

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Reform to land law limits disposal of agricultural land

Report Categories:

Agriculture in the Economy

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Report Highlights:

The draft Land Law, recently approved by the National Assembly, eliminates the outsourcing of agricultural land and promotes socialist principles. FAS/Caracas provides information summarized from official reports and local media.

General Information:

The reform to the Law on Lands and Rural Development, recently passed by the National Assembly, changes the concept of ownership and introduces changes regarding working agricultural land.

Article 1 of the law does away with "outsourcing," as this concept is considered contrary to social peace in rural areas. Under the updated law, outsourcing is defined as "granting to a third party the right to use land" or the mandate to work the land under a contract whereby "the landowner derives profit through a third party, or delegates its use to a third party."

According to this legal explanation, outsourcing is the decision of a landowner to lease his/her lands to a third person who will work the land. By eliminating the concept of outsourcing in rural areas, the reformed law also suppresses the owner's right to dispose of his property as he wishes, a right provided for under the Venezuelan Constitution. Article 115 of the Constitution provides that "the right to property is guaranteed. Every person has the right to the use, enjoyment, and disposal of his or her property."

The reform to the agrarian legislation introduces "the socialist principle under which the land belongs to he who works it." It calls upon judges to enforce this principle. Persons who have been working private lands for a continuous period of more than three years, under some form of outsourcing, would have a preferential right when land is expropriated by the government's National Lands Institute in accordance with the reformed law.

SOURCE: Official and Media Reports