



CUBA'S NEW LAND LAW EXPANDS RIGHTS AND PRESERVES STATE CONTROL

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On September 9, the Official Gazette of the Republic of Cuba published Law 185 on Agricultural and Forest Land, replacing Decree-Laws 125 (1991) and 358 (2018), which govern ownership, inheritance, and usufruct. The new legislation forms part of a broader legislative package for the agricultural sector intended to support the island's impoverished economy.

Overall, the changes from the previous legislation are evident. Rules concerning land ownership, possession, usufruct, transfer, succession, use, and dispute resolution are consolidated into a single framework. However, the historical restrictions established by the First Agrarian Reform continue to govern several aspects of the current framework, including the cap on private land ownership and the prohibition of leasing, sharecropping, and mortgage loans, limiting the use of land as collateral for agricultural credit.

Food Monitor Program warns that, although the new agricultural legislation opens up opportunities for investment and the continuity of family farms, it maintains mechanisms of dependence on the State that limit its benefits for food security. In the context of the multifaceted crisis, this reform can improve food security only if its measures are accompanied by viable conditions that provide stability and security for producers and directly improve access to food for households whose purchasing power continues to deteriorate.

What changes for those who work the land?

- One change is the expansion of access to usufruct to state-owned enterprises, micro, small, and medium-sized enterprises, local development projects, and certain foreign actors, regardless of their registered business purpose, but subject to the specific production of food or provision of agricultural services.
- The inheritance of privately owned land also becomes more flexible. The law relaxes the previous requirement to have worked the land for five years before the owner's death. It allows certain heirs to commit to continuing production and to begin working the land subsequently, within the statutory period. It also allows future transfers to be agreed upon before a notary through succession agreements and recognizes family caregiving as a contribution to the farm's operation. However, the State retains a right of first refusal, while also controlling each administrative authorization through the Municipal Delegation of Agriculture and the Municipal Commission for Agrarian Affairs.

- Another significant change concerns land belonging to farmers officially declared emigrants, which may be transferred free of charge to relatives following an initial transfer to the State. This measure is limited to declarations made before the entry into force of the 2024 Migration Law and to assets that have not been confiscated. The law establishes which relatives have priority and requires them to continue production, subject to the stipulated exceptions.
- Meanwhile, the complementary regulations (Decree 175/2026) modify previous provisions concerning the cooperative system, genetic resources, and agricultural marketing, among other areas. For the first time, for example, procedures are established for producers themselves to slaughter cattle and horses and market their meat. Cooperatives' commercial opportunities are also expanded, including direct import and export operations subject to specific requirements, alongside producers' sales channels and the negotiation of prices between the parties, although delivery commitments to the State remain in place.

State control continues to shape rural life

The State retains broad powers to authorize access to land, regulate its use, and terminate usufruct. The law also provides for forfeiture, involving the loss of land and assets as a penalty for infringements related, among other matters, to productivity.

In recent years, Food Monitor Program has documented the growing vulnerability of Cuban farmers to bureaucratic burdens, administrative opacity, de facto decisions made by police at road checkpoints, delayed payments and non-payment by the State, and rising crime and illegal livestock slaughter. It has also gathered testimonies from producers who report violations of their rights, particularly when they face penalties for failures beyond their control and lack effective avenues for redress. The organization has reported these conditions to United Nations special rapporteurs concerned with the rights of peasants and other people working in rural areas.¹ Food Monitor Program reiterates its concerns about the risks posed by politicization and personalistic decision-making in Cuban agriculture, where access, benefits, and the destination of production have historically been shaped by political discipline, undermining producers' incentives.

The new law arrives as another “rescue” mechanism amid the profound, multifaceted crisis affecting Cubans and the entire food chain. Food insecurity is closely linked to energy and water insecurity. Fuel shortages further complicate the harvesting and transportation of agricultural products that are increasingly expensive, priced in foreign currency, or even diverted to online markets where purchases are made from abroad. These difficulties are compounded by shortages of inputs, deteriorating infrastructure, climate risks, and external sanctions.

In this context, the implementation of the new agricultural law must prioritize comprehensive and sustainable improvements in the Cuban countryside, supported by social policies, and avoid partial or cosmetic gains that could lead to greater inequality. At present, the most profitable businesses serve buyers with foreign currency, a minority group receiving remittances that does not reflect the diverse circumstances of Cuban families or the large proportion living on low incomes.

Food security requires Cubans to be able to consistently purchase sufficient, nutritious food and to have the water and energy needed to prepare and preserve it. Food Monitor Program also calls for the reform to be accompanied by effective access to credit and inputs, timely payments, and safeguards against arbitrary decisions. Its results must be assessed by farmers' ability to sustain their livelihoods and by improvements in the population's daily diet. Without these guarantees, the reform risks reorganizing control over productive resources without reversing food insecurity.