatters
1.0 - 1.9	9,835	417	1,307	6,672	149	139	1,138	13
2.0 - 2.9	14,366	871	1,668	9,484	279	230	1,795	39
3.0 - 4.9	21,222	2,032	1,841	13,723	557	543	2,419	107
5.0 - 7.49	6,954	1,374	798	11,752	443	642	1,283	132
7.5 - 9.9	17,774	2,724	183	4,321	210	380	398	88
10.0 - 19.9	15,527	3,667	227	10,086	263	797	370	117
20.0 - 49.9	6,263	2,224	59	3,211	134	521	82	32
50.0 - 99.9	1,185	781	15	233	28	120	4	4
100.0 - 999.9	1,215	876	25	192	35	74	8	5
1,000.0 and over	154	114	7	28	2	3	0	0
Total . . .	94,495	15,080	6,130	59,702	2,100	3,449	7,497	537

Source: Servicio Técnico Interamericano de Cooperación Agrícola: *Censo de agricultura del Paraguay, 1942-43 y 1943-44* (Asunción, 1948).

PARAGUAY

In Paraguay it has been calculated ¹ that the rural population totals 600,000 out of a total population of 1,225,000 persons.² The same source states that 60 per cent. of the inhabitants are concentrated in an area representing only 2 per cent. of the country (i.e. the central zone) and that "approximately four-fifths of the rural population live within 25 kilometres of either the railway line from Asunción to Villarrica and Encarnación or the main roads".

The system of tenure under which the economically active population in agriculture works is much the same in Paraguay as in Panama. The 1942-43 census of agriculture ³ showed that of the 94,495 holdings covered by the census 63 per cent. were cultivated by squatters and that 12.2 per cent. were cultivated under mixed systems of tenure (owner-squatters, tenant-squatters, and owner-tenant-squatters) in which the squatter element was the common denominator. Owners and tenants farmed 15.9 per cent. and 6.6 per cent. respectively of the total number of holdings, while those operating under mixed systems of ownership and tenancy accounted for 2.3 per cent.

EL SALVADOR

In El Salvador the 1950 census of agriculture and livestock showed that there were 174,204 farm holdings in the entire country. A breakdown by system of tenure showed that 61.9 per cent. of them were farmed by owners, 18.8 per cent. by tenants and 19.3 per cent. by squatters (*colonos*).⁴

URUGUAY

In Uruguay the 1951 general census of agriculture and livestock ⁵ put the rural population at 453,912, or 19 per cent. of the total population of the country (2,376,000), and the active rural population at 323,927 (14 per cent.).

¹ Roberto L. PETT: "El programa de crédito agrícola supervisado en el Paraguay", in *El Trimestre Económico* (Mexico City), Vol. XVIII, No. 1, Jan.-Mar. 1951, p. 118.

² United Nations: *Economic Survey of Latin America, 1948* (document E/CN.12/82, New York, 1949), p. 140.

³ Servicio Técnico Interamericano de Cooperación Agrícola: *Censo de agricultura del Paraguay, 1942-43 y 1943-44*, op. cit.

⁴ Dirección General de Estadísticas y Censos: *Primer censo agropecuario* (San Salvador, 1954), p. 42.

⁵ Ministerio de Ganadería y Agricultura: *Censo general agropecuario de 1951* (Montevideo, 1952).

This census established that there were 85,258 farm holdings of more than 1 hectare amounting in all to 16,973,632 hectares. The published figures show that ownership is the most widespread form of tenure, accounting for 49.3 per cent. of the economically active population, 50.2 per cent. of the total number of farms and 40.3 per cent. of the total area. Tenants, who only total 27.3 per cent. of the population actively engaged in agriculture, operate 28.7 per cent. of the total number of holdings and cultivate 31 per cent. of the cultivated area.

The 1951 census showed that the proportion of holdings worked by their owners was about the same as in 1924, having risen since reaching a low point of 41.6 per cent. in 1941 ¹, and that 25.9 per cent. of the cultivated land was held under mixed systems of tenure, the corresponding figure in the 1937 statistics ² being only 15 per cent.

TABLE XIV. URUGUAY: DISTRIBUTION OF ACTIVE RURAL POPULATION BY NUMBER OF HOLDINGS, AREA CULTIVATED AND SYSTEM OF TENURE, 1951

Category	Active rural population		Number of holdings		Area (hectares)	
	Number	Per-centage	Number	Per-centage	Number of hectares	Per-centage
Owners	159,802	49.3	42,840	50.2	6,837,369	40.3
Tenants	88,545	27.3	24,514	28.7	5,264,680	31.0
Share-croppers	15,896	4.9	5,097	6.0	314,995	2.0
Squatters	8,050	2.5	2,667	3.1	97,170	0.6
Other forms	1,331	0.4	445	0.6	43,118	0.2
Owner-tenants	43,285	13.4	8,097	9.5	4,169,760	24.6
Owner-share-croppers	4,027	1.3	900	1.0	134,558	0.7
Tenant-share-croppers	2,991	0.9	698	0.9	111,982	0.6
Total	323,927	100.0	85,258	100.0	16,973,632	100.0

The same source states that tenants cultivated a slightly larger area of wheat, flax and sunflowers than owners.

¹ Ricardo CHRISTOPHERSEN: *Recopilación de la estadística agrícola del Uruguay* (Montevideo, Ministerio de Ganadería y Agricultura, 1948), Publication No. 96, p. 83.

² C. H. FARNWORTH: "The Agriculture of Uruguay", in *Foreign Agriculture Bulletin*, No. 3 (Washington, D.C., U.S. Department of Agriculture, 1952), p. 15.

VENEZUELA

In Venezuela the 1950 census of agriculture and livestock showed that there were 248,738 agricultural producers in the country, of whom 102,817 (41.3 per cent.) were owners, 88,994 (35.8 per cent.) were squatters, 35,587 (14.3 per cent.) were tenants, 15,624 (6.3 per cent.) were share-farmers and the remaining 5,716 (2.3 per cent.) were classified under mixed systems of tenure.¹

The squatters, who according to this census constituted the second most widespread form of tenure in the country, are commonly found on state-owned idle land, which is particularly suitable for their settlement. Both squatters and tenants also settle on land administered by official bodies such as the Bank of Agriculture and Stock-Raising, the National Agrarian Board and the Venezuelan Development Corporation.

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The lack of relevant statistics makes it impossible to give a comprehensive picture of the situation in all the countries covered by this report. Even when national census figures on the subject are available the classification systems used make international comparison difficult; some countries break the available statistics down into greater detail than others, while the field covered by a given heading often varies from one country to another. Nevertheless, when it is borne in mind that up to 1950 such statistics were completely non-existent in most of these countries, and if allowance is made for the great efforts made since then by the Latin American countries to improve their agricultural statistics and the progress achieved so far since that date, it can be expected that the classification systems used will in time improve.

Any general conclusions based on the available statistics must inevitably be confined to the group of countries which have published agricultural census statistics containing comparable information.

The countries of Latin America can be divided into three groups on the basis of the importance of the various forms of tenure. The first group, which is undoubtedly the largest, is made up of those countries in which owner-operators form the majority of farmers; the

¹ *Resultados preliminares del Censo agropecuario de 1950*, op. cit.

second group is made up of countries such as Argentina, Cuba and Uruguay in which ownership, tenancy and share-farming are all more or less equally important; lastly, there are countries such as Panama and Paraguay in which the majority of cultivators are squatters who operate the greater part of the cultivated land.

CHAPTER III

LEGISLATION AND PRACTICE ON AGRICULTURAL LEASES : I

CONTRACTS

Generally speaking, tenancy and share-farming arrangements are based haphazardly on custom and circumstances.¹ In practice a formal contract guaranteeing a minimum degree of security of tenure for these farmers is only found in three countries, Argentina, Cuba and Uruguay. In the remainder legislation on this point either has serious shortcomings in practice or fails to deal precisely enough with the problem of tenants, share-farmers and similar categories of agriculturists. Obviously, when there are no statutory provisions requiring the inclusion of certain conditions in any form of contractual arrangements between landlord and farmer, the latter will necessarily be in a weaker bargaining position.

Among other things, the arrangements based on custom are for extremely short terms, varying from the time needed to grow one harvest to a few years, and afford no assurance that they will be extended. These short-term arrangements lead not only to undue instability among the farmers but also to neglect of the land itself, because the tenant has to get as much as possible out of the land during the short period of his contract; nor does he make the investment or efforts needed to keep the holding in good shape, since it will revert to the landowner in any case. The fertility of the soil is one of the major factors governing the duration of contracts or, in the case of the squatters, whether they remain or move on. When the length of contracts is governed by custom and when the usual farming methods are used without sufficient attention to restoration of the exhausted soil the

¹ A United Nations survey of defects in the agrarian structure which hamper economic development refers to the prevalence of vague and unstable systems of tenancy and share-farming in Latin America, and points out that there is less security of tenure in these countries than in Asia "because customary obligations are less powerful" (United Nations, Department of Economic Affairs: *Land Reform: Defects in Agrarian Structure as Obstacles to Agricultural Development* (New York, 1951), p. 18).

plot is usually allowed to "rest" for a given period, e.g. the *ainokas* of the Bolivian high plateau, on which crops are rotated, and the *rastrojos* of the tropical and semi-tropical areas.

Argentina

In Argentina leases were systematically regulated for the first time in 1921 when Congress passed Act No. 11170, which set forth the legal system governing rural tenancies. Previously tenancies were based on informal arrangements that were largely dictated by circumstances and custom. In practice this procedure had meant that tenants everywhere were in an extremely precarious position. The agricultural depression of 1911 led to an increase in the number of evictions and seizures, which, coupled with the unrest existing in the Argentine countryside, culminated in a series of protest movements such as the disturbances at Alcortá in Santa Fé and the peasant strike of 1919 which demanded "lower rents and contracts without one-sided clauses".¹

The Rural Tenancies Act of 1921 prescribed the form of contract and introduced basic provisions designed to give lessees relative security of tenure. Nevertheless the fundamental reforms in this enactment did not have the desired effect in the important cereal-growing sector. In the first place, the Act was applicable only to holdings not exceeding 300 hectares, so that the practice grew up of signing a fake contract with a single individual for an area greater than 300 hectares when, in fact, the land in question was split up among a number of tenants.² In the second place, these farmers were prohibited from putting more than 5 to 10 per cent. of the leased land to pasture. The result of this was to prevent a large section of the country's farming population from sharing fully in the prosperity of the Argentine cattle-breeding industry and to give an even greater incentive to single-crop farming.

Act No. 12771 of 1942 and Decree No. 14001 of 1943 tackled this problem and formed the basis for Section 9 of Act No. 13246 of 1948, which allows these farmers to use up to 30 per cent. of their holdings for stock-raising or high-yield crops even if they have agreed to use the land exclusively for agriculture. The only exceptions to this rule are holdings given over to intensive farming.

At the same time other legislative reforms were made, the purpose being to extend the scope of the original Act of 1921 and clarify some

¹ Enrique A. PEÑA and René R. THIERY: *Arrendamientos rurales de emergencia* (Buenos Aires, 1946), p. 10.

² Celestino SIENRA: *Campo y ciudad: El problema agrario* (Buenos Aires, Editorial La Vanguardia, 1946), p. 161.

of the concepts it embodied. These amendments were introduced by the 1932 Rural Tenancies Act (No. 11627) and the 1948 Rural Tenancies and Share-Farming Act (No. 13246) already mentioned. The duration of tenancy agreements was fixed at five years, and in Act No. 14166, promulgated in October 1952, it was provided that tenants and share-farmers can opt for an extension of their contracts for a further three years.

Section 7 of the Act states that in the event of the tenant's death the lease may be taken over by his heirs, descendants or close relatives provided the lessor is officially notified. Sections 19 and 25 of the same Act state that a tenant or share-farmer can only be evicted if it is proved that he has abandoned the holding for no good reason, failed to pay his rent (or to share the produce if he is a share-farmer), or has broken his obligations regarding the use and conservation of the land, buildings and other improvements covered by the lease.

Bolivia

In Bolivia Sections 167 and 169 of the Legislative Decree No. 3464 of 2 August 1953 concerning agrarian reform stipulate that all existing contracts leasing out idle land or allowing it to be used for agricultural, grazing or forestry purposes are subject to review by the agrarian reform agencies. A special decree is to be issued specifying the exceptions in which contracts of *compañía*, tenancy and share-farming will be allowed. However, it is still too early to attempt to estimate the extent to which the situation has changed since the time when contracts were of an informal nature and based on custom.

Brazil

In Brazil the first legislation on share-farming contracts dates from 1879, during the Empire, when a Decree (No. 2827) was issued prescribing "the form of contracts for the hire of services". Section 9 of Chapter II of this enactment stated that the hire of services covered not only services as such but also agricultural and livestock share-farming. Sections 11 and 12 stipulated that share-farming contracts could not be for a period exceeding six years and that when no period was specified they should be deemed to be for three agricultural years.¹ Notwithstanding this the 1940 census of agriculture showed that 85 per cent. of tenancies were based on short-term contracts ranging from less than a year to two years, most of them being for one year.

¹ See Nerio BATTENDIERI: "O trabalho agrícola na legislação brasileira", in *Trabalho e seguro social* (Rio de Janeiro), Vol. XXXI, May-June 1952, pp. 61-72.

Although in recent years written contracts have become widespread there is at present no special legislation regulating tenancy and share-farming agreements, and the parties are free to make such arrangements as they desire. In the absence of any statutory regulation, problems arising between the contracting parties are settled under the general provisions of the Civil Code. Share-farming contracts, whether written or oral, are almost invariably based on customary practice, which in turn is governed by the crop cycle, although this is not necessarily a safeguard against the contract being cancelled before the harvest. In the case of *mediería*¹ the position is even worse, as the Civil Code allows a contract of this sort to be terminated either by mutual consent or unilaterally.

At the present time a number of draft enactments are under consideration which should have the effect of regulating rural tenancies. The National Agrarian Policy Board recently submitted a Bill to the Government covering both tenants and share-farmers. This Bill specifies that leases may not be for less than three or five years according to whether the land is used for agriculture or stock-raising. Contracts would be extended automatically unless the regional agrarian office is notified to the contrary not less than six months before their expiry. Termination of the arrangement would be possible only if the owner himself proposed to farm the land directly or to transfer it to his son or grandson so that they could farm it directly; the owner could also terminate the lease if he were offered a higher rent, although the sitting tenant would have the option of extending the lease provided he offered the same terms.²

Chile

In Chile the general provisions of the Civil Code regulating the leasing of agricultural properties as complete production units apply to all types of tenancy contracts and leave the contracting parties completely free to arrange such terms as they think fit. Although contracts may take the form of public instruments and be filed with the Registrar of Real Estate this step is not compulsory. However, Act No. 7747 of 1943 imposes certain restrictions on leases affecting private individuals whenever the land concerned is not properly cultivated. In such circumstances the law provides that holdings rented for more than eight years at a time may be expropriated.

¹ Special communication to the I.L.O. from the National Agrarian Policy Board, Rio de Janeiro, Dec. 1953.

² United Nations: *Progress in Land Reform*, op. cit., pp. 135-136.

In practice both tenancies and share-farming contracts are based on oral arrangements which are governed by custom and circumstances. An exception is provided by the procedure for leasing state land ; such leases are granted by supreme decree, and this decree imposes such restrictions as may be called for. Normally these leases contain ample safeguards for the tenants and vary in length from 15 to 20 years.

Cuba

In Cuba the conditions of tenure for farmers who do not own their holdings are regulated by the Sugar Industry Co-ordination Act of 2 September 1937 and by an Act dated 2 December 1948. The former, together with the regulations thereunder, prescribes in detail the contractual relationships among the sugar mills, the cane producers (*colonos*) and the wage earners; it lays down production quotas, the prices payable for cane delivered at the mills, the rents to be charged for the use of land, wage rates and arbitration and conciliation procedures. The second Act deals with tenancy and share-farming in general. Both these enactments and subsequent legislation have given tenants and share-farmers a relatively high degree of security of tenure.

The duration of the leases depends on the crop it is intended to grow; it varies from three to six years and can be extended at the tenant's option.

The extent to which the Sugar Industry Co-ordination Act gives security of tenure to the *colonos* is clearly set forth in Section 26 and particularly Section 97 of the regulations issued under the 1937 Act; the latter states that " a *colono* occupying land used for the cultivation of sugarcane which is to be processed by a sugar mill under a tenancy, sub-tenancy, usufruct, or any other arrangement whatsoever shall be entitled to remain on such land indefinitely as long as the sugar industry is subject to restrictions, i.e. until the cultivation and production of sugar are decontrolled". This right is subject to only one condition, viz. that the *colono* must pay to the person who cedes him the land the rent which has been agreed upon or which is prescribed in accordance with the Act and in addition that he must produce each year the quantity of cane needed to meet the quota allotted to him.¹

¹ The production quotas, at present governed by Legislative Decree No. 664 of 29 January 1953, are intended to stabilise Cuban sugar production in the light of world demand. This enactment contains rules on the registration of each *colono* with a sugar mill, and on the determination of the percentage of cane the mill must crush for its registered *colonos*. Percentages are determined by negotiation between the mill and representatives of the growers, but must be approved by not less than 70 per cent. of the *colonos*.

The 1948 Act stipulates that leases, including share-farming contracts, must be in writing and must be filed with the Registrar of Real Estate, who also maintains a register of leases. The minimum duration of tenancies depends on the crops grown on the leased holding, viz. six years for tobacco, sugarcane, coffee, cocoa, rice, pineapples and grazing land and three years for secondary crops (potatoes, tomatoes, etc.). A tenant is entitled to one extension for a like term provided he has carried out his contractual obligations. When there is no agreement between the parties the Act lays down the procedure for granting extensions. Share-farming agreements must be for not less than six years.

The 1948 Tenancies and Share-Farming Act also dealt with the question of compulsory leases; Section 17 stipulated that any owner of potential farmland who does not use it for agricultural or stock-raising purposes or who has a greater area than is necessary for his reasonable needs shall be compelled to lease it out in parcels not exceeding 5 *caballerías* to any peasants who ask for it. However, although the Act laid down the procedure for enforcing these provisions the indications are that in practice it was not very effective in bringing idle or abandoned land under cultivation.¹

Lastly, there are a series of legislative measures designed to protect small tenants, share-farmers and squatters. With regard to the latter, the decree of 29 November 1950 (No. 4139) stays the execution of existing or future eviction orders pending congressional legislation on their position. Identical measures have been taken to safeguard tenants of holdings not exceeding 5 *caballerías*; Legislative Decree No. 247 of July 1952 stipulates that these small farmers must be allowed to remain indefinitely on their holdings and may only be evicted if they fail to carry out the contractual obligations set forth in that enactment.

Ecuador

In Ecuador the contractual conditions governing *aparcería* (share-farming) and the various types of tenancies with rental paid in the form of labour are regulated by the current Labour Code. Under this Code a share-farming contract must be concluded in writing in the presence of an inspector of agricultural labour, but only when the

¹ See A. ROCHAC and M. MONZÓN: "La tenencia de la tierra y el crédito agrícola en Cuba" (report submitted by the Cuban delegation to the Latin American Seminar on Problems of Land Tenure, Campinas, Brazil, 25 May-26 June 1953), in *Problemas agrícolas e industriales de México* (Mexico City), Vol. VI, No. 1, Jan.-Mar. 1954, p. 119. See also J. MARTÍNEZ SÁENZ: "Política agraria cubana", in *Caribbean Land Tenure Symposium* (Washington D.C., Caribbean Commission, 1946), p. 258.

value of the produce to be divided is calculated to be greater than 1,000 sucres. In such cases the contract must be for a minimum period of one year, or three years if the land is hilly and has to be broken first. A share-farmer may be required to leave at the end of the agreed period if the owner gives him notice of his intention not to renew or extend the contract.

The Code lays down the general principles governing relationships between *huasipungueros*, *yanaperos*, *ayudas*, and similar groups and the landowners. The former are entitled to obtain the water and wood they need for domestic purposes from the estate and to use its natural pasture to graze a specified number of livestock without charge. If one of these cultivators is ordered to quit he is allowed to remain on his holding until he has harvested any crops he has sown.

The evidence suggests, however, that in practice this legislation is seriously limited in its application. A survey of the position among this class of cultivators in Ecuador states that "the law barely affects the big estates and in practice none of the provisions of the Labour Code is enforced in agriculture".¹ The United Nations survey of agrarian reform refers to the recent establishment of the "rural police" in its chapter on security of tenure, who operate mainly in the coastal areas.² Although no details are given regarding the duties of this body, they appear to include the enforcement of the provisions of the Labour Code on this subject.

The debts piled up by farmers often affect their mobility since the estate is in a position to force them to remain indefinitely on their holdings for this reason. According to one study³ "when the Indian dies the *huasipungo* passes to the wife or to a grown-up son, if there is one, and the man's debts go with it. In order to leave the *huasipungo* those debts must be paid off first."

Mexico

With regard to *ejido* land in Mexico, Section 140 of the Agrarian Code now in force prohibits contracts of tenancy, share-farming or any other form of indirect cultivation of such land (e.g. by employing labourers to do all the work); exceptions to this regulation are allowed in the case of *ejido* land belonging to women with families, to persons

¹ Plutarco NARANJO VARGAS: *El campesinado ecuatoriano y el seguro social obligatorio*, op. cit., p. 47.

² United Nations: *Progress in Land Reform*, op. cit., p. 139.

³ Aníbal BUITRÓN and Bárbara SALISBURY BUITRÓN: *Condiciones de vida y trabajo del campesino de la provincia de Pichincha* (Quito, Imprenta Caja del Seguro, 1947), p. 80.

under the age of 16 who have inherited the right to *ejido* land and to disabled persons who are incapacitated for agricultural labour. Although the Agrarian Code lays down the procedure for allocating vacant or abandoned *ejido* land to peasants who are entitled to land but have been unable to obtain any in their own or in neighbouring districts, the indications are that in some parts of the country, particularly where the land is poor and water is short, *ejido* land is in fact fairly often leased out.¹

Section 2453 of the Civil Code stipulates that uncultivated land is subject to the Idle Lands Act (1920) which compels the owners of such lands to lease them out to tenants or share-farmers. The law states that when a tenancy for a given period lapses before the harvest the tenant is entitled to use the land and any buildings on it for as long as he needs to harvest the crop. In such circumstances the law adds that the incoming tenant may allow the land not cultivated by the outgoing tenant to lie fallow provided there is not enough time to sow the usual crops. Leases of publicly owned land may not be for more than ten years.

The Mexican Agrarian Code contains measures designed to protect squatters on communal land or persons whose title to their holdings is in any way questionable. In order to facilitate this task the Code requires certificates to be issued specifying the rights of each individual under the *ejido* system.

Panama

Tenancies of privately owned land in Panama are governed by custom and there is no legislation on this point. Whenever small farmers come to some arrangement, whether verbal or written, to lease land the usual practice is for the contract to run for one year. There is no legislation ensuring security of tenure for such tenants, and it is entirely up to the landowner himself whether the lease is extended on expiry or not.

Leases of publicly owned land are governed by Act No. 137 of 1928 which introduces an element of formality into the contractual arrangements by providing that the Ministry of Finance will issue a written document valid for a period of two years. The Act limits this type of lease to holdings of less than 100 hectares. Although there are no special provisions dealing with extensions, in practice such leases can be renewed indefinitely at two-yearly intervals at the tenant's request. The relative security given to tenants who wish to extend their leases

¹ Nathan L. WHETTEN: *Rural Mexico* (Chicago, University of Chicago Press, 1948), p. 258.

of publicly owned land is due to the great area of such land available and to the fact that the demand is very limited, the population being so small in relation to the land available.

There are also legal provisions to afford protection to squatters on publicly owned land. Section 56 of Act No. 63 of 1917 lays down that when the State sells a tract of land that comprises holdings bearing crops belonging to other individuals the new owner is required to give each squatter, free of charge, a title deed to twice the area he occupies and to allow him rights of passage; failing this he must pay him five times the value of his holding.

Peru

In Peru the provisions of the Civil Code regulating rural tenancies in general do not require a formal lease to be drawn up. Section 1494 of the Code, dealing with state lands, stipulates that such lands may not be leased out for periods of more than ten years at a time.

Leases affecting small holdings which are directly cultivated by farmers on their own account while belonging to another person are regulated in some cases by law and in others by custom. Section 2 of Act No. 10835 of 1947 on contracts of *yanaconaje* lays down the procedure for concluding contracts for plots not exceeding 15 hectares in the irrigated and hill districts or 30 hectares on the high plateau. Under this Act ordinary cash-tenancy contracts (*arrendamiento simple*) may not be for less than six years, and when the *yanaconaje* contract involves some form of crop-sharing arrangement the duration will be three years. The law allows a *yanacona* to be evicted for failure to pay his rent (or to deliver a share of the produce, if he is a share-farmer), for failure to repay any advances received or for failure to cultivate his land. In practice *yanaconaje* is based on a special type of contract whereby the farmer is not at liberty to decide how he will use the land, and he is usually not able to dispose of the produce as he wishes.

Contracts governed by custom may be either verbal or written. Verbal arrangements, or *tanda*, as they are called in some parts of the country, are commonest when the rent is paid in the form of services. When written contracts are concluded they consist mainly of a list of the farmer's obligations towards the landowner. A survey carried out in Convención province¹ shows that in either case personal services

¹ Carlos F. CUADROS Y V.: "El arriendo y la reforma agraria en la provincia de la Convención", in *Revista Universitaria* (Cuzco, Universidad Nacional del Cuzco), First Quarter, 1949, p. 90.

form part of these contractual obligations. The same source states that in practice the existence of leases, whether verbal or written, gives no assurance of security of tenure since the landowner can always raise the cash rent whenever the yield of the holding goes up; alternatively, he may shorten the length of the contract or may even raise the number of days' personal service required of the *yanacóna*.

Uruguay

In Uruguay the 1954 Rural Tenancies Act stipulates that any contract of tenancy, share-farming, or sub-tenancy must be in writing and must be registered with the Registrar of Tenancies and Mortgages within 45 days of its conclusion. Any registration fees incurred must be borne by the lessor or sub-lessor.

The law also provides a statutory minimum period of five years for cash leases with an option on a further three-year extension.¹ Such an extension can only be granted if the tenant has satisfactorily carried out the main terms of his lease, pays his rent regularly, husband the land and any improvements with care and prevents any avoidable damage. An extension may be refused if the owner himself is not working any other land-holding and proposes to take over the leased property with the intention of farming it himself or of having it farmed by his close relatives for a period of not less than two years; alternatively the owner may claim the land in order to subdivide it for settlement. In the latter case the owner's settlement scheme must first be approved by the National Settlement Institute.

With regard to share-tenancies the law stipulates that on the expiry of the statutory or contractual period, whichever is the greater (or of its extension, if any) the share-tenant must hand over the holding without being entitled to any further extension except the time needed to harvest the crop.

Under Uruguayan legislation, once a tenant's right to remain on the property has expired the appropriate courts may order his eviction at the request of the other party. In such cases the holding must be vacated within 15 days. Formerly the legal procedure stipulated that whenever a lease expired eviction from land used for agricultural purposes should take effect one year after the nearest 30 April or within six months if the land was used for stock-raising purposes.

¹ Before the introduction of the 1954 Act the minimum duration of cash leases had been fixed by the Act of 16 December 1927 at four years even when the lease itself specified a shorter period.

COMPENSATION FOR IMPROVEMENTS

It is generally accepted that a tenant has the right to compensation for the unexhausted value of the improvements made by him and which are needed to enable him to farm his land efficiently, not only because a man is entitled to a fair return for the labour and capital he has put in but also because it encourages the tenant to preserve and develop the natural resources entrusted to his care. Whether or not improvements are carried out and whether or not compensation is paid depends to a large extent on the length of the lease. As has been seen above, the short leases which are common in some countries impel the tenant to get as much out of the land as he can without caring whether he depletes the soil. On the other hand a long lease naturally has the effect of amortising any improvements that have been made and either cancels or reduces the tenant's entitlement to compensation.

Argentina

In Argentina the practice of making tenants entirely responsible for undertaking and looking after the improvements needed to provide a minimum standard of comfort and to increase the efficiency of the farm without allowing them any compensation for such improvements had a serious effect on their living and working conditions. This was even true of their housing, which they had to build themselves; on the expiry of their leases they were faced with the choice between selling their houses to the incoming tenants, moving their houses to their new holdings or simply abandoning them. Whenever the incoming tenant found improvements already in existence it was up to him to pay for their upkeep out of his own pocket; as a result he almost invariably neglected them completely.¹

To ensure that on the termination of his lease the tenant received fair compensation for any improvements he had made, provisions were inserted in Sections 10-13 of the Rural Tenancies Act requiring the landlord to undertake certain basic improvements on each holding, e.g. he must provide a dwelling house and a boundary fence up to a value not exceeding 20 per cent. of the taxable value of the holding. The tenant is empowered to carry out these improvements on behalf of the landlord if the latter does not have them done himself during the first two years of the lease, in which case the tenant is entitled to recover his outlay by deducting it from the rent he pays.

¹ Carl C. TAYLOR: *Rural Life in Argentina* (Baton Rouge, Louisiana State University, 1948), p. 202.

In the case of other improvements more directly related to the operation of the farm, the Act states that when such improvements do not already exist and when the landlord fails to carry them out within 180 days of the date on which the tenant makes a definite request for them, the latter is entitled to construct on the landlord's behalf an *aguada* (a pond to collect rain water), a barn for the produce and a shed for the machinery and equipment, and hygienic accommodation for the labourers; he is also allowed to plant five trees per hectare up to a total of 50. On the expiry of the lease the landlord is required to compensate the tenant for any improvements he has made at their current value, up to a maximum of 20 per cent. of the taxable value of the holding. According to the Act the tenant's claim to compensation for any improvements and repairs (including both original cost and interest) constitutes a privileged claim against the leased property with priority over all others, including the mortgagee's; meanwhile he retains his right to remain in possession.

Bolivia

In Bolivia compensation for improvements made to a leaseholding are covered by Legislative Decree No. 3464 dated 2 August 1953 concerning agrarian reform. In its final and transitional provisions this enactment states that share-tenants who are allowed to use a *pegujal* or *sayaña* in addition to the land which they cultivate on a share-farming basis retain their right to the former holdings on the expiry of their lease and are entitled to compensation for any improvements they may have made thereon.

Chile

Section 1936 of the Chilean Civil Code states that the landlord is not required to reimburse the cost of any necessary improvements the tenant may have made unless he has explicitly agreed to pay for them. The tenant is at liberty to remove these improvements provided that no damage is thereby done to the leased property. This provision applies to tenancies on both privately and publicly owned land.

Cuba

In Cuba Act No. 7 of 1948, which relates to tenancies in general, states that on the expiry of his lease a tenant is entitled to compensation for any useful improvements he may have made to the holding

during the first half of his lease provided they were necessary to house his family and employees adequately and to farm the holding efficiently. Improvements designed merely for decoration and convenience must be paid for by the tenant, as must any other useful improvements he carries out that entitle him to a reduction in rent in accordance with the agreed terms of the lease. If the lease is extended the tenant is not entitled to compensation either in respect of any useful improvements he may have made during the original term or in respect of those he makes during the prolongation of the lease. If the parties cannot agree on the usefulness of any improvements, the appropriate courts are empowered to make a ruling. Legislative Decree No. 247 of 1952, which applies to holdings not exceeding five *caballerías* farmed by cash tenants, share-tenants and even by squatters, states that when the lessor carries out any useful or voluntary improvements to such holdings he is entitled to raise the rent by 5 per cent. of the value of the land thus improved, provided the tenant has expressed his agreement to the making of these improvements.

Haiti

Similar provisions to those in Chile exist in Haiti, except that when the tenant remains on publicly owned land for more than ten years no allowance is made for any improvements when the statutory review of the rent takes place after ten years; however, in the next revision, which is due to be held after 20 years on the holding, these improvements are taken into account in fixing a fair rent.

Panama

In Panama there are no special regulations defining the right to compensation for improvements in connection with leases of privately owned land. On the other hand, there are certain regulations dealing with these problems as they affect publicly owned land. For instance, Act No. 63 of 1917 states that squatters on publicly owned land are entitled to compensation from the person who buys the land or to whom it is leased. When the two parties cannot settle the matter between themselves the Department of Finance is empowered to arbitrate.

Peru

In Peru Act No. 10835 of 1947, which applies to smallholdings, requires the landlord to hand over the holding complete with certain improvements relating mainly to the dwelling house. If this require-

ment is not complied with, the Act empowers the tenant to build a house up to a value of 1,000 gold sols without permission from the landlord; in such a case he is entitled to compensation for its value on the expiry of the lease. In practice it is usual for the lease to stipulate the amount payable to the tenant on the expiry of his lease as compensation for any improvements. When the latter exceed this sum in value the balance accrues to the landowner.

Uruguay

In Uruguay, before the passing of the Rural Tenancies Act of 27 April 1954, the compensation payable for any improvements the tenant might make to his holding was agreed upon in advance by the parties. Usually the tenant was responsible for making any essential improvements provided that he informed the landowner beforehand of the need for them. Any trees planted by the tenant became the landowner's property without any compensation's being paid.

The 1954 Act systematically defines the improvements that can be carried out and the compensation payable for them on the expiry of the lease. Part V of the Act states that the owner of the land leased is required to provide a dwelling house, kitchen, boundary fences, drinking water and accommodation for the labourers. He is also responsible for undertaking such improvements as are necessary for the normal operation of the holding, such as internal fencing, milking sheds, cattle dips, drinking troughs and any changes needed to enable the lease or contract to be carried out.

Although improvements may be made during the term of the lease as agreed between the parties, the Act authorises the tenant to carry them out himself if the landlord fails to do so. In such cases a tenant whose lease has not less than two years to run must submit details of the proposed improvements to the regional office of agriculture; the cost must not exceed 20 per cent. of the assessed value of the holding for real-estate tax purposes. Any existing improvements are reckoned as part of this percentage. The regional office must then notify the lessor of the proposed improvements; if he lodges no objection within 30 days of being notified he is presumed to have given his consent thereto, and the tenant may carry them out on behalf of the landlord and under the supervision of the regional agricultural officer. If, however, the landlord enters an objection to the proposed improvements, or their cost, the case is taken to arbitration. The compensation payable to the tenant must be paid in cash at the current value of the improve-

ments at the time of handing over the holding; failing this, the tenant is at liberty to exercise his right of retention.

* * *

Only three countries in this region have laid down minimum standards regarding the contents of contractual arrangements between landowners and tenants, share-farmers and similar categories, and require them to be in writing. In the remainder contracts are only put in written form in special circumstances, e.g. when state or communal land is involved.

Where verbal contracts are common they are usually based on custom, which has consistently tended to operate against the cultivator. Moreover, verbal contracts are easily broken—a particularly serious matter on account of the difficulty of proving the terms of such an agreement. In fact, the introduction of legally valid contracts can do more than anything else to increase the security of the great majority of Latin American peasants. Without security of tenure the latter can make little progress in farming, nor can he achieve a reasonable standard of living for themselves and their families.

Only a few of the countries have established a minimum duration for leases and share-farming contracts. In the rest short leases (e.g. for one year) are common. Apart from the instability and the obvious social and economic consequences of short-term arrangements, experience has clearly shown that the use made of natural resources depends largely on the length of the contract. It has repeatedly been noted that tenants with short-term leases try to get as much as possible out of the land without making any effort to maintain its fertility. This attitude is quite understandable if it is borne in mind that they have no incentive to invest their capital or labour since neither is likely to produce results during the short period they occupy the holdings.

Specific regulations protecting the cultivator from arbitrary eviction by the landowner appear to exist only in Argentina, Cuba and Uruguay. Cuba is the only country in Latin America with agrarian legislation designed to confer a certain degree of security of tenure on squatters. Under this legislation the statu quo is preserved by the expedient of suspending all eviction notices until legislative and financial measures have been taken to settle them permanently on the land.

In Latin America a special meaning is attached to the term “improvements”. Whereas in other parts of the world this term comprises the investment in capital or labour made by the tenant or landlord in order to increase the value of the permanent installations (buildings, etc.) or the future productivity of the land, in Latin America “improvements”

are usually taken to mean the facilities needed to make the land ready for use (clearing, drainage, irrigation, etc.) and even investments in such basic installations as housing, wells, sheds and boundary fences. Accordingly there are always detailed statutory provisions specifying the basic installations to be provided on any rented property and sometimes laying down the procedure whereby, if such improvements are not carried out by the landlord, the tenant may undertake them on his behalf. Quite often both law and custom stipulate that even the basic permanent installations must be put in by the tenant and that they revert to the landowner when the lease expires unless they can be removed without damage to the property.

CHAPTER IV

LEGISLATION AND PRACTICE ON AGRICULTURAL LEASES : II

REMUNERATION FOR USE OF LAND

As has already been mentioned in previous chapters, the practice of giving the use of a plot of land in exchange for labour and personal services rendered by the tenant is a characteristic feature of Latin American tenancy arrangements. This system goes back to the practices and customs of pre-colonial days¹ and was given a new lease of life with the establishment of the *encomienda* system, which gave the Spanish conquerors jurisdiction over the land and its inhabitants together with the right to receive tribute, labour and other personal services.²

The survival of such systems, which are here referred to as "tenant-labour contracts", in modern times is closely bound up with population pressure on the land. The shortage of capital, lack of initiative to use more efficient methods of developing the big estates and the high degree of absenteeism among the big landowners are other important factors accounting for the persistence of these obsolete systems of land tenure.

It is, however, impossible to lump together all the systems of tenure in which the consideration paid for the use of land is made up of labour and services. The chief difference between them lies in the fact that some are more temporary than others, and enable the farmer to move on to more secure and equitable modes of tenure, whereas in other cases the farmers are tied to the system from generation to generation, with little chance of changing the arrangements under which they work.

¹ Under the Aztec Empire the land allotted to the *teocallis* (temples) came in time to be tilled by special classes of serfs who were tied to the land. These serfs were unable to change their occupation or place of residence, and whenever the property changed hands they were transferred with it. In addition to handing over part of the crop to the landowner they were required to perform various personal services such as collecting food, supplying water and even providing personal attendance at times. See Nathan L. WHETTEN: *Rural Mexico*, op. cit., p. 79.

² See I.L.O.: *Indigenous Peoples*, op. cit., p. 294.

Argentina

In Argentina the different forms of payment for use of the land and of distributing the produce are derived from the large-scale extension of tenancy arrangements from the middle of the nineteenth century onwards. In the province of Santa Fé intermediaries known as *colonizadores* subdivided the larger estates into smallholdings or *chacras* for which the settlers usually paid in kind. A survey of the development of agriculture in this province states that "while the *colonizador* paid 20 per cent. of the yield to the landowner, he demanded at least 35 per cent. from his tenants".¹ He drew his profits without taking any risks whatsoever. According to this same source *colonizadores* were usually tradesmen or the owners of threshing machines who compelled the tenants to use their equipment. At the start of the century this state of affairs had reached a point where tenancies were publicly auctioned and as much as 45 per cent. of the output was demanded as rent; it was common for clauses to be inserted in the lease whereby the crop had to be sold to the landowner, insurance against hail had to be taken out with companies selected by him and threshing had to be carried out with his machinery.²

The success of agrarian legislation in changing the pattern of distribution of the income from the land can best be gauged from the published statistics. A report issued by the Ministry of Agriculture in 1933³ stated that on the average in that year land rentals in the wheat belt represented 25.7 per cent. of total production costs. Discussing the position during the 1945-46 agricultural year this same body reports that rent on wheat-growing lands made up only 15.3 per cent. of total production costs.⁴ The operation of the enactments on this subject was not finally standardised until 1940, when rent adjustment committees were set up by Decree No. 68344. The work of these committees had been supplemented by the joint boards formed in 1941 and consisting of representatives of landowners and tenants with officials of the Ministry of Agriculture acting as chairmen. Being regional in scope these boards were able to facilitate submission of applications and complaints by the parties concerned and at the same time had greater

¹ Curlo ERICO HOTSCHER: *Evolución de la agricultura en la provincia de Santa Fe* (Santa Fé, Ministerio de Hacienda, Economía e Industrias, 1953), p. 115.

² Enrique A. PEÑA and René R. THIERY: *Arrendamientos rurales de emergencia*, op. cit., p. 9.

³ See Lázaro NEMIROVSKY: *Estructura económica y orientación política de la agricultura en la República Argentina* (Buenos Aires, 1933), p. 103.

⁴ Ministerio de Agricultura de la Nación: *Memoria correspondiente al ejercicio 1947* (Buenos Aires, 1947), p. 68.

authority and were better placed to enforce their decisions regarding rent adjustments.

In 1942 Congress approved the Agricultural Tenancies (Adjustment) Act (No. 12771); the regulations issued under this Act gave the Government power to draw up an annual scale of rent-adjustment factors for each part of the country and set up a rent arbitration tribunal to enforce the Act. However, in 1943 a Legislative Decree (No. 14001) was issued repealing this Act and introducing instead an all-round compulsory and automatic reduction of 20 per cent. in the rents in force on 1 July 1940. These provisions applied to all leases of land used for agricultural purposes or to that part of the land that was used for agricultural purposes on mixed holdings; it also covered subtenancies and the like. Decree No. 18290 issued in 1945 confirmed the provisions of the 1943 decree, and in the same year two more decrees (Nos. 18291 and 18292) were issued extending these provisions to tenancies and subtenancies of land used respectively for dairy farming and for stock-raising in semi-arid areas. This system of imposing all-round reductions in rents was given statutory sanction by Act No. 12842 of 1946 which, however, specifically excluded *mediería* contracts from eligibility for this rebate.

Act No. 13246 of 1948 empowered the Government to make general adjustments of rents and share-farming terms whenever general or local conditions had caused a marked discrepancy between production costs and selling prices. In such cases the regional compulsory joint conciliation and arbitration boards set up under this Act were empowered to review the level of rents on application from any of the parties concerned.¹

In order to give some guidance to the regional joint boards in deciding whether there is any marked discrepancy between production costs and selling prices, the regulations issued under the 1948 Act stipulated that such a discrepancy was deemed to exist when the margin between production costs and selling prices varied by more than 50 per cent. The comparison was between the freely negotiated rent or percentage share of the produce and the rate at the time when the case comes up for revision. For those agreements already in force at the time when these regulations were issued (1948) the comparison was to be made with the figures for the five-yearly period 1938-42.

With regard to crop losses the regulations issued under Act No. 13246 stated that when such losses were not offset by earlier harvests the regional joint boards might provisionally exempt the

¹ See below, p. 73.

lessee from paying all or part of the rent for the land on which the lost crop had been grown for a period between the time when cultivation of the land began (or should have begun in accordance with local custom and practice) and the date when the land could be converted to some other crop.

Bolivia

In Bolivia before the 1953 Agrarian Reform Act landless peasants were usually required to perform various services for the landowner in exchange for the use of their holdings.¹ Generally, the practice of exchanging services for the use of the holding meant that the cultivator had to work on the landowner's estate either for nothing or for a fraction of the usual wage, or else either he or the members of his family had to serve as domestic staff in the employer's home. The extent of these obligations and the area and quality of the land allotted to the smallholder in exchange were apt to vary and depended on local custom, population pressure and the kindness (or lack of it) of the landowner.

The *colonos* of the High Plateau were generally required to work for three days a week on the employer's estate and even more during the harvest, supplying their own tools and ploughing equipment and providing a yoke of oxen. They also had to bring along other adult members of their families, who during the sowing season on the employer's estate were required to scatter the seed and spread the fertiliser; they were also expected to look after the employer's livestock, repair the buildings and perform various other personal services. The heading "other personal services" included domestic work by the *colono* or the members of his family in the employer's town or country house (*pongo*, *semanero*), running errands (*cacha*), working in the kitchen (*mitani*) and even chewing maize to make *chicha* (*mukero*).²

The *pegujaleros* of the valleys paid for the use of their land in much the same way as the *colonos* of the High Plateau, although they had a wider choice as far as personal services were concerned. The share-tenant or *compañero* of the Cochabamba valley usually provided all the means of production and paid for the use of his holding by handing over half his produce. In Chullpas canton Leonard found that it was

¹ The Supreme Decree of 15 May 1945 (No. 318), which tried to lighten the burden of these traditional services, had a number of serious limitations in practice and although it introduced a number of changes in the nature of such services it did not succeed in reducing the scale on which they were performed. On this point see O. E. LEONARD: *Bolivia: Land, People and Institutions* (Washington, D.C., The Scarecrow Press, 1952), pp. 116-117.

² See *Indigenous Peoples*, op. cit., p. 376.

not uncommon for the landowner to supply the seed and fertiliser, in which case the produce was shared in a great variety of ways.¹ The indications are that cash tenancy is commonest in the Tarija and Sucre valleys; here there is no interference at all by the landowner and the tenants are free to plant whatever crops they think fit.

Brazil

In Brazil at the present day neither the cash nor share rents payable by tenants are subject to any special regulation, and they are accordingly based on local custom and practice. In the early part of the century the sugar mills in the state of Pernambuco made land available for planting sugarcane under share-farming arrangements and in exchange received 50 per cent. of the total output of cane. Sometimes tenants paid the mills a cash rent, the amount varying with the quantity of cane delivered.²

According to the 1940 census of agriculture, cash tenancy was the predominant form of tenure. In the south, cash tenancy is usual principally in rice and cotton growing but is spreading rapidly to farms producing crops with a shorter growing cycle, such as beans, maize and potatoes. Some land companies in the state of São Paulo lease out land exclusively for the growing of cotton and grain; the going rent is usually 500 cruzeiros per *alqueire*³ and the tenant must deposit security equal to 5 per cent. of the rent. These leases specify the proportion of the holding on which the tenant must grow cotton, although he has a choice of several cereals to plant on the remainder. He is required to sell his cotton output to the company at the prices it fixes, and he himself pays the transport costs. The company also reserves the right to acquire the output of cereals at prices similar to those of the open market.

In the north of Paraná the *empreiteiro*, who is used by the coffee estates to establish new plantations, is entitled to the full usufruct of a plot of land which varies in size according to the area he plants with coffee.⁴ When the estate has no spare land for this purpose the usual practice is to allow the *empreiteiro* to plant his own crops between the rows of coffee seedlings. In either case, the area of land that he can cultivate for his own use depends on the number of members of his

¹ O. E. LEONARD: *Canton Chullpas: A Socio-Economic Study in the Cochabamba Valley*, Foreign Agriculture Report No. 27 (Washington, D.C., 1948), p. 22.

² *Boletim da União dos Sindicatos Agrícolas de Pernambuco*, No. 6, Sep. 1910, quoted by T. LYNN SMITH in *Brazil: People and Institutions*, op. cit., p. 471.

³ One *alqueire* equals 2.24 hectares.

⁴ Normally the *empreiteiro* receives one *alqueire* of land for every 10,000 coffee bushes he looks after.

family who can work. Apart from the produce of his holding or space between the rows of seedlings, he is also entitled, at the end of the four years required to bring the plantation into production, to take the first coffee crop, i.e. the crop produced in the fourth year, and a specified cash payment for each coffee plant he hands over to the estate. The *colono*, the man employed in this same region to look after the fully grown coffee bushes, is given the usufruct of a plot of land which varies in size in the same way as with the *empreiteiro*¹, it being impossible after four years to plant other crops between the rows of coffee bushes. For tending the coffee plantation the *colono* receives a fixed sum per year for every 1,000 bushes; this remuneration is usually paid in two-monthly instalments. In addition the *colono* undertakes to work on the coffee harvest for two-and-half months, during which he is paid by the task. Whenever he is not looking after the plantation, harvesting the coffee or working on his own holding he is required to work on the estate as a day labourer at the appropriate wage.

Schmidt, referring to systems of tenancy in the state of São Paulo², states that cash rents range from 100 to 300 cruzeiros and sometimes as high as 500 cruzeiros per *alqueire* in cotton growing. The same writer adds that in those parts of the state where agriculture is most efficient there are *mediería* (share-cropping) arrangements whereby the landowner provides the holding already ploughed and harrowed while the *mediero* sows and looks after the crop and applies the insecticides. The landowner puts up all the seed and half the cost of any fertiliser that may be needed. The produce is shared equally in the fields as it is harvested. In the Paraíba valley in the state of São Paulo it is customary to conclude arrangements whereby the tenant delivers between 20 and 25 per cent. of his output in payment for the use of the land.

Chile

In Chile a patriarchal customary relationship has developed between the landowner and his *inquilinos* who, in addition to their wages, receive various perquisites such as a plot of land for themselves, housing, grazing rights, etc. An investigation into the incomes of 3,546 *inquilinos* in all the provinces of the country showed that these perquisites represented 60 per cent. of their total remuneration.³

¹ In the state of São Paulo a *colono* is allotted one *alqueire* of land for his own use for every 6,000 coffee bushes he looks after. See "Características de lavoura cafeeira de São Paulo", in *Agricultura em São Paulo: Boletim da Sub-Divisão de Economia Rural* (São Paulo), second year, No. 5, May 1952, p. 5.

² Carlos B. SCHMIDT: *Systems of Land Tenure in São Paulo*, op. cit., p. 244.

³ Dirección de Estadística: *Veinte años de legislación social* (Santiago, 1945), p. 93.

The only measures taken to regulate rents apply to publicly owned land; these rents may not be less than 6 per cent. of the taxable value of the land at the time of drawing up the lease nor less than 12 per cent. of the said value in the case of sub-leases or the transfer of leases of public land.

Cuba

In Cuba the 1946 national census of agriculture showed that in 1945 the total rents paid by tenants and sub-tenants amounted to nearly 10 million pesos, representing an average rent of 3.28 pesos a hectare. This annual average figure varied from 1.59 pesos in the province of Camagüey to 9.13 pesos in the province of Havana.

The procedure for determining cash and share rents is laid down in the 1937 Sugar Industry Co-ordination Act as far as the various types of *colonato* are concerned and in Act No. 7 of 1948 as regards cash tenancies and share-farming in general. The former enactment divides the land occupied by *colonos* into three categories: area A, consisting of the section under sugarcane in 1937; area B, which is an additional area equal to between 30 and 50 per cent. of area A (the greater area A is, the smaller the percentage for area B); and area C, made up of the remaining land farmed by the *colono*. The rent for area A is fixed at 5 per cent. of the yield of sugar obtained by the mill. For example, if a unit of area cultivated by a *colono* yields an average of 40,000 lb. of cane and the extraction rate is 12.5 per cent., the output will be 5,000 lb. of sugar; the rent will thus be 250 lb. of sugar. The cash value of the sugar is worked out on the basis of the yearly average taken from the Ministry of Agriculture's index of prices at the ports of loading for the last five years. The rent for area B is directly linked with the price of sugar and varies with each shift of one-quarter of a centavo in the price, the rent for irrigated land being 50 per cent. higher than for dry land. The rent for area C is whatever may be specified in the lease and if there are no special arrangements dealing with this point it is calculated in the same way as for area B.

Section 5 of Act No. 7 of 1948 stipulates that the rents fixed in cash leases of rural properties may not exceed 6 per cent. of the sale value stated in the municipal registry of real estate or, failing this, the price at which the property last changed hands. The Act prohibits any clause requiring the payment of a commission or any other pecuniary benefit to the lessor. When the lease has run for a year the tenant may apply for the rent to be changed. The lessor in turn may request a review of the rent for the following reasons: if tax has been levied on the increment in value of the leasehold, if he has made improvements thereon

with the written consent of the lessee or, lastly, if fresh taxes which affect the level of rent that can be considered reasonable have been levied by the State, provincial government or municipality. In any of these cases an application for a change in rent must be made in writing to the appropriate court, which will be governed by the rules of the Code of Civil Procedure. Legislative Decree No. 247 of July 1952 states that peasants who occupy land not exceeding 5 *caballerías* in extent, even if they are only squatters, must pay for the usufruct of the land an annual rent not exceeding 5 per cent. of the sale price shown in the municipal land register on 1 January 1948; where no price is shown the value is deemed to be the price at which the land last changed hands before the passing of the legislative decree.

On the subject of share-tenancies the 1948 Act stipulates that the percentage share of the produce to which each party is entitled must be in keeping with the landowner's commitments to provide the share-tenant with housing, implements, machinery and draught animals as well as his contribution towards the seed, fertiliser, pasture or fodder, accommodation, buildings or installations, where applicable to the holding, and (if the land is irrigated) his share of the cost of water. The landlord must likewise provide facilities for transporting the produce and give advances with which to pay the wages of day labourers and for anything else that contributes in any way towards bringing in the crops.

This Act makes special provision for share-farming in tobacco growing. In the area around Vuelta Abajo and the "zona de Partido", i.e. the whole of the province of Pinar del Río and part of the province of Havana, the landowner is entitled to 25 per cent. of the produce and must also defray the same proportion of all production costs with the exception of labour. When he only provides the share-farmer with land, housing and the permanent buildings needed for planting, cultivating and making the first curing of the tobacco the landowner receives only 20 per cent. of the crop. The Act also lays down the proportions governing share-tenancy leases in the other tobacco-growing areas of the country.

Discussing the establishment of coffee plantations, Nelson¹ describes a form of *aparcería* whereby the tenant is given a holding for eight years, at the end of which he hands over the fully grown coffee plantation; he receives three coffee crops as the sole payment for his work. After emphasising that under this system the share-tenant can barely eke out a living, the author adds that at the end of eight years the tenant can sign a contract as a *partidario* which entitles him to keep

¹ Lowry NELSON: *Rural Cuba* (Minneapolis, University of Minnesota Press, 1952), p. 129.

the coffee plants on condition that he hands over between 33 and 40 per cent. of the crop to the landowner.

Ecuador

In Ecuador the consideration payable by the *huasipunguero* of the High Plateau for his holding is regulated by the Labour Code, which specifically states that the number of days worked may not exceed four a week and that the wage paid may not be less than half the minimum wage laid down for day labourers in the same district. Nevertheless the practical effectiveness of these minimum standards suffers from the same limitations as the contractual arrangements which are also prescribed by this Code and were described in the previous chapter.

According to a survey conducted in Pichincha province and published by the National Institute of Social Welfare in 1947¹, the *huasipungueros* work from Monday to Friday and sometimes from Monday to Saturday and thus have only one or two days to cultivate their own holdings. The same source adds that all *huasipungueros* work on the "task" system, the tasks including ploughing, weeding and fencing. Any one of these tasks takes up at least eight hours' work. Moreover it has become the customary practice for these workers to be required to perform various personal services for the landlord for between one and three months a year as *huasicamas* or *cuentayos*. The first of these is equivalent to the former Bolivian *pongo*, while the *cuentayo* acts as stockman on the estate. For both these categories work continues throughout the week, including Sundays, and they are paid the same wages as those received by a *huasipunguero* when working on the landowner's estate. On some estates this wage is only nominal; on others it amounts to 10 sucres a month. As a rule the wage varies from 0.45 centavos to 3 sucres for a working day, which usually means a 12-hour day. An I.L.O. study² describes the operation of this system in the province of Imbabura where, in exchange for a plot of land and a daily wage ranging from 30 to 70 centavos (often paid in the form of grain), the *huasipunguero* works most of the time on the owner's estate at various farm jobs while his wife milks the cows and his children act as domestic servants. Another type of tenant-labourer is the *cuadrero* who, in exchange for the use of a plot of land and a monthly wage of from 5 to 12 sucres, looks after the estate-owner's urban property and together with other members of his family acts as a domestic servant

¹ Aníbal BUITRÓN and Bárbara SALISBURY BUITRÓN: *Condiciones de vida y trabajo del campesino de la provincia de Pichincha*, op. cit. pp. 66-70.

² I.L.O.: *Indigenous Peoples*, op. cit., p. 348.

in the latter's house. He even has to obtain his employer's permission to take time off to cultivate his own plot of land. Tied to the estate as he is and living and working under deplorable conditions, a *huasipunguero* is little better off than a bonded serf.¹

Even fixed-rental tenancies in some parts of the High Plateau tend to be variations of this system. There is evidence that such leases are often merely a matter of form since in fact the rent is paid in the form of services. The distribution of the produce under share-farming arrangements is also dealt with by the Labour Code, Section 266 of which states that "in a contract for produce-sharing farming, the land shall be provided by the landlord and the labour by the share-tenant, and the products shall be divided between them". Referring to the sharing of the produce this same section stipulates that "... in no case may the share-tenant's percentage be less than half of the crop". Nevertheless a survey conducted in 1948, in a commentary on this section, showed that there was a close similarity between the operation of this form of tenure and the *huasipungo* system:

As a rule the share-cropping contract is only verbal, a circumstance which gives rise to abuse. The Indian receives a plot of land, while the seed is provided either by the owner or by the share-farmer or by both in equal parts. When harvest time arrives, the Indian has to pay the "companions" who have helped him gather the crop a "ration", i.e. a small part of the same. Then come the tithes (*diezmos*) for the local ecclesiastical authority and the share (*primicias*) of the estate-owner himself. In addition he has to pay so-called damages caused to the neighbouring estates. In fact, he finally receives what remains of his 50 per cent. after these deductions. Furthermore, it is a general custom that during the period of his contract the *partidario* must carry out certain land improvements and render personal services for a specified number of days for the benefit of the estate-owner.²

Referring to these same characteristics of various forms of land tenure in Ecuador, the survey of economic development in that country by the Economic Commission for Latin America³ states that "The principal characteristic common to all these systems is the tendency of the landowner to pay no cash wage and to compensate or remunerate the workers with the right to cultivate a plot of land.... It is not fully appreciated how far the maldistribution of agricultural land and the persistence of obsolete methods of paying the labour force are responsible for the inefficiency of farming on the high plateau."

¹ United Nations, Economic Commission for Latin America: *Desarrollo económico del Ecuador*, op. cit., p. 77. See also Plutarco NARANJO VARGAS: *El campesinado ecuatoriano y el seguro social obligatorio*, op. cit., p. 17.

² César CISNEROS CISNEROS: *Demografía y estadística sobre el indio ecuatoriano* (Quito, Talleres Gráficos Nacionales, 1948), pp. 86-87.

³ United Nations, Economic Commission for Latin America: *Desarrollo económico del Ecuador*, op. cit., p. 77.

Guatemala

In Guatemala rents paid in kind vary according to local custom. For example, in some places the landowner's usual share is a third of the crop while elsewhere it sometimes amounts to more than half.¹ As stated above, variations in land rentals depend on population pressure and the quantity of seed and implements provided by the tenant. Cash tenancies are uncommon, being found only in the farming areas around the capital; they generally involve payment of an annual rent of between 7 and 15 quetzals per *manzana*.

The *colono*, *pegujalero* and *mozo* are all required to perform various services in exchange for the use of a plot of land. Depending on the region, work on the estate may be done either for a wage (which is usually lower than the customary rate) or for nothing at all. Sometimes this work covers the entire rent of the holding, but in other cases a stipulated percentage of the crop produced by the *pegujal* or holding has to be delivered as well. These farmers do not necessarily work all the time under one particular system of tenure; their status varies not only in accordance with circumstances but also on the type of arrangement they make. Thus a tenant labourer at Malacatán in San Marcos who earns 0.25 quetzal per day receives a plot of land and in exchange has to work 45 days a year on the estate without payment and deliver a quarter of his crop to the landowner. In this same district it is not unknown for arrangements to be made whereby the labourer works for 150 days a year without payment in exchange for the use of a plot of one-and-a-half *manzanas*.

Haiti

In Haiti the regulations governing the level of rents only apply to public land. The Act of July 1927 stipulates that such land must be rented for 6 per cent. of its current value and that the rent may not be changed during the ten years following the signature of the lease. Nevertheless one provision of the Civil Code which applies to tenants of both publicly and privately owned land does allow rents to be reduced following the loss of half or all of the crop owing to fortuitous calamities.

Mexico

The Mexican Civil Code states that when no agreement exists rents must be paid twice yearly in arrears. The Code makes provision for

¹ *Crédito agrícola supervisado para Guatemala*, op. cit., pp. 36-37.

the reduction of rents whenever half or all of the crop is lost through fortuitous circumstances, a distinction being drawn between fortuitous circumstances which are ordinary and those which are extraordinary (e.g. fire, war, plague, etc.). The Code allows share-tenants to keep 40 per cent. of the produce as compensation for their labour, although in practice the shares vary in accordance with the tools and equipment provided by each party.

Peru

In Peru the regulations governing *yanacónaje* contracts fix the maximum rents of farm-holdings and the share of the produce payable. Act No. 10835 of 1947 specifies that the annual rent, whether paid in cash or kind, may not exceed 6 per cent. of the value of the property and that the landowner may not receive more than 20 per cent. of the gross crop produced by a share-tenant. The Act stipulates that the labour which a *yanacóna* and members of his family perform on the owner's estate shall be paid at a rate which may not be less than a minimum fixed by the authorities in each region.

Before the 1947 Act was passed Supreme Decree No. 248 of 1944 was in force; this was designed to prevent the disturbance to food production that would be caused by a sudden jump in rents of agricultural land. It stipulated that the rents of such land should not be greater than those in force during the 1942-43 agricultural year or during the calendar year ending 31 December 1943. These provisions embraced tenancies, sub-tenancies, share-farming, *compañía* and *yanacónaje*.

A survey by the Inter-American Co-operative Foodstuffs Production Service published in 1945 found that rents varied from 10 centavos a year for a hectare of state-owned wooded land at Iquitos and 12 sols a hectare for privately owned land in the same district to over 1,000 sols in the low-lying part of the Arequipa area. Owing to the acute population pressure rents in this latter area fluctuated from between 240 and 300 sols per hectare in the upland districts to between 750 and 1,050 sols per hectare in the low-lying districts.¹

There are many variations in the form in which rent is paid, ranging from payment wholly in the form of services to payment wholly in kind. There are also cases in which the *yanacóna* not only pays his rent out of the produce he grows but is also compelled to sell the remainder to the estate-owner.² When the rent is paid in the form of services the latter

¹ Luis ROSE UGARTE : *La situación alimenticia en el Perú* (Lima, Servicio Co-operativo Interamericano de Producción de Alimentos, 1945), p. 31.

² Conferencia Interamericana de Seguridad Social : *Método de percepción de las cotizaciones del seguro social en las Américas*, Manual No. 2 (Geneva, 1952), pp. 358-359.

usually consist of *turno*, i.e. a fixed number of days which the tenant-labourer works on the landowner's estate, and the *palla* whereby the tenant is required to supply one or more women workers (*palladoras*) to pick coca leaves on the estate. A survey of tenancies in the province of Convención published in 1949 reveals that in this province a *colono* works for between eight and ten days a month for the landowner, for which he is usually paid at a third or a quarter of the average rate for an independent labourer. In addition he has to supply a *palladora*, who during the coca-leaf picking season is paid 20 centavos a day; this job is usually done by the *colono*'s close relatives as otherwise he would have to make up the difference between their earnings and the rate for an independent *palladora*.¹

In the Department of Huanuco the *mejorero* or cultivator whose job it is to establish permanent plantations receives as his only remuneration 100 sols for every 1,000 coca plants and 1.20 sols for every coffee bush in production when he hands over the plantation. In other parts of the High Plateau, e.g. in the Department of Junín, the same class of husbandmen receive from two to three sols for each coffee plant in production. In either case they are entitled to any crops grown between the rows of plants. The *majadero* in the coastal areas, particularly in the Department of La Libertad, rents natural pasture, paying one sol a year for each head of horned cattle and 20 centavos for each sheep or pig; in addition he is required to work for 12 days a year on the estate at a special wage of 1.20 sols a day and to help in transporting the produce of the estate for 12 days a year.²

Uruguay

In Uruguay the Rural Tenancies Act of 1954 sets out, as stated in the preamble, to ensure that the cash or share rentals paid by tenants are fair to both lessor and lessee, having regard to the "normal profitability of the holding". It devotes a whole chapter to the standards which should govern the determination and review of these rents and shares. The Act requires this to be done by the appropriate courts in the light of the normal profitability of the holding, and to that end they are required to examine "the terms of each contract, the quality of the land, the existing improvements, the type of farming for which

¹ Carlos F. CUADROS Y V.: "El arriendo y la reforma en la provincia de la Convención", loc. cit., p. 10. See also United Nations: *Report of the Commission of Enquiry on the Coca Leaf*, op. cit., pp. 76-78.

² Ministerio de Agricultura: *Valor de la mano de obra en los diferentes valles de la República* (Lima, Departamento de Economía Rural, Jan.-June 1954), pp. 10-14.

the land is used, the sales prices and rentals of land in the area, the rent under the preceding lease and any grounds that may justify a change".¹ Rents fixed by the courts are back-dated to the time the application was made and such reviews may be requested at two-yearly intervals.

In assessing the profitability of holdings producing foodstuffs which are subsidised by the State or for which there is a price support (e.g. milk, meat and staple foods) the Act stipulates that the only yardstick used must be their normal market value without reference to the price support or subsidy and the consequent profit margin. Products which are not officially supported but whose prices have fluctuated by more than 25 per cent. during the two years preceding the application for revision or establishment of the rent are valued at their probable market price at the time when the application is made. In no circumstances may the foodstuffs produced be assessed at more than the average for prices during the last two years less 20 per cent. Nevertheless, this preamble in defining the principles governing the establishment of fair rents does not go into any greater detail with regard to what the Act calls "the probable market price".

In practice rents are paid annually either in advance or in arrears although sometimes, as with the dairy farms supplying Montevideo, they are payable monthly. In *aparcería*, which is a relatively common form of land tenure wherever extensive farming methods are used, the landowner usually only supplies the land, while the share-tenant provides the rest; the landowner by custom takes 30 per cent. of the crop, which is delivered to him in sacks as it comes out of the threshing-machine. The evidence is that latterly this percentage has tended to fall, and it is not uncommon for him to take only 27 per cent. or even 25 per cent. of the crop.²

CONCILIATION AND ARBITRATION

Argentina

In Argentina the conciliation and arbitration machinery to deal with disputes between the parties to the contract is also regulated by

¹ If any of the land is sublet the rental may be increased by not more than 10 per cent.

² Special communication to the I.L.O. from the National Settlement Institute. See also D. T. CLARAMUNT: "Conferencia del curso internacional de extensión agrícola y fundamentos de sociología rural, organizado por el Instituto Interamericano de Ciencias Agrícolas (zona Sur)", in *Boletín del Instituto Nacional de Colonización* (Montevideo), No. 31, Sep. 1952, p. 12.

Act No. 13246 of 1948, to which reference has already been made. Section 46 of this Act stipulates that the Government is to establish regional joint compulsory conciliation and arbitration boards and a central tribunal under the Ministry of Agriculture. Officials of the Ministry with special knowledge of the area act as chairmen of the regional boards. The purpose of this provision is to make sure that these bodies are thoroughly regional in character and jurisdiction and that their rulings are accepted as being based on first-hand knowledge of local problems, practices and customs. The central tribunal is made up of nine members and the regional boards of three. All of them include representatives of landowners and tenants, three names being put forward for each seat by the numerically most representative agricultural bodies in the country or region, as the case may be.

Act No. 13897 of 20 May 1950 gives the joint conciliation and arbitration boards sole power to deal with disputes between landlords and tenants and lays down the procedure for taking cases to them, which involves some amendment to Act No. 13246 of 1948. Decrees Nos. 2700/49, dealing with the regional boards, and 8593/49, concerning the central tribunal, prescribe where the boards shall meet, their jurisdiction and the procedure for putting forward the necessary three candidates for each seat on the regional boards and the central tribunal to represent the landowners, tenants and share-farmers.

The 1948 Act and the regulations issued thereunder lay down the procedure to be followed by these bodies in undertaking conciliation and arbitration, and also define their functions. Broadly speaking the procedure falls into two phases. The first phase is that of the preliminary conciliation proceedings, at which the parties concerned are required to appear; the second phase is that of the arbitration hearing proper, at which both parties can put forward their case. The regional boards have full power to conduct the case and to make an award. They are required to announce their findings within 90 days of the complaint's being lodged and appeals must be submitted within 15 days of the award's being announced. Such appeals lie with the central tribunal, which is required to give a final ruling within 60 days. The regulations governing the conciliation phase lay down the procedure for submitting petitions and applications and for answering them, together with the correct procedure for conducting the conciliation hearing. Should the conciliation procedure fail the boards are then required to act as arbitrators after having first carried out the requirements governing evidence, i.e. once the parties, witnesses and experts have been questioned and the necessary documents have been submitted and inspected.

Bolivia

In Bolivia pending the issue of the relevant decrees and regulations, the National Agrarian Reform Council, working through the agrarian courts, is given responsibility for conciliation and arbitration in disputes between all classes of workers on the land. Before the agrarian reform the General Labour Act of 8 December 1942, which contained a special chapter dealing with conciliation and arbitration arrangements for workers in general, specifically excluded those employed in agriculture (Section 1). In addition, Section 8 of Supreme Decree No. 318, dated 15 May 1945, which was designed to regulate the employment of rural workers, stated that disputes between landowners and tenants should be dealt with in the first instance by the constabulary within a time limit of eight days. Appeals against such rulings could be taken to the departmental labour judge, whose decision was final. This method of settling disputes between landlords and tenants is still being used even though the primary purpose of the Act, viz. the regulation of personal services by rural workers, was not in fact achieved.

Brazil

Disputes between landlords and tenants in Brazil are usually dealt with by the ordinary courts. In the state of São Paulo, however, Act No. 18609 dated 10 October 1922 set up rural tribunals to deal with disputes arising out of the interpretation of contracts between *colonos* and landlords. The Act requires these tribunals to be presided over by a district judge and to include two other members appointed to represent the *colonos* and the landowners.

Chile

The Chilean conciliation and arbitration machinery for agricultural workers in general is regulated by Act No. 8811 of July 1947. This Act supplements the provisions of the Labour Code regarding trade unionism among farm workers and it applies, among others, to *aparceros*, *medieros* and *inquilinos*. The 1947 Act set up special agricultural conciliation and arbitration boards made up of three members, one of whom is selected by the committee of the appropriate agricultural trade union or by the workers' representatives, as the case may be, the second member by the employer and the third by joint agreement or, failing this, by the appropriate labour judge. Once the statutory procedure

for conciliation has been exhausted the board has power to arbitrate. The awards it makes in this capacity are binding and enforceable; an appeal from them will lie to the appropriate labour court.

Cuba

The Cuban Sugar Industry Co-ordination Act of 1937 defines the liability of the sugar mills to the *colonos* for any damage they may cause and vice versa, and prescribes appropriate relief and compensation. The same Act set up the Sugar Industry Board, which is made up of three members and their substitutes. Two of these members are appointed by the Government from a list of three candidates nominated by the Cuban National Landowners' Association and a further list of three candidates put forward by the association of *colonos*; the third member, who acts as chairman, is appointed directly by the Government in consultation with the foregoing two associations. The cost of running this arbitration board is borne equally by the two associations. Decisions of the board taken by two of its members in official session are binding and final.

Lawsuits arising out of disputes between the contracting parties over changes in rent, compensation for improvements, etc., are dealt with by the courts prescribed by the Civil Courts Procedure Act, having regard to the level of rent fixed in the lease. In any event, the procedure invariably consists of an attempt at conciliation followed by the award of the court, after hearing the arguments and evidence of both parties. Appeals against this verdict may be lodged with the next higher court.

Ecuador

In Ecuador the 1938 Labour Code normally empowers the deputy agricultural inspectors to take cognisance of disputes over the interpretation of the provisions of the Code dealing with tenancies and similar contracts. These inspectors have full powers to settle disputes and conciliate the parties involved. Appeals against their decisions may be lodged with the General Directorate of Labour.

Peru

In Peru Act¹ No. 10835 of 1947 set up a general inspectorate under the Ministry of Labour to look after the interests of the *yanaconas* and peasants. Its duties include the enforcement of the social legislation

designed to protect the *yanaconas*. The Act stipulates that any disputes arising between the latter and their landlords must be dealt with by the labour courts.

Uruguay

In Uruguay arbitration in disputes arising out of the circumstances covered by the Rural Tenancies Act of 1954 is carried out by the justice of the peace for the locality in which the holding is situated whenever the agreed or officially prescribed rent does not exceed 150 pesos a month or the equivalent. If the rent is higher than this the case must be taken to the court of first instance in the department concerned. Appeals against the decision of either court may be made to the next higher court; the verdict of the court of second instance is final.

* * *

The establishment of a fair rent for the use of the land is unquestionably the most difficult feature of the relationship between tenants and landlords.

In Latin America the position with regard to rents, whether paid in cash, in kind or a share of the produce, appears to be far from satisfactory. After paying his rent the tenant is unlikely to have enough left to live decently, let alone accumulate savings. The problem is particularly serious when the system of tenure is based on the performance of services in exchange for the use of land—an outdated arrangement which is in flagrant contradiction with any rational concept of national economic policy and to present-day views on social justice.

In countries where the rent or share of the crop to be paid is systematically regulated in practice as well as in theory a number of criteria are used to distribute the farm income fairly, the particular criteria used depending on local needs and circumstances. In Mexico the law stipulates that in share-farming contracts the cultivator's investment in the form of labour entitles him to not less than 40 per cent. of the crop, while Cuban legislation specifies that the proportion of the crop received by the share-farmer must be related to the investment he makes in addition to his labour. In the specific instance of tobacco growing Cuban legislation stipulates that the landowner is entitled to 25 per cent. of the crop.

With regard to cash rents some countries have adopted the method of arbitrarily specifying that they may not exceed a given percentage of the value of the property. For example, Cuban legislation states that

farm rents may not be higher than 6 per cent. of the holding's sale price. The same criterion is used in Haiti but only with respect to state lands. In some countries, e.g. Argentina and Uruguay, the rent may be adjusted if there is a change in the ratio between production costs and the value of the crop. In Cuba the rent may only be adjusted if material improvements have been made to the holding or if taxes are increased in such a way as to affect the level of rent considered to be reasonable.

Disputes between landlords and tenants are generally settled under procedures based on legislation and administered by the civil or labour courts. An exception to this is provided by Argentina and Cuba (in respect of sugar cultivation), where special machinery has been set up consisting of joint compulsory conciliation and arbitration boards made up of landowners and tenants with government representatives acting as chairmen. Such machinery gives those who do not own the land they cultivate a straightforward, speedy and effective means of asserting their rights. Argentine experience demonstrates the advantages of organising these bodies on a regional basis, for there can be no doubt that they operate far more effectively if the people of the countryside have easy access to them.

CHAPTER V

ACCESS TO LAND OWNERSHIP

The importance attached to land ownership from the colonial period onwards has inevitably had a strong influence on the opportunities of acquiring ownership open at the present day to peasants who do not actually own their holdings or only cultivate them under unfavourable systems of tenancy. The avidity of the first settlers to seize as much land as they could by right of conquest was matched by the ignorance and indifference of the Indians regarding the title deeds which, under the property laws of those days, could have given them some rights over the land they tilled. The *encomienda* as a system of land ownership, and the large estates which developed out of it, not only extended and accentuated systems of land tenure based on the performance of labour and personal service but also gave rise to the practice whereby squatters settled on the uncultivated areas of these enormous estates.¹ During the colonial era there was little interest in solving or mitigating the problem of obsolete systems of land tenure or in creating wider opportunities for land ownership. This lack of interest and the paradox of large estates with no men to work them side by side with a multitude of men with no land to till remained widespread even under various forms of self-government. Even at the present time the opportunities of acquiring ownership are seriously restricted by the excessive concentration of landed property in a few hands.

We shall see in this chapter how several Latin American countries have tackled the problem of helping landless farmers to acquire land of their own. A distinction is made between those countries which have adopted legislation of a general nature, those which have introduced special systems such as that of *patrimonio familiar*, and those in which the main efforts have been directed towards land settlement. We shall later examine, by way of illustration, the action taken by some governments to make the necessary credits available to farmers desiring to become the owners of their land.

¹ Before the conquest the common law of Castile had recognised the right of squatters to make temporary use of idle land. "The following is the law of Castile: if any land lies idle and if a farmer ploughs it and when the time comes to harvest the crop the owner of the land tries to harvest it instead, he who tills it shall have the right to the harvest and the owner shall be given a third or a quarter thereof even if the farmer has ploughed it without the permission of the owner." Quoted by L. MENDETA Y NÚÑEZ in *El problema agrario de México*, op. cit., p. 474.

LEGISLATION OF A GENERAL NATURE

Argentina

In Argentina the large-scale appropriation of public land since the achievement of independence was largely due to the policy followed of frequently making over great tracts of public land to individuals and companies in order to add to the Government's short-term income, settle the interior of the country and push forward the frontier against the Indians. Some of these grants were made either without any payment whatsoever or at nominal prices, while others were made available under leases of the *emphyteusis* type. The latter system originated in 1822 when Rivadavia introduced it in the province of Buenos Aires and was subsequently extended to the whole country when the General Constituent Congress of the United Provinces of the River Plate passed the Act of 18 May 1826. The main difference between *enfiteusis* as it operated in Argentina and the classic Roman system is that the tenant was not granted the full usufruct for life, and that a number of special restrictions were imposed, although the holding was not granted for less than 20 years. The rent during the first ten years was equal to 8 per cent. of the value of the land given over to pasture and to 4 per cent. if the land was under cereals. After ten years the rent was subject to review. The most cogent criticisms that could be levelled against the system were the lack of any upper limit to the area that could be granted, the failure to require settlement of the land and the practice of allowing the *enfiteusis* contract to change hands freely. These loopholes in the Act led to land-grabbing and speculation and left the way open for a system of "sub-leases that spoliated the wretched countryfolk for the benefit of powerful urban interests".¹

This Act introducing *enfiteusis* was followed by others dealing with land settlement such as the Avellaneda Act of 19 October 1876², the Homestead Act of 1884 which dealt expressly with state-owned lands, Act No. 4167 of 1902 and Act No. 10284 of 28 September 1917. The chief purpose of these enactments was to settle immigrants and tenants

¹ For a more detailed comparative analysis of the *enfiteusis* system as applied by the Romans, the Spaniards and in Argentina see Domingo BÓREA: *Legislación agraria de la República Argentina* (Buenos Aires, Editorial Carlos Gide Ltda., 1948), pp. 155-162.

² Under this Act, and another of the same kind, a total of 100 land grants with a total area of 5,080,000 hectares were made; there were cases in which a single person or company in this way acquired estates of 240,000 hectares or more. Subsequent investigations into these land grants as they affected a total of 2,600,000 hectares showed that the majority of them were made without the recipients complying with the basic obligations imposed by law. See Ministerio de Agricultura de la Nación: *Memoria correspondiente al ejercicio de 1947*, op. cit., pp. 19-20.

on suitable land with government help until they could stand on their own feet. In 1934 the Central Agrarian Council was set up and the first steps were taken towards a complete overhaul of the agrarian system, a process which culminated in the Settlement Act of 1940 (No. 12636) which set up the National Agrarian Council and laid down the procedure to be followed by this agency in selling land holdings.

The results of the 1940 Act up to 1947 were announced in the President's message at the opening of the 1947 Session of Congress.¹ This message stated that up to that date 6,000 families comprising some 34,000 persons had received grants of land, temporary or permanent title deeds, homesteads or leases. Between 1946 and 1950 some 455,000 hectares were distributed under this legislation.

The Public Lands Act of 5 October 1950 (No. 13995) and Decree No. 8899 containing the regulations issued thereunder lay down the fundamental principle that the land must be treated as a vehicle for productive work rather than a source of unearned income and adds that its principal aim is to protect the Argentine peasantry and to bring government-owned land back into use. Such land may be sold, leased or allocated for immediate or future occupation. Under the regulations all public lands covered by this Act are the responsibility of the Ministry of Agriculture and Stockraising, working through the General Directorate of Lands. Sales prices or rents of public land must be fixed by the Directorate either for whole areas or for individual holdings, having due regard to the purposes for which the land is to be used and its distance from the available points of loading for the produce. The maximum period for paying off the sale price of any holding given over to stock-raising is 15 years, while for general farming it is ten years. In either case leases are non-transferable and the surveying of the holding is the responsibility of the grantee.

A lease without option to purchase is usually given when the land is insufficient in either area or quality to form an economic farming unit; such leases run for ten years and are automatically renewable for further ten-year periods.

New legislation was introduced in January 1955 (Act No. 14392 providing facilities for the grant of land to agricultural workers for settlement purposes) which gave the Argentine National Bank "working in direct co-operation with a co-ordinating council composed of representatives of interested government departments and genuine agricultural producers," wide powers to prepare settlement plans, acquire land, organise credit facilities, grant technical assistance to settlers and provide

¹ *Diario de sesiones de la Cámara de Senadores de la Nación, sesión de asamblea de 1.º de mayo de 1947* (Buenos Aires), pp. 18-19.

a wide range of facilities and amenities for settlers. The lands to be used for settlement include, in addition to state land, "privately-owned lands which are not fulfilling their social purpose". All land "the internal and external characteristics of which point to the need for its fragmentation on the basis of a joint analysis of the economic and social factors emerging from modern agricultural technique and rural life" is considered suitable for settlement. Land is to be distributed in economic units to suitable persons who have been engaged in agricultural work but who do not own an economic unit, preference being given, among others, to persons with large families of Argentine nationality or foreigners with more than five years' residence. Cultivators who have been farming the land in question as tenants, share-farmers or "settlers under any other title" are to be granted land outright, priority being given to tenants or share-farmers "who have been deprived of the legal extension periods of their contracts". Settlers shall receive title to the land ten years after taking possession if they fulfil certain conditions, such as residing on and personally cultivating the holding in accordance with sound principles of husbandry as laid down by the Bank, making the required payments and being members of co-operative organisations.

Bolivia

In Bolivia the Agrarian Reform Legislative Decree of 2 August 1953 brought about a radical change in systems of land tenure and was the first piece of legislation designed to give landless tillers of the soil an opportunity of owning land themselves. In laying down the order of priority to be followed in sharing out the land the Legislative Decree stipulates that peasants who have been subject to a feudal system of labour and exploitation as *pegujaleros*, *agregados*, etc. "are hereby declared to be the owners of the holdings they cultivate or occupy". Where large estates are farmed on the *colonato* system the decree gives preference to the *colonos* and farm labourers previously working on the estate. Certain regions in which the tenant-labourer system exists are mentioned by name; in these regions peons are included among the farmers having priority for the grant of the *sayañas* and leaseholds they occupied. It also contains provisions which place considerable emphasis on the process of settling the underpopulated eastern part of the country.

The Legislative Decree on agrarian reform stipulated that the sale price of land granted to peasants must be based on the current assessed value. Payment must be made in 50 half-yearly instalments; should the recipient default on two consecutive instalments he is liable to a fine equal to 1 per cent. of the amount due plus the interest for the period concerned. If he

defaults on four consecutive instalments the land automatically reverts to the Government, which is at liberty to assign it to any other peasant who may need it.

Brazil

In Brazil the federal Constitution grants "occupation rights" to squatters who own no urban or rural property and who for ten consecutive years, without opposition or acknowledgment on their part that the land belongs to anybody else, occupy a holding not exceeding 25 hectares which they make productive by their work and on which they make their homes. A squatter who satisfies these conditions is granted ownership of his holding by means of a duly entered declaratory judgment. On this point it is interesting to note that as far back as 1850 an Act was passed (No. 601) containing similar provisions dealing with this class of farmer. Section 5 of this Act laid down the procedure for granting applications for title deeds based solely on occupation of the land provided the squatter was actually living on the land and cultivating it.

Colombia

The fundamental purpose of the Colombian Land Tenure Act (No. 200, dated 30 December 1936) is to make the right to the ownership of land conditional on its use for farming purposes. The Act classifies as idle land all private property which is not farmed by the owner, e.g. as a plantation or cattle farm or for any other purpose of equal economic value. The Act thus created a new opportunity of acquiring title to land by stipulating that, even if they had lost an action for possession, "persons who two years before the commencement of the present Act have established themselves, without recognising any ownership other than that of the State . . . on land which was uncultivated at the time when they settled thereon, shall be entitled to acquire the said land on payment of a fair price". This provision only applied if the owner of the land allowed 90 full days to elapse after the entry into force of the Act without bringing an action for recovery. In such cases the payment of the "fair price" had to be made within a period of five years. Section 6 of the Act was designed to avoid immediate and large-scale transfers of uncultivated land by giving the owners of such property ten years' grace to bring the land into cultivation and prevent it from being classified as "idle". This same section stated that at the end of this time only the uncultivated sections of any estate would be forfeited and that in any event properties of less than 300 hectares would be exempt from such extinctive prescription of title. Section 25 of the Act set up a number of "land courts" with responsibility for dealing with applications made under the Act; the

same section also laid down the procedure for dealing with appeals. In 1937 Decrees Nos. 588, 650, 1150 and 1229 were issued to specify the scope of the Act. In addition Decree No. 59 of 11 January 1938 defined more exactly the "farming purposes" referred to in the 1936 Act and established machinery for allocating idle land to those who were entitled to it.

In practice these measures embodied in the 1936 Act with the intention of facilitating property ownership had a very limited effect. Following the establishment of the Land Distribution, Settlement and Forestry Protection Institute under Decree No. 1483 of 11 May 1948, a number of settlement centres were opened up such as those at Sumapaz, Caracolicito and San Juan, and the stock-raising centre at Carare; these small-scale schemes, however, fell far short of the ambitious scope of the 1936 Act. Moreover, the periodic unrest through which the country has passed has not formed a favourable setting for carrying out the aims of the Act. In some areas its effects have been quite the opposite, as Crist explains in his book on land tenure and use in the Cauca Valley. According to him, landless farmers in this fertile region are kept on the move more than ever because the landowners now take greater care to prevent any peasant from remaining on their estates long enough to be able to claim occupation rights through having made economic use of his land. "This law has tended to diminish the already precarious sense of security of the labourer, and has been a powerful weapon in the hands of the large landlords".¹

Guatemala

In Guatemala the Agrarian Reform Act of 15 June 1952 (No. 900) referred in its preamble to the unsatisfactory results obtained hitherto from earlier legislation designed to compel the owners of idle land to lease it out. One of the chief aims of the Act was to distribute land to peasants, *colonos* and farm labourers who either had no land at all or did not have enough. For this purpose the National Agrarian Department, which was set up under this Act, was empowered to distribute publicly owned land, i.e. the "national estates"² and expropriated land. Freehold grants of the latter could be made up to 18 hectares, while land belonging to the national estates could only be assigned for life in holdings of between 4 and 7 hectares of cultivated land. When

¹ Raymond E. CRIST: *The Cauca Valley, Colombia—Land Tenure and Land Use* (Baltimore, Waverly Press, 1952), p. 36.

² Agricultural holdings under state administration, including estates which formerly belonged to German citizens and were expropriated during the war.

this type of holding did not amount to 7 hectares the recipient was given an additional holding of uncultivated land in order to bring the total up to 18 hectares. The annual ground rent was 3 per cent. of the value of the crop. This right to the usufruct expired on the death of the holder, but members of his family were given a preferential right to take over the holding on the same terms.

Between the introduction of land reform and 20 February 1954 a total of 444,454 hectares were expropriated from private individuals and 247,833 hectares had been divided up between 55,734 peasants. The land distributed consisted of expropriated private land, municipal estates and the national farms, and property belonging to the State.¹

When the new Government assumed power presidential decrees were issued on 27 July and 22 August 1954 rescinding the Agrarian Reform Act, cancelling the grants of land situated on the national estates and announcing the issue of new agrarian legislation to solve the problem of land ownership by developing and settling uncultivated land belonging to the State. A decree was issued on 1 March 1956 (No. 559) instituting the Agrarian Charter, which consolidated and revised all the agrarian legislation passed up to that date.² Under this enactment the Directorate of Agrarian Affairs, which took the place of the National Agrarian Department, is responsible for handling the country's agrarian policy. This Charter differs fundamentally from the earlier legislation in that it stipulates that the land must always be granted outright and that these grants must be accompanied by technical and financial assistance; it also lays stress on the development of the underpopulated areas of the country through the establishment of agricultural centres by means of internal migration. In addition to stipulating that idle land belonging to the State, together with state farms in production, must be shared out fairly on a freehold basis among the landless labourers, the Charter makes it clear that idle land belonging to private persons can be expropriated for the same purpose. To this end the Directorate of Agrarian Affairs, following the government order of 17 September 1956, has issued an Idle Lands (Classification) Regulation giving details of the procedure for deciding which privately owned idle lands should be included in the new agrarian programme.

In conformity with this procedure, the following land is available to the Directorate of Agrarian Affairs: (1) publicly owned land, whether idle or cultivated; (2) land already expropriated under the former

¹ Report of the President of the Republic to the National Congress at its first ordinary sitting in 1954 (*El Guatemalteco*, Vol. CXL, No. 84, 2 Mar. 1954, p. 690).

² *Estatuto Agrario* (Guatemala, Imprenta Liberación, 1956).

Agrarian Reform Act—although the new Act requires all expropriations to be reviewed, when they will be amended, confirmed or rescinded; (3) expropriated idle land, and (4) land which is deemed to be idle, i.e. land to which no title exists and which is not recognised as having any owner, and is reported as such to the authorities. Land in the latter category is investigated with a view to registering it as public property, i.e. as available for distribution.

Between 2 July 1955 and 10 January 1957 a total of 10,837¹ title deeds were granted, and it is expected that by the end of 1957 the deeds delivered will represent a total of 122,696 hectares. The Government plans to distribute 5,000 holdings a year.

Mexico

In Mexico the concentration of land in a few hands and the exploitation of the peasants were the chief causes of the 1910 revolution, which paved the way for a reform aimed at restoring to the old peasant communities the land of which they had been robbed and at enabling the farm workers to own the land they tilled. It was not, however, until the passing of Act No. 6 in January 1915 that the first legislative measures were taken to put down the abuses which had been prevalent hitherto in the granting or alienation of communal land and to set up machinery to distribute and restore the *ejido* land to its rightful owners.

Article 27 of the Constitution of 5 February 1917 not only gave constitutional status to the Act of January 1915 but also proclaimed the eminent domain of the State over landed property. By virtue of the sovereign power granted by this article the State was authorised to regulate the use and distribution of landed property, to impose such measures as might be required in the public interest, to make grants of land to such townships as might need it, to limit land holdings, to regulate the redistribution of large estates and, lastly, to take measures to protect and encourage small-scale property owning.

The first step towards implementing the above-mentioned provisions was taken by the *Ejidos* Act of 28 December 1920 which consolidated the decisions of the National Agrarian Commission set up by the 1915 Act and at the same time set a number of new objectives in agrarian policy. In the following years various additional enactments were promulgated. Some, like the Agrarian Regulations of 1922 and the Land and Water Rights (Grants and Restitution) Act, 1927, were (like

¹ Figure taken from Dirección General de Asuntos Agrarios: *Tierra en propiedad* (Guatemala, Unión Tipográfica, 3 July 1956), and special communication to the I.L.O. from the Directorate-General of Agrarian Affairs.

the earlier ones) concerned with the distribution of land to villages, while others, such as the *Ejidal* Property Act, 1925, for the first time laid down the procedure for allocating the land distributed to *ejidos* among the individual villagers. The Agrarian Code of 1934 consolidated and amended the earlier regulations. One amendment of particular interest for the purpose of this report was its recognition of the right of the *peones acasillados* to be counted in any agrarian census as inhabitants of the nearby villages or to be reckoned as constituting new centres of agricultural population, which automatically entitled them to the use of plots of *ejido* land.

The 1934 Agrarian Code was followed by the 1940 and 1942 Codes, the latter being still in force. In both of the last-mentioned measures there was a tendency to bring the provisions governing the size of land grants into line with the regulations governing *ejido* property. Under the 1942 Code the standard land grant ¹ was increased to 6 hectares of irrigated or watered land and 12 hectares of other land. In 1946 an amendment brought the area of irrigated land up to 10 hectares and that of other land to 20.

Agrarian legislation since 1940 has sought to make the holding of the individual *ejidatario* more permanent; to this end deeds and certificates of farming rights are now issued which make the tenure of the holding conditional only on its being regularly farmed by the *ejidatario* himself—the original idea behind the scheme. Side by side with this form of *ejido* tenure, larger units are sometimes farmed collectively whenever conditions are such that it would be impracticable or uneconomic to split them up among individuals. On the subject of land grants to villages, the Code stipulates that the latter must have been in existence for not less than six months before applying to the Agrarian Department for a grant; the members of the community must devote themselves to agriculture and must supply evidence that they are either landless or do not possess sufficient land.

According to the latest *ejido* census ², up to 1950 the agrarian reform had resulted in the distribution of a total of approximately 30 million hectares of cultivable land to 17,579 *ejidos* with 1,552,926 members. In addition, the area under cultivation in the *ejidos* increased by more than 1½ million hectares as compared with 1940, at which date the

¹ The standard land grant is the area of *ejido* land to which each member is entitled individually, i.e. through the subdivision of the land assigned to each village; this village area is calculated on the basis of the standard grant and the number of villagers with a valid claim.

² Secretaría de Economía, Dirección General de Estadística: *Tercer Censo Ejidal de 1950: Resumen General*, op. cit., p. 4.

corresponding cultivated area accounted for 50 per cent. of the total area of land under cultivation in Mexico.¹

In addition to the land reform, land settlement has also been encouraged so as to make more cultivable land available to landless farmers. The first serious attempt to introduce legislation on this point was the Federal Settlement Act of 5 April 1926, which made provision for the establishment of settlers on holdings of not less than 5 or more than 150 hectares, the purchase price being payable over a long period at a low rate of interest. At the present time another Act of the same name, promulgated on 30 December 1946, is in force, and responsibility for its administration rests with the National Settlement Commission. Under this Act tenants, share-farmers and bona fide squatters on the land which it is proposed to settle must be given priority as settlers. Although the price of the land is fixed by regulation in each case, the value of the settlement established by the Commission may not exceed the value of the land plus that of any improvements made upon it; when settlements are organised by private individuals, the Act allows the owner to charge a price for the holding equal to the value of the capital invested plus 20 per cent. The time allowed for repayment may not be less than ten or more than 25 years, the first instalment being payable as from the second year following the signing of the contract. Interest of between 3 and 8 per cent. a year may be charged on unpaid instalments as the Commission may think appropriate.

THE "FAMILY PATRIMONY" SYSTEM

In countries where the State owns large areas of uncultivated land and where squatters are common, the *enfiteusis* system, sometimes in combination with official land settlement schemes, is often used to establish the squatters permanently on cultivable land. The squatter is given the life or hereditary usufruct of a plot of land which is commonly called the *patrimonio familiar*; this right is subject to certain restrictions with regard to subletting or abandonment without good reason.

As Cuba has fairly detailed legislation on the subject, the situation in that country is described at some length here.

Patrimonio familiar, as defined in Cuba by the Act of 4 June 1943 (No. 18) and the regulations (Decree No. 507) issued thereunder, is a system whereby the minimum family "homestead", as specified in the Act, is unattachable, non-transferable and exempt from taxes, levies and duties of any kind. These concessions are subject to the condition that

¹ United Nations, *Progress in Land Reform*, op. cit., p. 39.

the father or head of the family must occupy, cultivate and farm in person a holding belonging to him, of a value not exceeding 2,000 pesos; it must, moreover, constitute his only piece of property and must be essential for his support. Should there be any improvements that bring the value of the farm to more than 2,000 pesos the extra amount is liable to taxation. If these statutory benefits are claimed by the owner, possession of the property becomes subject to a number of restrictions, particularly with regard to sale or hypothecation.

Cuba is one of the countries in which the institution of "family patrimony" exists side by side with land settlement schemes. As long ago as in 1937 an Act was passed which allowed grants of state land not exceeding 2 *caballerías* (26.8 hectares) in area or 2,000 pesos in value to be made by "deed of gift". Responsibility for administering the 1937 Act was given to the Directorate of Settlement and Land Distribution which comes under the Ministry of Agriculture. Rights to land thus granted may not be transferred except by inheritance, nor may the land be ceded, mortgaged, leased, share-farmed, given in usufruct or alienated in any way. At the end of 1953 some 16,000 hectares (1,200 *caballerías*) had been distributed under this Act.¹ On 18 June 1951 a Presidential Decree (No. 2969) was issued which set up the Special Agrarian Development Fund; this Fund was authorised to acquire property and prevent evictions with a view to developing the land and resettling landless peasants. The regulations issued under this enactment earmarked a total of 5 million pesos for this purpose. Land acquired by this agency must be split up into holdings of not more than 2 *caballerías*, which must be handed over together with deeds of sale by deferred payment; payment is made in 25 instalments at an annual rate of interest of 2 per cent. The regulations stipulate that every effort must be made in expropriating or purchasing land to avoid evicting any squatters who may be on it; if this proves unavoidable they must be given in exchange holdings similar to those of the other recipients under the scheme. However, the financial resources of the development fund were not replenished once the initial appropriations were exhausted, and since the time allowed for repayment is fairly long, the fund has found it necessary to limit its operations to what it could finance with capital repayments and the interest from certain short-term loans which it was also empowered to grant.²

In the Dominican Republic the Act of 25 August 1932 (No. 357) stipulates that any cultivable land belonging to the State may be granted

¹ Alfonso ROCHAC and Miguel MONZÓN: "La tenencia de la tierra y el crédito agrícola en Cuba", loc. cit., p. 124.

² Ibid., p. 122.

by the Government to any poor person who submits an application. Section 8 of the Act of 3 October 1934 (No. 758) states that such persons must complete a trial period of five years before being granted title deeds for life to their holdings.

In Panama the Act of 20 March 1941 (No. 22) introduced the *patrimonio familiar* for poor country dwellers (particularly for squatters), who were given the right to the life usufruct (which is also hereditary) of up to 10 hectares of state land or of land expropriated for that purpose. The regulations issued under the 1941 Act were supplemented by the Decree of 1 July 1950 (No. 125) which empowered the Directorate of Agricultural Education and Family Patrimony to implement the original legislation.

INTERNAL LAND SETTLEMENT

In the following pages reference is made by way of illustration to some of the programmes of internal land settlement operating in Latin America.

Chile

In Chile the obstacles in the way of land ownership by peasants with no land of their own are similar to those met with in other Latin American countries where the cultivable land near the marketing centres belongs to large private estates¹, and the agencies set up to resettle landless peasants lack the resources to provide the necessary communications and means of access to suitable land at some distance from the towns.

The task of making land available is discharged by the Agricultural Settlement Fund which was originally established by the Act of 10 December 1928 (No. 4496) and given its present form by the Act of 15 February 1935 (No. 5604). This agency, which operates independently, started work in 1935 with a capital of 100 million pesos and has since raised internal loans totalling 400 million pesos. The Fund is administered by a board appointed by the President of the Republic from candidates nominated by bodies concerned with agriculture and public administration; the board includes three representatives of the

¹ The survey carried out by the Economic Commission for Latin America in the provinces of Santiago and Valparaiso showed that out of 401 properties covered by the census, 5 per cent. contained 80 per cent. of the cultivable land in those provinces. The position is even more serious than these figures suggest, since this is one of the major farming areas of the country in which nearly 40 per cent. of the population is concentrated. See United Nations, Economic Commission for Latin America: *Analysis of Some Factors Which Act as an Obstacle to the Increase of Agricultural Production*, loc. cit., p. 11.

settlers themselves. It has power to acquire the farm land needed for settlement purposes by inviting tenders or at public auction or if necessary by private treaty. After selecting the settler as prescribed by the regulations, the Fund only gives him the right to the usufruct of the holding for one year, during which he has to give proof of his ability to farm the holding efficiently. The Fund requires each applicant to make a down payment of 10 per cent. of the sale price and to pay off the remainder in instalments over 42 years. At the end of the probationary year the settler is given the title deed together with a mortgage for the balance due. Holdings made available by the Fund in this way may not be broken up for resale without the permission of the board. Although the Fund has taken over a total of 464,277 hectares, of which 359,638 have been redistributed, official circles are inclined to the view that the aims of the Act setting up the Fund have not been achieved:

The main purpose of this law was to divide up the very large estates into small holdings or economic units, varying in size according to their situation and potential productivity, to enable them to be handed over to farmers on long-term leases with eventual ownership. In spite of this law, however, government activity in developing and dividing up state owned and privately owned land has not been intense enough to solve the social welfare and land tenure problems involved, the reason being that the Agricultural Settlement Fund has lacked the necessary financial resources, owing to a large increase in its operating expenses. Further, the rapid inflationary process which the country is undergoing has reduced the value of the amortisation payments on the holdings, thus limiting the Fund's ability to acquire additional land.¹

Ecuador

In Ecuador ² opportunities of acquiring land chiefly concern idle land belonging to the State ³ which is administered by the Department of Idle Lands and Settlement. Between 1945 and 1950 this agency provisionally allocated 67,300 hectares and made permanent grants of a further 68,300 hectares. The majority of these permanent grants were made in the western part of the country, owing to the better supply and marketing facilities available. In the eastern region, however,

¹ United Nations: *Progress in Land Reform*, op. cit., p. 111.

² Since this report was written, a National Colonisation Institute has been set up by special decree (June 1957) to promote various forms of land settlement more energetically.

³ Under the Idle Lands (Settlement) Act of 12 May 1936, idle land was deemed to include not only state holdings but privately owned land which remains or has remained uncultivated for a period of 30 years; this establishes a presumption of abandonment by the landowner whereupon ownership reverts to the State. This Act amended an Act of 1863 concerning idle state land, which excluded privately owned land from its provisions. Although no details are available regarding the area of idle land, it is generally accepted that it accounts for a high proportion of the area of uncultivated land, which in Ecuador represents 75 per cent. of the total land available.

where conditions are less favourable, many of the holdings were abandoned and could not be granted on a permanent basis. These grants are made on individual application. Approval for each application is given after inquiries have been made by the authorities in the parish where the holding is situated; it is a rule that the application must be publicly announced in order to prevent any counter-claims by third parties. On this point mention should be made of the fact that the Emergency Decree of 21 December 1939 (No. 36), which amended the Idle Lands (Settlement) Act of 1936, stipulated that holdings of less than 50 hectares need not be surveyed or valued. As might be expected, this amendment has led to disputes over boundaries "resulting in open conflict between the farmers and sometimes even leading to bloodshed".¹ To deal with these disputes a special office was recently set up by the Department of Idle Lands and Settlement.

The Survey by the Economic Commission for Latin America of economic development in Ecuador quotes a statement by the Ministry of Economics in one of its annual reports to the effect that 80 per cent. of the administrative work in the Department of Idle Lands and Settlement consists in settling disputes between occupants or owners and provisional or permanent settlers in one part of the country or another.²

Uruguay

In Uruguay, Section 7 of Act No. 11029 of 1948, which set up the National Settlement Institute, allows a variety of systems to be used by that body in settling farmers on public land. It may grant land to be farmed by co-operatives, partnerships, owners, tenants, share-farmers under the *enfiteusis* system or even by squatters, the only limitation being that no holding may exceed 1,000 hectares. It should be added that the Act of 10 May 1929 allowed land to be given to settlers on lease provided they gave an undertaking to buy it, while the Act of 27 April 1947 permitted cash or share tenancy as the permanent method of farming settlement lands.

Venezuela

In Venezuela the National Agrarian Institute recently started a chain of "peasant resettlement centres" for squatters (*conuqueros*) estab-

¹ Rodrigo VILLEGAS: "La legislación agraria en el Ecuador", in *Boletín de la Sección de Investigaciones de Derecho Comparado de la Universidad Central del Ecuador* (Quito), Second Year, No. 2, Dec. 1952, p. 120.

² United Nations, Economic Commission for Latin America: *El desarrollo económico del Ecuador*, op. cit., p. 79.

lished on idle land or on other persons' property in the Andean uplands, in the immediate vicinity of the pan-American highway or on the upper reaches of the rivers. Under the programme drawn up by this Institute, three centres have been opened in the state of Barinas and work is in progress on the *Unidad Agropecuaria de los Andes* and the El Cenizo centre. So far the Institute has concentrated on making outright sales of land to Venezuelan and immigrant farm families, and between 1 July 1949 and 31 December 1953 it distributed 4,415 holdings with an area of 35,169 hectares. When land is sold in this way the price of the holdings and housing provided by the Institute is repayable in 25 annual instalments with effect from the third year of entry into possession.¹

AGRICULTURAL CREDIT

The availability of adequate and suitable sources of credit is an important factor in providing opportunities of land ownership. The following examples show how the problem of credit is being approached in some Latin American countries.

Argentina

Credit facilities to enable tenants and share-farmers to acquire the freehold of land in Argentina and to carry out or continue the improvements needed for production were also dealt with in the Act of 1948 concerning rural tenancies and share-farming contracts. Decrees Nos. 30654 of 1949 and 21260 of 1950 containing regulations to implement the credit provisions embodied in Sections 13 and 56 of the Act, empowered the National Bank to make development loans to these classes of farmers. During the last decade the land settlement activities have been concentrated on assisting tenants to finance the purchase of the land they hold under lease. Thus the second five-year plan, referring to the creation of opportunities of owning farmland, stated that the conversion of leaseholds into freeholds would be given priority in the Government's programme to encourage orderly progress towards land ownership. Under this plan the process will be carried out by means of the ordinary lending machinery of the official banking system and by a policy of differential taxation of land farmed directly and land farmed by third parties.²

¹ Instituto Agrario Nacional: *Aspectos de la reforma agraria en Venezuela* (Caracas, Mar. 1954), p. 42.

² Presidencia de la Nación, Subsecretaría de Información: *Segundo plan quinquenal* (Buenos Aires), 1 Dec. 1952, p. 137.

Brazil

In Brazil the regulations of the agrarian credit department of the Bank of Brazil empower it to grant loans for the purchase, survey and demarcation of small land holdings, and for the construction of housing and other useful improvements. The regulations state that tenants or squatters who are already on a given holding must be given preferential treatment in the department's credit programme. Loans for the above purposes are repayable over a period of up to 15 years. The Bank is also empowered to grant short-term loans for periods of between one and eight years to finance various types of crops.

Private credit is mainly provided by privately owned settlement agencies, e.g. the Companhia de Terras Norte do Paraná, whose head office is in Londrina. This concern was founded in 1930 when it bought 1,236,000 hectares of idle, mostly virgin land from the state of Paraná in the area of Paranapanema, Tibagi, Pirapó and Ivai; after opening up the area by building railway spurs to the lines serving the ports of Santos and Paranaguá, together with over 2,000 km. of roads, it split up the land into building or farming lots. For farming purposes the land may be sold as small farms of up to 12 hectares, *chacras*, in which case the company requires a down payment of 40 per cent. of the price, the balance being paid in two annual instalments of 30 per cent., or it may be sold as *sítios*, i.e. holdings of more than 12 hectares, with a 30 per cent. down payment followed by four annual instalments, the first of 10 per cent. and the last three of 20 per cent. With each instalment interest of 8 per cent. is collected on the amount outstanding. The buyer receives his holding duly marked out, surveyed and free of encumbrance. The title deeds are handed over when the sale price has been paid in full, while the buyer has to bear any legal and registration expenses incurred. According to a pamphlet published in 1948 by the Company up to 31 December 1947, i.e. 17 years after the start of operations, the firm had sold 625,000 hectares in this way in holdings of an average area of 38.4 hectares.

Cuba

In Cuba, Act No. 5 of 1950, which set up the Agricultural and Industrial Development Bank, authorised it to make mortgage loans for periods of up to 25 years for the purchase of farm holdings and agricultural equipment, the construction and repair of useful improvements, the establishment of permanent plantations and similar purposes. When the loan is for not more than five years, collateral is accepted, but if livestock are

offered as security the loan may not be for more than two years. Loans to cover ordinary expenses for non-permanent crops may be made for 18 months, and a lien on seed, produce, livestock and other chattels may be accepted as security.

The Bank was founded with an initial capital of 15 million pesos and a development fund of 10 million pesos shared equally between the departments dealing with agriculture and industry. The agricultural side of the Bank's work is decentralised and is carried out through rural credit associations which are in fact local co-operatives operating under the direct supervision of the Bank's agricultural department. Apart from securing a better distribution of credit facilities, this system is also designed to provide farmers with a number of additional services such as processing, storage, transport and marketing facilities.

The functions of the Agricultural and Industrial Development Bank, as set forth in the 1950 Act, have had the effect of filling a gap in the country's agricultural structure since Cuba, like other Latin American countries, had hitherto lacked an efficient credit system designed to help landless peasants to buy land and finance their crops. This is why the system of obtaining credit from the notorious "tick shops" (*tiendas de raya*) had become so powerful. A recent book on land tenure and agricultural credit in Cuba states—

The usual practice has been to obtain loans from the owners of *bodegas* (village shops) or *cantinas* (shops opened up in the fields). While the crop is being grown they [the small farmers] draw their food, clothing, footwear, tools, etc., from these shops and pay off their debts months later by delivering their produce at whatever price the shopkeeper may care to fix. The farmer can also obtain small loans from these moneylenders to cover urgent personal needs or to pay his labourers' wages.¹

The same source states that although the shops appear to charge no interest this is more than offset by the low prices they pay for the produce delivered to them or by their practice of cheating with the weights and measures. This type of "tick shop" is supplied by other tradesmen who give short-term credit and accept payment in produce, while they in turn have similar arrangements with other wholesalers. The book points out that under this system the farmer is virtually outside the monetary economy and this in turn means that he accumulates debts which lead to insolvency. Moreover, he can never save up enough money to buy his holding unless he is given favourable credit terms, for otherwise his income from farming is barely sufficient to cover his operating and living expenses and there is nothing left over for capital formation.

¹ A. ROCHAC and M. MONZÓN : "La tenencia de la tierra y el crédito agrícola en Cuba", loc. cit., p. 124.

Paraguay

Although relatively new, the system of supervised agricultural credit has had extremely promising results in a number of countries where this type of financial and technical assistance has been given to the classes of farmers dealt with in this report. In Paraguay this was in fact the main aim of the Legislative Decree of 21 December 1947 (No. 1611) setting up the Agricultural Development Fund as part of the Paraguay Agricultural Bank ; Section 1 of the Decree stated that the purpose of the new agency was " to provide farmers who are unable to satisfy their requirements through the normal credit channels with the facilities they need to obtain suitable technical, financial and social assistance ". The key to this system is the educational nature of the help given in applying the necessary techniques and in making the best use of the funds provided under this programme. The latter is not only concerned with purely agricultural aspects but also deals with the social side of rural family life, e.g. the farmer and his family are taught to improve their standard of living by means of better diet, housing, sanitation, hygiene, etc.

The Agricultural Development Fund, which was organised with an initial capital of 20 million guaraní, was empowered to make various types of loan, the amount and repayment period depending on the purpose for which the money is requested. For example, loans of up to 1,500 guaraní repayable in one or five years are made to finance operating costs and the purchase of equipment, while loans of up to 3,000 guaraní may be granted for between 10 and 15 years for building purposes and for the purchase of land adjoining on the borrower's. Although the Act allows interest of up to 8 per cent. to be charged, in fact the Fund only charges 6 per cent. It is run by a board and relies on local advisory councils to select farmers likely to make good use of any development loans. Its major achievements include the establishment and management of a number of farm settlements in which landless peasants have been given holdings and provided with assistance in paying for the land and financing their farming operations.¹

* * *

In Latin America, as in other parts of the world where land ownership is concentrated in a few hands, the problem of extending land ownership largely consists of creating opportunities on a steadily widening

¹ Roberto L. PETT: " El programa de crédito agrícola supervisado en el Paraguay ", loc. cit.

scale for tenants and share-farmers to acquire land of their own or to hold it under whichever equivalent system of tenure affords the greatest security in their particular country. The question is complicated by the existence of large numbers of cultivators who, in exchange for the use of land, are required to perform work or personal services for the owner, and of substantial numbers of squatters.

In some countries drastic agrarian reforms have been introduced to break up the largest estates and distribute the land among landless cultivators and to do away with onerous tenancy arrangements; examples are the Mexican reforms leading to the restoration of lands to the *ejidos* and the more recent reforms in Bolivia and Guatemala.

More frequently, however, the method adopted has been the resettlement of public land, other idle land and land especially acquired for the purpose. While all the countries studied have promoted internal land settlement, the effectiveness of the programmes obviously depend on the funds available and on the accessibility of the areas used for settlement. In all too many cases the land available lacks communications and other amenities and facilities needed for its development. In fact, one of the main reasons why progress thus far has been so slow is the difficulty and expense of carrying out the detailed surveys required before land can be developed.

In several countries land has been made available to squatters under the *patrimonio familiar*, or similar arrangements, with varying degrees of success. When a farmer is settled on land which he already occupies, either by the grant of the title to the land or of a lease for life (which may also be hereditary), this system has the added attraction that it amounts to a *de jure* recognition of something which already exists. Moreover, the very fact that the squatter remains on the holding means that the latter is not entirely undeveloped and does not require the capital investment that would be needed to bring idle land into use.

So far credit does not seem to have been very effective in helping landless cultivators to acquire land of their own. The predominance of subsistence agriculture in many countries and the absence of efficient marketing services even where surpluses are produced has meant that few cultivators are credit-worthy. Moreover, there is a lack of suitable facilities capable of providing cultivators with adequate finances and at the same time of satisfying investors of the soundness of the investment. An encouraging trend is the development of supervised short-term-credit programmes; but these are costly and need state subsidies. Undoubtedly greater attention must be paid to the credit problems of small farmers in Latin America.

CHAPTER VI

LIVING CONDITIONS

In the foregoing chapters we have examined in some detail the situation of cash-rental and share-tenants and other types of landless cultivators in law and practice in the different countries of Latin America. In this chapter we shall describe in general terms the conditions in which these people actually live, with special reference to housing, health and nutrition—three factors of vital importance which are a testimony to and a cause of the lowness of living standards.

HOUSING

The most conspicuous sign of the peasant's economic and social status is the place where he lives. Although there are no comprehensive statistics available on this subject for Latin America it can be stated without fear of contradiction that the housing standards of the agricultural population in general and of the classes dealt with in this report in particular are totally unsatisfactory.

Argentina

An analysis of the position in Argentina clearly shows that even in the countries which are normally considered to be the leaders in agricultural development in Latin America rural housing is still extremely backward. Taylor, writing in 1948, discussed the problem of rural housing in Argentina and stated that "the weakest element in the physical level of living in Argentine rural life is housing".¹

As was seen earlier, the short contracts given to tenants and share-farmers in Argentina, coupled with the fact that they even had to build the dwelling house themselves, were instrumental in preventing even the minimum requirements from being met. The dwelling was usually built with mud walls and floors and a straw or corrugated-iron roof. Sometimes a tenant would live in such a house with his family for periods of up to 20 years without being able to do anything to improve

¹ Carl C. TAYLOR: *Rural Life in Argentina*, op. cit., p. 202.

it since he could never be sure that his lease would be extended at the end of each five-yearly period.

At the time when Taylor was writing the situation had become so bad that it was found necessary to introduce legislation to try to alleviate the housing problems of tenants and share-farmers. Thus Section 10 of Act No. 13246 of 1948, to which frequent reference has already been made, required the lessor to provide each holding with a solidly built, hygienic house comprising not less than three rooms, a kitchen, a veranda, a water-closet with a shower and a well or pump to provide the family with water. The Act empowered the tenant to have these installations made on behalf of the landlord should the latter fail to carry them out within a prescribed period. Although, generally speaking, steps have been taken to implement the 1948 Act throughout the country, no accurate information is available at the present time regarding the changes brought about by this legislation.

Bolivia and Peru

In the Andean High Plateau, which includes both Bolivia and Peru, the typical peasant dwelling has been described as a tiny house with *adobe* walls, consisting of a single room which houses not only the whole family but sometimes a number of domestic animals (chiefly rabbits) as well. It is also used as a store for *chuño* (potato meal), maize and farm implements. Usually there are no windows but only little air vents; the roof is almost always made of *paja brava* (a kind of straw which is fairly common in the region), while the floor simply consists of beaten earth. In the vicinity of Lake Titicaca, where totora reeds are often used as roofing material, La Barre states that the one room which is generally all the house consists of is usually about 6 by 9 or 12 feet.¹ In addition, Leonard, in his regional study of Chullpas canton in the Cochabamba valley, states that in this area there are on the average three persons to a room; this, in view of the generally inadequate ventilation and shelter, is well below any minimum requirement.²

Housing in the semi-tropical areas of Bolivia and Peru is much the same except that the materials are somewhat different; for the roof palm leaves are often used instead of straw, and the walls are sometimes made of bamboo or palm boards.³

¹ Weston LA BARRE: "The Aymara Indian of the Lake Titicaca Plateau," in *American Anthropologist* (Menasha, Wisconsin, George Banta Publishing Co.), Vol. 1, Part 2, Jan. 1948, pp. 93-94.

² O. E. LEONARD: *Canton Chullpas: A Socio-economic Study in the Cochabamba Valley*, op. cit., p. 61.

³ United Nations: *Report of the Commission of Enquiry on the Coca Leaf*, op. cit., p. 49. See also O. E. LEONARD: *Bolivia: Land, People and Institutions*, op. cit., pp. 199-201.

Brazil

Notable among the types of rural housing found in Brazil is the *pan-a-pique*, i.e. the typical *bohio* hut found in the Caribbean area or the *ranchito* shack common to all the countries of Central and South America. Referring to the share-tenants of the Carros area in the Redenção da Serra district (São Paulo), Schmidt describes in detail certain features of the construction of these huts which are very similar to those encountered in other countries. According to this writer, when a farmer has obtained the resources needed to take on a lease or share-farming contract and has come to an arrangement with the owner of the land, whether a house is built depends partly on whether or not he can cultivate the holding for more than a year at a time and also on the distance of the new holding from his former home. Once he has decided to build he chooses a suitable spot near a water supply on firm, level ground. He clears the site of vegetation, cuts some poles in the forest, digs holes for them and puts up the framework of the house. He then lashes cross-pieces to the uprights with lianas to serve as backing for the walls; the framework for the roof is put up in the same way. The latter is then covered with closely woven straw—a task which is carried out with the help of his wife or sometimes of a fellow-labourer, whom he has to repay in a similar manner. Once the doors and windows have been fitted the framework is then faced with mud daub. For this *muritão*, or “wall-raising”, the farmer calls in the neighbours, and it usually takes a day of their combined efforts.¹ The housing of tenant-labourers in the coffee-growing areas where the buildings are put up by the estates for which they work is usually more solidly built of *adobe* and tiles.

Chile

Poblete Troncoso, discussing the problem of farm housing in Chile, emphasises the seriousness of the situation and points out that the average density per room in the countryside is 6.3 persons.² In order to improve the situation the Agricultural Settlement Fund has launched a scheme to build farmhouses on the lands it has settled. Under this scheme the Fund builds a house for the settler at its own expense or lends him

¹ It is quite common in Latin American countries for the community to help in building all or part of the house. This practice, which is called *junta* in Panama and *minka* in the Andean High Plateau, is in fact quite a social occasion for the peasants, and the owner of the house to be built provides them all with food, drink and music. See Carlos B. SCHMIDT: *A Vida Rural no Brasil* (São Paulo, Secretaria da Agricultura, 1951), pp. 53-60.

² Moisés POBLETE TRONCOSO: *La economía agraria de América latina y el trabajo campesino* (Santiago, Universidad de Chile, 1953), p. 213.

the money needed to build one; these loans are repayable over 20 years. At the same time Act No. 8 of October 1943 required landowners to provide *inquilinos* and *medieros* with housing appropriate to the number of persons in their families and laid down minimum standards of construction, amenity and cleanliness. However, the Act gave the landowners twelve-and-a-half years in which to fulfil this requirement. In order to make it easier for them the 1945 agrarian plan, which was given statutory approval in the same year, allocated 300 million pesos for advances to landowners to enable them to undertake this construction work.

Cuba

In Cuba the *bohío*, which is the commonest type of housing among the peasants, is broadly similar to the primitive types already described except that the walls are more often made of vegetable products (such as the wood of a palm called *yagua* or similar material together with planks). Lowry Nelson, in a special survey of 11 rural communities in 1946¹, found that approximately half the houses in these communities had earth floors while the remainder had floors of cement, flagstones or wood. Otherwise the main difference between the houses was that some used palm bark for the walls while others used boards. In the tobacco-growing area of Pinar del Río 88 per cent. of the houses were made of boards while in Alto Songo two-thirds of the houses had walls of palm bark. According to the same source the cost of a typical *bohío* with board walls, straw roof and earth floor was approximately 200 pesos in 1946. The writer gives details of an example taken from the southern part of Havana province: a total of 221 pesos was spent on building the hut, of which boards for the walls cost 161 pesos, wood for the roof framework 48 pesos and straw to cover the roof 12 pesos. Labour was not counted in the construction cost since it was provided by the neighbours.¹

Ecuador

In Ecuador a survey carried out in the province of Pichincha² showed that nearly all the rural houses consisted merely of walls and a roof while the floor in all of them was of beaten earth. Only a tenth of the houses had windows. The usual type of house is oblong in shape and consists of a room and a passage: "In one corner of the room there is a rough wooden bedstead or simply a platform of poles and reeds;

¹ LOWRY NELSON: *Rural Cuba*, op. cit., pp. 202-208.

² A. BUITRÓN and B. Salisbury BUITRÓN: *Condiciones de vida y trabajo del campesino de la provincia de Pichincha*, op. cit., pp. 35 and 37.

sometimes there is not even that, but simply a mat or hide which is rolled up during the day-time and stretched out on the floor for sleeping on during the night." After mentioning that this type of housing is common among the labourers (*peones libres*) and other workers such as the *huasipungueros* the authors add that "the estate owners care little or nothing about the condition of the houses intended for their *huasipungueros*". According to another study of the same area, the Indians often share their houses with their animals: "suffice it to say that, on estates where there is pedigree stock, the cattle are better housed than the workers." However, the same author states that in five parishes of the same province in the immediate vicinity of Quito 87 per cent. of the houses had tiled roofs.¹

Panama

In Panama the 1950 national census of population and livestock revealed that of a total of 103,243 rural dwellings 42.1 per cent. had more than three persons to a room and 12.7 per cent. more than six. Not counting the housing of the Indian population the census found that, of the 96,140 remaining dwellings, 67.6 per cent. had walls of straw or similar material (reeds bound with clay, palm bark, cane-stalks, etc.), while 25.2 per cent. had timber walls. The roofs of 58.1 per cent. were of straw, and of the remainder 20.1 per cent. were of tiles and 20.5 per cent. of corrugated iron. The floors in 69.6 per cent. were of earth, while boards were used in 17.9 per cent. and cement in 9 per cent.²

Among the measures taken in Panama to solve the problem indicated by the foregoing statistics mention should be made of the interesting experiment now being carried out by the Economic Development Institute. In 1954 this Institute, with the help of the technical co-operation programme of the Organisation of American States, launched a project involving research into building materials and methods suitable for rural housing in tropical areas. During its early stages, i.e. in 1955, the scheme was limited to three central provinces, viz. Coclé, Herrera and Los Santos. Broadly speaking, under this project loans of up to 150 balboas per dwelling are granted and technical advice is provided in directing and supervising the actual construction work. The credit must be used for the purchase of materials which the farmer cannot supply

¹ Plutarco NARANJO VARGAS: *El campesinado ecuatoriano y el seguro social obligatorio*, op. cit., pp. 18 and 25.

² Contraloría General de la República: "Algunas características importantes de la vivienda panameña," in *Quinto Censo nacional de población y vivienda del 10 de diciembre de 1950* (Panama, Jan. 1954).

himself (cement, hinges, etc.), but the bulk of the materials must be obtained locally, and the farmer is expected to make them ready for use. The labour required must be provided by the farmer and his family, who may also call in the neighbours to help. The Institute has also issued a manual¹ which sets out clearly and simply a number of practical suggestions for improving rural housing by using the building materials available in each part of the country. The manual gives a number of house plans suited to the different regions together with illustrations of how to make furniture and household utensils out of local materials.

Paraguay

A survey of rural housing in Paraguay was carried out in 1946 by the Institute of Inter-American Affairs. In the district of Piribebuy, which is in the central agricultural belt, it was found that 70 per cent. of the rural housing consisted of the ordinary *rancho* or shack, costing between 50 and 100 guaraní, although if the farmer built it himself the cost was lower. In order to give some idea of what this amount represents for the average farmer, the study stated that it was roughly equal to the price of a cow at a local market and that in the Piribebuy district it amounted to between one-and-a-half and three months' pay for an agricultural labourer.²

Uruguay

The National Settlement Institute in Uruguay recently launched a series of schemes to enable settlers to build their homes by taking advantage of the credit facilities provided under Section 95 of the Act No. 11029 of 1948. The steps taken by the Institute include the issue of a set of minimum housing standards designed to ensure that all housing built with the help of the Institute's funds is of reasonable quality.

Venezuela

In Venezuela a special study carried out in 1948 by the Institute of Inter-American Affairs in the Lake Valencia area³ revealed that of a total of 15,587 rural houses in this area 53 per cent. were primitive shacks,

¹ Hugo NAVARRO and Ofelia HOOPER: *Manual para el mejoramiento y construcción de la vivienda rural panameña* (Panama, Instituto de Fomento Económico, 1955).

² *Censo de agricultura del Paraguay, 1942-43 y 1943-44*, op. cit., p. 93.

³ *The Lake Valencia Region in Venezuela*, op. cit., p. 5.

57 per cent. had straw roofs and 60 per cent. had earth floors. At the present time the National Agrarian Institute is making great efforts to improve rural housing as part of its settlement schemes. Thus between 1 July 1949 and 31 December 1953 this body erected 1,236 homes at a cost of 12,187,600 bolivars.¹ These houses, together with the holdings on which they stand, have been made over to the farmers who have been settled on the centres run by the Institute and the financing of these transactions forms part of the settlement scheme.

HEALTH AND NUTRITION

Bolivia

All inquiries which have directly or indirectly touched on the living conditions of the working population of Bolivia agree that the health standards of the working classes are deplorably low. Overcrowding and unhygienic housing, and a precarious diet combined with a harsh climate both on the High Plateau and in the low-lying areas, create a breeding-ground for epidemics and diseases. According to Weston La Barre² there is a very high rate of various skin diseases, scarlatina and tuberculosis in the Lake Titicaca area, while in the uplands snow-blindness (*surumpi*) is also common. Tuberculosis appears to be the disease which causes most deaths. The same author adds that typhus is endemic on the High Plateau. According to a report issued by the Ministry of Health in 1941 it was found that, of 5,178 inhabitants of the Oriente district, 99 per cent. suffered from intestinal parasitic diseases, chiefly hookworm.³

The diet of the Bolivian Indian peasant is inadequate both in quantity and in quality. Leonard, describing the position on the High Plateau, states that the Indian eats his fill only when there is a bumper harvest; when there is a succession of droughts or when the harvest is spoilt through accidents such as hailstorms he has only just enough to eat to keep himself from actually starving.⁴ Potatoes, either fresh or dried, *quinua*, barley and beans form the staple diet of the inhabitants of the High Plateau, but in the valleys and low-lying areas the variety is greater, since maize, yucca and bananas are also available.

¹ Instituto Agrario Nacional: *Aspectos de la reforma agraria en Venezuela*,¹ op. cit., p. 49.

² Weston LA BARRE: "The Aymara Indian of the Lake Titicaca Plateau," op. cit., pp. 47-48 and 211-226.

³ *Bulletin of the Pan-American Sanitary Bureau* (Washington, D.C.), 21st Year, No. 4, Apr. 1947.

⁴ O. E. LEONARD: *Bolivia: Land, People and Institutions*, op. cit., p. 237.

Colombia

Describing the diet of small farmers in the Cauca valley of Colombia, Raymond E. Crist paints a picture which is true of many countries throughout Latin America—

The small farmer rises early and has his *tinto* or cup of black coffee; then he goes to his daily task of clearing land, or planting or harvesting his food crops, according to the season of the year. From time to time he must cut firewood to be carried on his back, or on the back of his wife or children, to the village, in order to secure the cash with which to buy cheap cloth, tobacco, matches, kerosene and other necessities; at mid-morning he breakfasts on coffee and bread (*arepa de maíz*), brought to him usually by one of the younger children. At noon he returns to the house for his big meal of plantains and beans, occasionally cooked with a soup bone or a cheap piece of meat; then, after a little rest, to work again on the plot. After his frugal evening meal, there is very little the *campesino* can do; generally he is illiterate, and therefore he does not need much artificial light—which, furthermore, is expensive.¹

Cuba

In Cuba the special survey of 11 rural communities carried out by Lowry Nelson showed that three-quarters of the families covered by this survey obtained their drinking-water from wells and that 16 per cent. of them drew it from rivers and streams.² After pointing out the high carbohydrate content of the diet of the rural population the author calculates that the average annual consumption of rice per head in these communities amounted to 194 lbs., or 90 lbs. more than the average for the whole country in 1943.³ He states that bananas, either green or ripe, form one of the most important items in the rural diet, followed by beans, sweet potatoes (*boniatos*), yucca and potatoes. As a rule the average peasant family consumes large quantities of brown sugar, but during the intervals between harvests, i.e. when both money and stocks are short, they use the raw sugar cane. The family of a small peasant rarely eats eggs; if any are produced they are usually sold. Vegetables with a high vitamin content, such as lettuce, carrots, etc., are almost unknown, at least in the heart of the countryside. Nelson, in his survey referred to earlier, compiled the following table, which gives some idea of annual food consumption per head in the 11 communities covered:

¹ RAYMOND E. CRIST: *The Cauca Valley*, op. cit., p. 51.

² LOWRY NELSON: *Rural Cuba*, op. cit., p. 208.

³ Dirección General del Censo: *Censo del año 1943* (Havana, 1945), p. 403.

TABLE XV. CUBA: ANNUAL CONSUMPTION PER HEAD OF VARIOUS ITEMS
BY PEASANT FAMILIES

Food	Amount (in lbs.)	Percentage of total
Bananas (plantain)	456	31.2
Vegetables ¹	355	24.3
Rice	194	13.3
Corn meal	93	6.4
Beans	92	6.3
Pork	86	5.9
Bread	86	5.9
Lard	78	5.3
Chicken	20	1.4
Total	1,460	100.0

Source: Lowry NELSON: *Rural Cuba*, op. cit., p. 211.¹ Mainly sweet potatoes, yucca, arrowroot and potatoes.*Ecuador*

The survey carried out under the auspices of the National Welfare Institute in the province of Pichincha in 1947 devoted a whole chapter to the question of nutrition in this region.¹ It revealed that the diet in this part of the country was chiefly made up of maize, *morocho* (white maize soup) and barley, supplemented by salt, fats and onions. Any variety in their diet depended largely on whatever happened to be in season, while the quantity varied in accordance with the area of the holding or *huasipungo* assigned to the peasant and on whether or not his wife had an opportunity of working as a milkmaid or his sons as hired farm labourers (*peones sueltos*).

The survey states that this diet appears to cover individual needs for carbohydrates but that there is an alarming deficiency of protein and fats since the tiny amounts of meat, cheese and milk which are bought from time to time at the market do little to offset the glaring shortage of these items in the diet. The authors add that there is little difference between the diet of the *huasipunguero* and that of the wage-earning labourer. This statement is particularly significant when it is borne in mind that Professor Pablo A. Suárez of Quito University, in an investigation carried out in 1941, established that the daily intake of an Indian labourer was 2,000 calories.² This should be considered in relation to the statement made by the Buitróns to the effect that "the average expectation

¹ A. BUITRÓN and B. Salisbury BUITRÓN: *Condiciones de vida y trabajo del campesino de la provincia de Pichincha*, op. cit., pp. 39-53.

² Pablo A. SUÁREZ: "La situación del indio en el Ecuador", in *América Indígena* (Mexico City), Inter-American Indian Institute, Vol. I, No. 1, Jan. 1941, p. 61.

of life for a man in Ecuador is 32 years and infant mortality during the first five years of life reaches 61 per cent.”¹

Peru

In the rural districts of Peru the situation appears to be no better than in the other countries of the Andean High Plateau. The United Nations Commission of Enquiry on the Coca Leaf stated that “the general impression on the Peruvian and Bolivian Altiplano is that of an undernourished population. They live almost entirely on a vegetable diet of potatoes, beans and *quinua*. Dried meat is also eaten (according to income level) once a week or more frequently. The diet is deficient in fat and animal protein and is probably calorically insufficient”.² Describing the specific deficiencies of the diet in the Peruvian uplands which lead to a variety of deficiency diseases and gastro-intestinal disorders, a medico-social survey found that there was a lack of mineral salts, particularly iodine, calcium and iron, and insufficient proteins and vitamins (A, the B group—especially thiamin and riboflavin—and C).³

Carlos Gutiérrez Noriega, in his study on cocaism and nutrition, asserts that the average total daily food consumption in the southern uplands is 767 grammes (compared with 1,096 grammes on the coast); this figure relates to the whole population of the region. If the better-off groups are excluded the average for the Indian peasant is only about 500 grammes a day. “The calorie deficiency in the diet of the average Southern Andean Indian is thus between 1,200 and 2,100, i.e. his diet only furnishes him with between 50 and 66 per cent. of the calories necessary to meet his physiological needs.” This investigator maintains that the energy deficiency in the Indian’s diet is made up by alcohol or hidden by excessive use of coca. The Indians take up the coca habit to dull the pangs of hunger, and after some time the coca causes a complete loss of appetite: “They start chewing coca because they do not have enough to eat; later they do not have enough to eat because of addiction to coca.”⁴

* * *

¹ A. BUITRÓN and B. Salisbury BUITRÓN: *Condiciones de vida y trabajo del campesino de la provincia de Pichincha*, op. cit., p. 52.

² United Nations: *Report of the Commission of Enquiry on the Coca Leaf*, op. cit., p. 17.

³ Maxime H. KUCZYNSKI-GODARD and Carlos E. PAZ SOLDÁN: *Dissección del indigenismo peruano: Un examen sociológico y médico-social* (Lima, Instituto de Medicina Social, 1948), p. 106.

⁴ Carlos GUTIÉRREZ NORIEGA: *El cocaismo y la alimentación en el Perú* (Lima, Instituto de Farmacología y Terapéutica, 1948), pp. 67 and 75.

Generally speaking the standard thatched farmhouse of the pre-Columbian period—a tumbledown structure with flimsy walls and a floor of beaten earth, unhealthy and incapable of giving protection against the rigours of the climate—is still the rule in most Latin American countries.

Apart from a few exceptions the shortcomings in rural housing are usually accompanied by very low standards of health and nutrition. Peasants often have to share their homes with their animals ; this fact, together with the frequent absence of septic tanks and the resulting almost inevitable contamination of drinking water and food, have led to endemic and epidemic diseases being common occurrences in many parts of Latin America. Lastly, an analysis of the diet of the rural population in countries which can be considered as typical of various regions of Latin America shows definitely that both in calorie content and in protective value it is far from adequate.

The solution of the housing problem does not depend on purely economic considerations; it is closely bound up with the farmer's security of tenure of the land he tills. Where he enjoys some measure of security he can often carry out substantial improvements using local materials, which require no other investment than the labour needed. In this connection the fairly general practice of calling on the neighbours for help when building a house, which results in rapid construction and keeps labour costs down, deserves mention.

In Panama, for example, the rural housing improvement and building programme is designed to give technical assistance and advice to farmers wishing to improve or build their own homes. Financial aid is a minor part of the programme and consists solely of helping farmers to procure materials which are not available locally. None the less, the success of this programme will depend above all on the degree of security of tenure enjoyed by the farmers it seeks to help.

CONCLUSIONS

What, then, are the prospects of the landless farm worker today ?

The one-sided contractual relationship between the landowner and the person who cultivates the land is a serious obstacle in the way of any improvement in the latter's conditions of life and work. As long as this relationship is not systematically regulated these agricultural workers will be unable to achieve security of livelihood or a higher standard of living. These considerations are true even of the most

fortunate tenants, who, while not protected by any formal agreement, enjoy paternal treatment from the landlord.

Since opportunities of acquiring ownership of land are also severely restricted, the peasant with no land of his own has but two alternatives: either to remain where he is and give up any hope of improving his lot, or else to migrate if he can to the towns or industrial areas where better jobs are available. His move may be either permanent or only for a short time, but it is always a haphazard process. Since he is and remains unskilled, he is unaware of the jobs open to him and he has no experience of anything but farm work. He usually leaves his family in the village, with which he maintains close contact, and he still clings to the belief that he belongs to the soil. If he is lucky enough to find work his chief desire is to return to the land as soon as he has saved up a little money, as he is convinced that agriculture is the best investment for his tiny savings.

The level of income of the Latin American peasant necessarily depends on his opportunity of making efficient use of the resources at his disposal. In this he is handicapped by reliance on out-dated farming methods, restrictions on the area cultivated and the lack of development facilities, such as credit, and is consequently unable to build up a capital surplus; he cannot achieve a high level of output and suffers from chronic underemployment, either visible or concealed. Shifting cultivation is a classic example of this state of affairs. Notwithstanding the great fertility of the virgin soil on which this kind of farming is usually practised only moderately good yields are obtained, and then only at the cost of an investment in manpower out of all proportion to the potential yield under efficient farming methods. A further factor tending to keep incomes and employment at low levels is the small size of the holdings in some regions—the result of the growing pressure of the population on the land.

It would be true to say that any improvements in the conditions of these farmers depend largely on government action in the form of legislation or agricultural development schemes, but it is also true that if individual initiative could be harnessed more effectively it would be of immense help in improving social and economic conditions. There seems to be plenty of scope for co-operative action in the various phases of agricultural development.

A many-sided effort is clearly needed to implement an agricultural development policy for the benefit of the rural population as a whole. Of major importance is the introduction and effective application of legislation regulating contracts between tenant and landlord and defining their respective rights and obligations.

However, this alone is not enough. There needs to be at the same time general economic development and social investment to build up rural areas, all within a coherent national plan of social and economic development.

GLOSSARY

Agregado

Used in Argentina to designate a person who occupies a plot of land without any form of legal protection. In Brazil and Colombia the term applies to those who pay their rent in the form of labour or personal service.

Allegado

System of sub-tenancy in Peru. In exchange for use of a plot of land provided by a *yanacóna* the *allegado* is required to perform some of the personal services the *yanacóna* has undertaken to carry out for the landowner.

Alqueire

Measurement of area in Brazil. The *alqueire* in the State of São Paulo is equal to 2.42 hectares, while in Minas Gerais it is twice as large.

Aparcería

System of land tenure whereby the cultivator (*aparcerero*) is required to deliver a predetermined percentage of the crop in exchange for the usufruct of his plot of land. In its standard form the greater part or all of the tools and equipment are supplied by the cultivator, who retains complete independence in the technical and administrative operation of the holding.

Arrendamiento

System of land tenure under which the tenant (*arrendatario*) pays rent for the usufruct of the landholding in cash or kind. The landlord usually provides nothing but the land and improvements.

Ayllu

A group of families under the Inca empire, connected by blood or totemic relations, who joined together to form an economic and social unit based on co-operative effort. As time went by the word acquired a connotation of common ownership or cultivation of land; in this way the institution became agricultural in character.

Ayuda

Used in some provinces of the Ecuadorean uplands as a synonym for *yanapero*.

Caballería

Unit of area, varying from country to country. In Cuba it equals 13.42 hectares while in Guatemala it equals approximately 45 hectares.

Calpulli

An Aztec institution, found in Mexico before the Spanish Conquest, similar to the Inca *ayllu*. Part of the land was set aside to be farmed by individuals, part for collective farming and part (pasture land, woods, etc.) as common land.

Camayo

Term used in certain areas of Peru to designate a form of *aparcero* cultivating a small holding. In practice it is a variation of the *yanacónaje* system characterised by specified forms of service (caring for livestock, etc.).

Colonato

See *colono*.

Colono

Usually refers to a farmer who, under one form of tenancy or another, settles on new or recently opened-up land. The meaning, however, varies according to the country or region. In Argentina it means a farmer, in Costa Rica it is synonymous with a squatter, in Peru it means a person who, in return for work or personal service, obtains the use of a plot of land, while in Cuba it means a person who grows sugar cane under any system of tenancy.

Compañero

Regional word used in Peru in the same sense as *camayo*.

Comunero

In Guatemala, a cultivator who enjoys certain acquired rights in an Indian or peasant community.

Concertado

Regional word used in Peru in the same sense as *camayo*.

Conuco

Word used in the Caribbean area meaning a small farm handed down from father to son producing the fruit and vegetables and supporting the animals needed to maintain a small family. After the Conquest it was applied to the land granted by the owners of large estates to their slaves who tilled it and enjoyed the usufruct. A squatter is often called a *conuquero*.

Cuadrero

A term used in Ecuador. Has the same meaning as *huasipunguero*.

Cuartario

A type of *aparcero* encountered in the tobacco-growing districts of Cuba.

Cuentayo

A type of *huasipunguero*. In Ecuador, a cultivator who pays part of the rent for the use of his holding by acting as stockman on the owner's estate.

Desmontero

Form of *aparcero*. In the coastal areas of Ecuador the word is used to designate a cultivator who establishes plantations (e.g. cocoa-bushes,

bananas, etc.). In exchange for planting and caring for the seedlings the *desmontero*, who provides only his own and his family's labour, is given a share in the first crops plus a cash payment for each bush he hands over.

Diezmos

In the colonial era a share of the crops or mineral wealth, usually a tenth, paid by the faithful to the Church.

Ejido

Name given during the colonial period to the land set aside for communal cultivation by the Indians. In Mexico today an *ejido* contains land for cultivation and grazing, woodland, etc., a built-up zone and a holding reserved for the schools. In certain cases the law specifies that all the land must be cultivated collectively.

Empreteiro

Form of *aparcero* encountered in Brazil ; looks after new coffee plantations.

Encomienda

System during the colonial period whereby a number of Indians were assigned to the conquerors for life by royal grant. The conquerors were given rights to the labour or the products of the labour of the Indians either in the form of a tribute or in exchange for " protection " and religious instruction. Although at first merely a means of distributing labour, it gradually became the basis of a system of vast private land-holdings.

Enfiteusis

System of land tenure characterised by a long-term or indefinite contract, a fixed rent unrelated to the productivity of the holding and frequently an obligation to carry out certain improvements within a specified time. From the Greek word *emphyteusis*, i.e. the action of planting or establishing plantations.

Esquilmo

Term used in Costa Rica to designate a form of *arrendamiento* with payment in kind or both in cash and in kind. Generally the *esquilmo* contract is restricted to a single harvest.

Finquero

Used in certain regions of Ecuador to denote a *desmontero*.

Habilitado

Type of share-farmer encountered in Argentina and certain other countries ; his contract involves a dependent relationship and entitles him to a share of the crop with or without a fixed cash payment.

Huasicama

Form of personal service in Ecuador ; the cultivator has to serve on the owner's estate or in his town house as part of his obligations under the *huasipungo* system.

Huasipungo

Similar to the *colonato* of Peru and the *terraje* of Colombia ; the cultivator (*huasipunguero*) works on the estate in exchange for a wage (usually nominal) and the use of a plot of land.

Inquilino

In Chile refers to an agricultural labourer who lives on the estate and in addition to food and accommodation is given a plot of land, sometimes with grazing rights, to supplement the wage paid for work carried out on behalf of his employer. Broadly similar to the *peón acasillado* in Mexico before the Revolution. In the Oriente region of Bolivia refers to a tenant who pays his rent in kind.

Interesado

Regional term used in Argentina ; equivalent to *habilitado*.

Intruso

Term used in Brazil to designate a squatter.

Majadero

Term used in Peru to designate a person who sublets natural pasture, paying a nominal sum for the right to graze each head of cattle, sheep or swine, and undertaking in exchange to provide a specified amount of personal service during the year.

Manzana

Unit of area. In Guatemala equals 6,972.25 square metres and in Costa Rica 6,988.25 square metres.

Mayeques or Maeques

Former owners of land conquered by the Aztecs, who continued to farm the land and retained certain privileges which they were allowed to pass on to their descendants.

Mediería

A form of share-farming in which the crop is divided equally. This system generally implies greater investment in equipment and other forms of capital by the landowner than under other share-farming arrangements.

Mejorero

In Peru broadly similar to the Ecuadorean *desmontero*.

Morador

Squatter in Brazil.

Mozo

Used in Guatemala to describe a cultivator who pays for the use of his plot of land by performing personal services.

Ocupante

Squatter in Brazil, Costa Rica, Guatemala, Honduras and Uruguay.

Palladora

Woman day-labourer whom a Peruvian tenant-labourer is required to supply to pick the leaves from the cocoa bushes on the estate when he pays his rent in the form of services.

Parásito

Squatter in Costa Rica.

Parceria

Brazilian equivalent of *aparceria*.

Partidario

Synonym for share-farmer in the tobacco-growing districts of Cuba. In Ecuador and Peru the word sometimes implies the performance of personal services.

Pegujal

Term used in Colombia and Guatemala to describe the plot of land granted to a cultivator (*pegujalero*) in exchange for personal services or tasks which he performs on the estate of the owner.

Peón acasillado

Term used in Mexico before the Revolution to describe an agricultural labourer who lived permanently on the estate and in addition to board and lodging was given a plot of land in full or part exchange for the work he did on the estate.

Peón a la rendita

Regional term used in Argentina meaning *habilitado*.

Pongo

In Bolivia this name used to apply to persons who performed services similar to those performed by the *huasicama* in Ecuador.

Posseiro

Squatter in Brazil.

Precarista

Squatter in Chile and Cuba.

Propietario en parte

Farmer in the Bolivian valleys who, because his own holding is too small, rents more land for which he pays either in cash or in kind or in some other way.

Puestero

Regional term used in Argentina meaning *habilitado*.

Quinto

Regional term used in Argentina meaning *habilitado*.

Rendeiro

Arrendatario in Brazil.

Repartimiento

Land given out to the Spaniards at the time of the Conquest, together with the Indians living on it. See *encomienda*.

Roza

Small holding, often on virgin land.

Sayaña

Plot of land belonging to the estate which was granted to cultivators in the highlands of Bolivia in exchange for work or personal service under the *colonato* system.

Sembrador

Another term used in Ecuador meaning a *desmontero*.

Slash-and-burn agriculture

Primitive method of agriculture based on the use of the machete, the axe and fire. The land is often in virgin forest which is chopped down with the axe and cleared with the machete; once the vegetation has dried it is burned and the land is then sown.

Socio

Regional term used in Peru meaning a *camayo*.

Squatter

Term used in this report to designate squatters who farm land which is not their property without coming to any arrangement with the landowner or his representative and having no legal protection whatever.

Talaje

In Chile, the fee a landowner charges for grazing rights for other people's cattle. Also the pasture consumed by cattle.

Tambo

Term used in Argentina and Uruguay for any dairy establishment. Covers anything from cowsheds or enclosures where cows are milked to well-equipped dairy farms.

Tantero

Regional term used in Argentina meaning *habilitado*.

Terciario

Variety of share-farming in Cuba and Venezuela.

Terraje

In Colombia and El Salvador similar to the *colonato* in Peru and the *huasipungo* in Ecuador.

Terrazguero

A cultivator working under the *terraje* system.

Tlmalteca, Tlamaite

Broadly correspond to the term *mayeque*.

Tolerado

Squatter in Bolivia.

Turno

Number of days the *yanacona* in Peru must work on the owner's estate.

Usufructuario

Squatter in Panama.

Vaqueiro

Livestock share-farmer in Brazil.

Viviente

Another term for *agregado*; used in Colombia.

Yanacona

In Peru, particularly in the coastal regions, a cultivator who undertakes to work on the estate for wages and at the same time farms a piece of land on a cash-rental or share-rental basis.

Yanapero

Term used in Ecuador to describe an agricultural worker who is required to work on a farm for an agreed number of days per week or month in exchange for certain benefits he receives from the landowner. These benefits usually take the form of the usufruct of pasture and upland belonging to the estate or the right to take water and wood for the use of his family.

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