



## BOLIVIA

Legislative Decree No. 03464 relative to Agrarian Reform. - 2 August 1953. - *Publicación de la Subsecretaría de Prensa, Informaciones y Cultura del Palacio de Gobierno, 1953. [Extracts].*

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### PART I

#### AGRARIAN PROPERTY

##### Chapter I

###### *The Original Right of the Nation*

1. The soil, the sub-soil and the waters of the territory of the Republic shall belong by original right to the Bolivian Nation.

2. The State shall recognise and guarantee private agrarian property where it serves a purpose benefiting the national community: it shall plan, regulate, supervise and organise the exercise thereof and shall promote the equitable distribution of the land in order to ensure the economic and cultural liberty and welfare of the Bolivian population.

##### Chapter II

###### *Forms of Agrarian Property*

3. Considered as public property over and above the assets recognised as such under legislation in force, are roads, even if built by private initiative, lakes, lagoons, rivers and all physical forces capable of economic exploitation.

4. Considered as State domains shall be uncultivated lands reverting thereto owing to lapse of concession or for some other

reason, vacant lands outside the urban radius of population centres, lands belonging to the organs and self-administering bodies of the State, forest lands under Government control and all property considered to be of such character under legislation in force.

5. Private agrarian property is that which is acknowledged and granted to natural or juridical persons in order that they shall exercise their right in accordance with the civil laws and the conditions of this Legislative Decree. The State recognises only those forms of private agrarian property enumerated in the following Articles.

6. The farm-house plot has the function of a rural residence, inadequate to satisfy the needs of a family.

7. The small property is that worked by the peasant and his family personally, the produce of which enables them reasonably to satisfy their needs. The personal labour of the peasant does not exclude the collaboration of possible assistants for certain tasks.

8. The medium property is that having an area larger than the small property as defined above, which while lacking the characteristics of the capitalist agricultural undertaking, is operated with the assistance of paid workers or with the aid of technical and mechanical equipment, the bulk of its produce being intended for the market.

9. The Indian community property is that acknowledged as such under legislation in force, on behalf of certain social groups of Indians.

10. The co-operative agrarian property is:

- a) That property granted to farmers forming a co-operative association for the purpose of acquiring the land, putting it in order, cultivating it and settling thereon;
- b) The lands of small and medium property owners, contributed for the establishment of the registered capital of the co-operative;

- c) Lands of peasants who have received grants of land belonging to former latifundia and who have formed a co-operative society for their cultivation;
- d) Lands belonging to agricultural co-operative societies under any other title not included in the foregoing paragraphs.

11. The agricultural undertaking shall be characterised by the investment of supplementary capital on a large scale, a system of paid labour and the use of up-to-date technical methods, exception being made as regards the latter in the case of areas with an uneven terrain. The determination of these factors in detail shall be governed by special regulations.

12. The State does not recognise the latifundium which is a rural property of large area varying according to its geographical situation, either undeveloped or substantially under-developed, by the diffuse field-cropping system with the use of obsolete implements and methods resulting in the waste of human effort, or by the imposition of lease rent; it is also characterised as regards the use of the land in the inter-Andean zone by the grant of parcels, small plots (*pegujales*), allotments (*sayañas*), part holdings and other equivalent forms, so that its profitability owing to the disequilibrium between the factors of production, is fundamentally dependent upon the extra yield which is contributed by the peasants in their capacity of servants or tenant-farmers and which is taken by the landowner as rent in the form of service, thus constituting a system of feudal oppression reflected in agricultural backwardness and a low standard of living and culture of the peasant population.

### Chapter III

#### *The Maximum Extent of Agrarian Properties*

13. The maximum area of private property shall be determined only in respect of land which is economically cultivable.

14. The lands specified in paragraphs *d*) and *e*) of Article 100 shall be considered as annexes or additions to the cultivable areas of a single property where such lands are found enclosed within the areas concerned, in order to maintain the unity of the title of possession. Such annexation shall be made at the specific request of the owner, subject to ascertainment that the quality of the enclosed lands is inferior, without prejudice to the cultivable area.

15. The maximum area of the small property according to the geographical zone in which it is situated shall be:

**Highland and Arid Table Land (1) Zone**

Northern riverain sub-zone of Lake Titicaca .....	10 Hectares
Northern sub-zone with inflow from Lake Titicaca .....	10 Hectares
Central sub-zone with inflow from Lake Poopó .....	15 Hectares
Southern sub-zone .....	35 Hectares

**Valley Zone**

	Irrigated land	Dry land	Viticultural land
Sub-zone of open valleys	6 Ha.	12 Ha.	3 Ha.
Sub-zone of closed valleys	4 Ha.	8 Ha.	3 Ha.
Sub-zone of <i>cabeceras</i> (2)	—	20 Ha.	—

**Sub-Tropical Zone**

Sub-zone Yungas .....	10 Ha.
Sub-zone Santa Cruz .....	50 Ha.
Sub-zone Chaco .....	80 Ha.

16. The maximum area of the medium property according to the geographical zone in which it is situated shall be:

**Highland Zone**

Northern sub-zone with inflow from the lake .....	80 Ha.
Northern sub-zone without inflow from the lake ..	150 Ha.
Central sub-zone .....	250 Ha.
Southern and semi-desert sub-zone .....	350 Ha.

*Transl. notes:* (1) in origin "puna".

(2) *Cabecera*: The upper part of the eastern slope of the Andes, between the table land and the valley.

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### Valley Zone

	Land, irrigated and of primary humidity	Dry land	Viticultural land
Open valleys, adjoining the town of Cochabamba with inflow from the Angostura irrigation system and the lands of primary humidity of the valleys of Arani, Punata, Sacaba, Caraza and of the Provinces of Jordán and Estéban Arze .....	50 Ha.	100 Ha.	24 Ha.
Other open valleys .....	60 Ha.	150 Ha.	24 Ha.
Closed valleys:			
in valley elands .....	40 Ha.		
in mountain areas .....	40 Ha.		
Making a total of .....	80 Ha.		
Valley <i>cabeceras</i> .....	200 Ha.		

### Sub-Tropical Zone

Sub-zone Yungas .....	150 Ha.
Sub-zone Santa Cruz .....	500 Ha.
Sub-zone Chaco .....	600 Ha.

### Agricultural Tropical Zone

Beni, Pando and Iturralde Pro- vince of the Department of La Paz .....	500 Ha.
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17. The maximum area of the agricultural undertaking shall be:

Zone with inflow from the lake..	400 Ha.
Andean Zone, Highland and Arid Table Land Zone .....	800 Ha.
Open valleys not adjoining the town of Cochabamba and with- out inflow from the Angostura irrigation system .....	500 Ha.

Closed valleys .....	80 hectares of cultivable valley land
and .....	150 hectares of mountain land
Tropical and sub-tropical zones of the Eastern Area	2,000 Ha.

Concession or acknowledgment of the land shall be subject to the following conditions:

- a) that available lands exist and that the settlement of new farmers is in no way prejudiced;
- b) that evidence of investment or projected investment of capital for the cultivation of the land is submitted beforehand.

18. The National Agrarian Reform Service shall designate the zones, sub-zones and areas where these undertakings may be established.

19. The area of the co-operative agrarian property shall depend upon the number of members of the co-operative. It shall be unrestricted if the co-operative is exclusively composed of crofters and small-holders.

In mixed co-operatives comprising crofters and small and medium property holders, the total area of the land contributed by the last-mentioned may not exceed 25 % of the total area of the agrarian property of the co-operative.

20. The area of co-operatives of medium property holders may not exceed twice that specified for the large agricultural undertaking in the various zones.

#### Chapter IV

##### *Area of Property for Livestock Breeding*

21. In the tropical and sub-tropical zone the areas of livestock-breeding property shall be as follows:

- a) Small livestock-breeding property..... 500 Ha.
- b) Medium livestock-breeding property.. 2,500 Ha.
- c) Large livestock-breeding undertaking up to 50,000 Ha.

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provided that it numbers 10,000 head of cattle. The limits for undertakings having a smaller number of cattle shall be established at 5 hectares per head.

22. A term of one year shall be allowed to already existing livestock-breeding undertakings within which to effect the transfer of the surplus of their property and livestock to private persons or to other undertakings which are not of a corporative character. This facility shall not exclude the right of the State to order the reversion of all lands not stocked with cattle. Nor shall it exclude the rights of the local inhabitants to grants of land.

23. Heights in flooded zones and places for watering cattle shall be subject to common use. Their utilization shall be governed by law.

24. Peasant communities having received grants in former latifundia shall, of necessity, have joint grazing fields; such fields shall not include those in the possession of each family within its own private allotment.

25. The various forms of appropriation of livestock-breeding property shall be applicable to the land exclusively and not to the livestock which shall be the property of the landlord.

26. In the Highland and Valley zones, the natural pastures of the livestock-breeding or combined agricultural and livestock-breeding estates shall be shared between the workers and the owner in proportion to the number of head of cattle in their possession, provided that the area which is due to the owner is not more than three times that of the medium agrarian property, and three quarters of such area shall be pasture land.

27. The equipment of the industrial livestock-breeding undertakings and the areas of cultivated pasture-land, shall be the private property of whoever made them available.

28. The installation of livestock establishments, the expansion of those already existing and the cultivation of pasture-lands in areas not allotted to other persons, shall be authorized by the National Agrarian Reform Service provided that such work is carried out within the term of two years, subject to the penalty of reversion in case of failure to do so.

## PART II

### PROPERTY AFFECTED

#### Chapter I

##### *Concentration of Land*

29. This Legislative Decree establishes the bases for the achievement of economic and political democracy in the rural area by the designation and grant of lands affected thereby as established under its provisions.

30. The latifundium shall be abolished. The possession of large corporative agrarian property or of other forms of large-scale concentration of land by private persons and by bodies which, by their legal structure, hinder its equitable distribution among the rural population, shall not be permitted.

31. Industrial capital investment in rural areas, for example in grain and sugar mills, cold storage plants and other forms of enterprise for manufacturing production shall be considered as beneficial wherever such enterprise exists side by side with medium and small properties and purchases their products at a fair price without arrogating to itself large areas of land. Large-scale capital investment which acquires extensive areas of land for itself shall be considered harmful, because besides retaining the source of wealth, it monopolizes the market and eliminates the independent farmer by unfair competition.

#### Chapter II

##### *Unaffected Small and Medium Properties*

32. The small property is not affected by this Legislative Decree within the limit established in Article 15.

33. The medium holding is not affected. It may however, in exceptional cases, be affected in respect of those areas owned by farmers (allotments, small plots etc.) the possession of which is assumed by the workers, without prejudice to the grant of land in other zones, to the extent of the minimum area of the small property. Where these areas, which are inalienable, become vacant by the departure of those workers to whom

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land has been granted, they shall be consolidated on behalf of the medium property holder to the extent of the maximum area of the medium property, subject to the requirement that compensation shall be made for the improvements carried out by the worker.

### Chapter III

#### *Latifundia Affected*

34. Landed property defined as a latifundium in accordance with Article 12 shall be affected by this Legislative Decree to the extent of its entire area.

35. For the purposes of the preceding Article, property whereon the owner had invested capital in modern agricultural methods and machinery and which is worked by him personally or by his closest relatives shall not be considered as a latifundium. In those regions where the topography of the cultivable land hinders the use of machinery, only the personal labour of the owner or of his closest relatives shall be stipulated.

This type of property as well as those properties having the characteristics referred to in Article 8 shall be reduced to the dimensions of the medium property with all the rights and duties devolving upon the owner of the medium property.

### Chapter IV

#### *Agricultural Undertakings Affected*

36. The agricultural undertaking on the date of proclamation of this Legislative Decree employs the mixed system of colonization and wage-payment shall not be affected if it has been ascertained that an amount of supplementary capital has been invested which is at least double that of the land capital and that up-to-date cultivation techniques have been employed thereon.

37. Tenant farmers of the agricultural undertakings employing the mixed system shall receive grants according to the following conditions:

1. If the present property exceeds the fixed limit, the grant shall be at the rate of one unit with collective cultivation and new settlements in the property in excess, where it exists.

2. If there is no excess the land of the undertaking shall be affected to the extent of 33 % of the fixed limit, with proportionate reduction of the grants which shall in no case be less than the present possessions.

38. The authorities entrusted with re-distribution shall determine the form of re-arrangement of the individual parcels so that the lands of both the owner and of the peasant grantees remain continuous.

### Chapter V

#### *Agricultural Properties Affected in the Tropical and Sub-Tropical Zones*

39. Agricultural properties in the tropical and sub-tropical zones shall not be affected to the extent of the areas established for the medium property.

40. In the case of properties the area of which exceeds 1,200 hectares, there shall be set aside, without compensation, an area of 100 hectares, at a place suitable for the establishment of dwellings the inhabitants of which shall be granted ownership of parcels not exceeding one hectare per family.

41. The landlord of the appropriated property shall have the right to select those parcels best suited to him for the establishment of his property, which should be of rectangular form, unless the arcifinious limits make its regular delimitation difficult. The major axis of the properties shall lie perpendicular to the direction of the State roads already built or due to be built.

### Chapter VI

#### *Restitution of Lands*

42. Lands wrongfully taken from Indian communities since 1 January 1900 shall be returned to them, where they can prove their right, in accordance with special regulations.

43. Rural property on which the right of restitution is claimed by one or more communities shall be appropriated temporarily under the distribution procedure established under Part V, Chap-

ter IV, until the application for restitution is decided upon by the respective authorities.

44. Grants shall be made to resident peasants on a preferential basis in the same locality under the conditions laid down in Chapter I of Part V. Provisionally, there shall be detached on behalf of the owner an area of land equal to that established for the medium property. Those who without being resident in the locality prove their status as members of the community shall be granted uncultivated lands which have not been subject to individual allocation.

45. Where the rights of the community members are declared proved under an official decision, the area in dispute, temporarily remaining in the possession of the landlord, shall be returned to the community without compensation.

46. Lands to which the preceding Article refers shall be collectively cultivated by the community, apart from the parcels possessed individually by the settlers or crofters who shall become the owners of such parcels.

47. The community shall succeed to the property of the members of such community who have died without heirs. Lands inherited by the community under this head shall be assigned for collective exploitation or for the school field; the revenues therefrom shall be administered by the community on the local behalf exclusively.

48. Community members having the right to restitution and resident at another place where land has also been granted to them, may not enjoy both rights, but must opt for only one of them.

49. The communities shall have the power through the intermediary of their acknowledged representatives to demand the restitution of lands wrongfully taken from them.

### Chapter VII

#### *Properties of the State and of Juridical Persons*

50. Agrarian properties belonging to organs of the State, to universities and to self-governing institutions shall not be affected by this Legislative Decree, provided that they are used for the

purposes governing their acquisition. The tenants of such properties shall be granted lands thereon.

51. The institutions referred to in the foregoing Article may acquire areas exceeding the maximum limit fixed for the rural property, provided that they fulfil a purpose which is acknowledged to be useful to the community.

52. Properties held in undivided shares shall, for the purposes of this Legislative Decree, be considered as being divided up into as many properties as there are co-owners.

### Chapter VIII

#### *Municipal Properties*

53. Properties of Municipalities where there are no public service institutions shall be affected in their entirety, subject to the right to compensation specified in respect of private properties.

### Chapter IX

#### *Properties of Religious Institutions*

54. Religious institutions of any creed whatsoever and owning rural estates shall retain a medium property subject to all the obligations prescribed for this type of property. Nuns dedicated to the contemplative life shall be exempt from the obligation to manage their property personally, but may do so through administrators. Such properties may not be leased.

55. Concessions of uncultivated lands acquired by religious missionary institutions for purposes of colonization may exceed the limits fixed for private properties only in cases where it is intended to form small properties in accordance with the principles governing co-operative agrarian property.

### Chapter X

#### *Properties of Social Welfare Institutions*

56. Social welfare institutions maintaining schools, asylums and houses which are maintained out of revenue from agricultural

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properties may retain an area not exceeding three times that allowed for a medium holding in the respective geographical zone concerned. The tenants of such properties shall be granted land thereon. It is not permitted to maintain feudal systems of exploitation on such properties.

## Chapter XI

### *Lands belonging to Indian Communities*

57. The Indian communities are the private owners of the lands in their joint possession. Family allotments resulting from re-surveys or recognised by custom within each community shall constitute family private property.

58. Properties of Indian communities are inalienable except in the cases prescribed in special regulations. They shall be subject to all the rights and obligations prescribed for private and co-operative agrarian properties.

59. Members of Indian communities shall, with the advice of State technicians, plan the re-arrangement of parcels, for the rational utilization of the land.

60. Peasants of the Indian community shall not acknowledge any kind of liability to perform personal services or pay contributions in kind. Any political, military, municipal or ecclesiastical authority exacting such contributions shall be considered guilty of the offence of abuse of authority.

61. Landless peasants living in the Indian community and working for landowners therein without being members of such community shall have the right to the grant of land in the uncultivated areas, the extent of which shall not be larger than the average size of those lands at present in the possession of a family belonging to the category of *agregados*.\*

62. Tenants on estates owned by communities and cultivated under feudal systems, shall have the same rights to grants as tenants on private properties.

\* *Transl. note:* Persons working land owned by others, without paying rent, on condition that the land is in a cultivated state when returned to the owner.

### PART III

#### EXCESS AND REVERTED EXPROPRIATED LANDS

#### Chapter I

##### *Inhabited Zones*

63. In accordance with the social and juridical status assigned to the affected lands, the following three categories are established:

- a) Lands expropriated for immediate allocation;
- b) Property in excess;
- c) Uninhabited expropriated lands.

64. Lands expropriated for immediate allocation are those which belong to the owner of a medium holding or latifundium, and are transferred directly to the peasants but which do not at any time forfeit their status as private property, whereby those persons cultivating the land or living on it become the direct owners.

65. Excess lands are those forming part of a latifundium transferred to the local peasants, after the collective allocation of the units of grant, remain in the possession of the community as a surplus intended for future allotments to new families or in favour of the peasants in neighbouring places who have a preferential right. In latifundia extending over uninhabited zones, the right of the community to excess lands shall apply only to an area equivalent to three times the total granted for individual and collective allotments. The remainder shall be considered as State lands.

66. Uninhabited expropriated lands are those which, having belonged to an owner, return to the status of public lands owing to the absence of inhabitants having the right to a grant in the zone concerned. The State shall take charge of the re-concession of lands thus reverting to it, in favour of those institutions and private persons who will make them productive, in order to avoid the establishment of a rural monopoly.

## Chapter II

### *Reversion of Uncultivated Lands*

67. All concessions and allocations of uncultivated lands not made in accordance with the purposes of the Act of 26 October 1905 and provisions posterior thereto, such as the colonization and exploitation of renewable natural resources, shall revert to State ownership without compensation. Concessions and allocations of uncultivated lands shall revert to State ownership even if complying with the Act, in those places where they are indispensable for the establishment of urban and rural population centres, colonies, defence and other services of importance to the community, in return for appropriate compensation.

68. In the case of concessions made in compliance with the conditions of cultivation and population, the areas concerned shall be restricted to the maximum authorised for each type of property in the various zones and sub-zones.

69. Reverted lands shall constitute the National Fiscal Reserve. The National Agrarian Reform Service shall plan the system of administration, distribution, immigration and colonization best suited to the interests of the State.

## PART IV

### GUM TREE AND CHESTNUT PLANTATIONS

## Chapter I

### *Extent to which Affected - Concession Grants*

70. All gum and chestnut trees shall revert to the public domain. Concessions for their cultivation shall be subject to the following conditions:

- a) Every agricultural worker collecting resin and fruits shall be granted, under concession, the trees at present cultivated by him up to a maximum of two groves ("estradas"). In addition, he shall be granted a small property in a place suitable for agriculture.
- b) The workers may form co-operatives for joint production and sale.

- c) The State shall organize companies with private undertakings, solely for the cultivation of zones in which there is no working population having a preferential right to the concession.

71. Ownership of land in the gum-tree region shall be affected by this Legislative Decree, in accordance with the provisions established for agricultural or livestock-breeding properties in tropical and sub-tropical zones. Property in excess shall revert to the State without compensation.

72. Chestnut trees shall be exploited for the common advantage, except in cases where they are private property or are situated in gum tree groves.

## Chapter II

### *Formation of Urban Centres in Hutment Areas*

73.-76. (omitted)

## PART V

### GRANT OF OWNERSHIP

## Chapter I

### *Preference in Right of Grant of Ownership*

77. All Bolivians over 18 years of age, irrespective of sex, who are engaged, or wish to engage, in agricultural pursuits, shall be granted ownership of lands, where available, in accordance with Government projects and provided that within the term of two years they introduce agricultural activities.

78. Peasants who have been subject to a feudal work and exploitation system, in their capacity of servants, dependents, labourers, tenant-farmers, *agregados*, outside workers etc., and who are over 18 years of age, married males over 14 years of age and widows with children who are minors shall, upon the proclamation of this Decree, be declared the owners of the parcels at present in their possession and cultivated by them, until the National Agrarian Reform Service shall grant them all that they are reasonably entitled to in accordance with the definitions of the

small property or shall compensate them in the form of collective cultivation of lands enabling them to meet their family needs.

79. The preceding Article shall be subject to restrictions in respect of the provisions relative to the exceptions prescribed for the small property.

80. Aliens shall have the same rights as those referred to in Article 77, provided that they comply with the provisions relative to immigration and colonization.

81. The preferential right of any person to the grant of lands in a certain area is conditional upon his having permanent residence in the place concerned and upon his being a farmer. The degree of preference shall be defined in accordance with the provisions established for each type of zone and property.

82. On the lands of a latifundium cultivated under the colonization system, the tenant farmers and agricultural workers of such latifundium having completed a period of residence of two years or more, calculated retrospectively as from the date of proclamation of this Legislative Decree, shall have a preferential right to a grant.

When the initial grant is made, an area of not less than ten per cent of the total of the individual allotments shall be reserved for collective cultivation by the community.

An area equivalent to or larger than that received by each tenant farmer shall be made available for the school field.

83. In cases referred to in Article 82 the following procedure shall be followed in determining the right to assignable areas:

- a) If sufficient land is available, a grant shall be made to each family at the rate of one grant unit. Where there remains cultivable land in excess, it shall be considered as vacant land to be granted to peasants of medium and small properties who are without land and who live in the same district or in the neighbourhood up to a distance of six kilometres from the latifundium concerned. If residual land still remains after the grants referred to in the preceding Article have been made, the community may extend the area of lands for collective cultivation.
- b) If the lands are not sufficient to afford a grant unit to each family, the assignable areas shall be reduced to the necessary

extent so as to satisfy the claims of all those who, by law, have a preferential right to such land. Peasants who receive insufficient grants of land shall have the right to new grants in other available areas.

84. Peasants of medium properties shall have the preferential right to the grant of excess lands from neighbouring latifundia within the radius prescribed by this Legislative Decree.

85. Tenant farmers who had their own land on a property shall receive a grant only in the proportion necessary to supplement the area to which tenants on the same property are entitled.

86. In colonizable areas of the first class, persons applying for areas not exceeding those established for the small property according to the geographical region concerned, shall have a preferential right.

87. In tropical and sub-tropical areas where the wage system applies, the workers shall have a preferential right to the grant of lands in the non-cultivated areas nearest to their residence.

88. In the regions of North and South Yungas in the Department of La Paz and others having the same features in the sense that the same forms of labour performance are observed, the tenant-farmers, holders and labourers shall have a preferential right to grant of ownership of the allotments and holdings at present occupied by them.

89. Graduates of Faculties of Agronomy and of Agricultural Colleges shall enjoy the preference extended to peasants on medium properties, in colonizable areas and in the vacant lands formed from the latifundia situated in the rural district nearest to their residence.

90. The concession of excess lands expropriated from the sub-zone of the Yungas of La Paz and Cochabamba is restricted to the preferential grants of small properties primarily to invalids and relatives of those who fell in the National Revolution, to all Bolivians of the middle class, employees and professional persons, railwaymen, transport and building workers and to all workmen in factories and mines who desire to settle thereon.

91. Independently of the allotments of land to which this Chapter refers, every agricultural labourer of the Highland and Valley regions shall receive 50 hectares in the eastern region, subject to his making application to such effect and subject to his undertaking to start work within the term of two years.

The National Service for Agrarian Reform shall issue regulations governing the system and procedure relative to such grants.

## Chapter II

### *The Unit of Grant*

92. In those regions where adequate land affected by this Legislative Decree exists, allocation to each family shall be made at the rate of a unit of grant having an area equivalent to that of the small property. In regions where there is not sufficient land, the area assignable to each family shall be reduced accordingly, so as to satisfy the claims of all persons having a right to land.

93. In those regions where reductions in the units of grant are necessary, they shall be made by the National Service for Agrarian Reform.

94. The Co-operatives of Smallholders shall have preferential right to the grant of lands in those colonization regions nearest to them which have access to the main highways of communication.

## Chapter III

### *Grant Procedure*

95. Peasants or the owner, separately or jointly, may make application for affected areas to be defined. The procedure shall be subject to special rules and regulations.

96. In cases of properties having less than 25 tenant farmers, the peasant community shall be organized into a group in accordance with the provisions of Article 121, without prejudice to any voluntary agreement that may be concluded between the tenant farmers and the owner of an estate.

## Chapter IV

### *Redistribution of the Land*

97. When the lands of a latifundium which are affected by this Legislative Decree have been defined, the National Service for Agrarian Reform shall, in accordance with the survey of the zone concerned, establish the form of their redistribution, taking into account the area available and the population of the zone, under the conditions prescribed in Article 92.

98. In all cases, lands intended for collective cultivation shall be selected by agreement with the peasant community or syndicate; the area of these lands must not be less than 10 per cent of the total of the family allotments. Furthermore, it shall be ascertained that such allotments apply to lands at present in possession.

99. In order to establish compensation in accordance with the various qualities of soil in the distribution of units of grant to peasant families, the classification and table of ratios prescribed in the following Article shall apply.

100. Until the country has at its disposal the agrolological surveys and plans, the following categories shall be adopted for establishing compensations and equivalents in the grant of land to peasant families:

- a) Lands of the first class are those which by reason of their composition, irrigation, natural humidity and favourable climatic factors are fitted under favourable commercial conditions to produce the two agricultural products required from the most fertile lands in the zone concerned without requiring the abnormal use of fertilizers and without necessitating a period of rest of more than one year between crop rotations. Special provisions shall be issued governing the enumeration of the products corresponding to lands of the first class.
- b) Lands of the second class are those which, while not fitted for the cultivation of species requiring fertile lands under the conditions described in paragraph a), are suited to less exacting production in the zone.  
Lands with a gradient in excess of 7 per cent and flat lands

which owing to their stony soil do not allow of mechanization shall be considered as belonging to the second class although suited for the cultivation of superior produce, except for the Yungas.

- c) Grazing lands of good quality and timber-lands are those which, owing to their gradient in excess of 7 per cent and to the quality of the soil, are not fitted for systematic cultivation of produce, but are suited to extensive livestock-breeding activities under good conditions, or for the forestry industry.
- d) Lands of poor fertility are those with inferior pasture land or with vegetation suitable only for use as fuel. Carob plantations, eroded land, marsh-land, alkaline plains and other lands presenting unfavourable features belong to this category.
- e) Unexploitable land is land where vegetation is either lacking or is of such poor quality as to be of no use to man. Rocky, uncultivated, sandy and other soils which are of no use for agricultural purposes, belong to this category.

## PART VI

### RURAL POPULATION CENTRES

#### Chapter I

##### *Forms of Settlement of the Rural Population*

101. In the rural residential area distinction is made between three forms of population centres:

- a) Small towns or villages.
- b) Hamlets or camps.
- c) Settlements spread over the countryside.

102. Small towns or villages are centres where the distribution of the houses follows the pattern of streets and blocks. The Municipal Government of the principal town of the Department shall accord the status of town or village to each centre with more than 50 inhabited houses. Legally recognised villages have the right to request from the respective Municipal Government

of the principal town of the Department concerned, the demarcation of their urban radius, the type of utilization of sources of potable water and the provision of the ways and means necessary for their development. The space within the boundaries of the urban radius shall be declared urbanized and subject to planning projects.

103. The sites occupied by houses, patios marked off by the dwellings and a yard (*canchón*) with an area of not less than 500 square metres shall be consolidated on behalf of the owners of the buildings.

104. In those cases where the small towns have been founded either wholly or partly on the land belonging to a medium property or to another type of property of larger area, where the landlord is, at the same time, the owner of the houses, the grant of such houses shall be made to those farmers who have resided in the locality for not less than two years. In such cases the house site shall be regarded as a supplementary part of the grant of lands due to each farmer or worker by right.

Compensation for the value of the buildings shall be made by the grantee in accordance with the valuation made by the authorities of the National Agrarian Reform Service and within the same periods as those in which payment is to be made for the land.

105. There shall be excepted from the provisions of the foregoing Article, structures for general use on the estate such as the farm buildings, storage sheds, industrial installations, quarters for the domestic staff and other annexes occupied by the tenants.

106. Hamlets or camps are clusters of peasant dwellings arranged in rows or grouped together without any prescribed plan, and so close to one another that the space separating them does not exceed 20 metres.

107. In case of the medium agricultural properties and undertakings where the dwelling of the farm worker is situated at a different place, his family shall have the right to continue to live in it until the owner causes to be built at his expense a house of equal value on the farm worker's own land, using the same materials. Compensation for the value of the buildings may be privately agreed upon between the worker and the owner.

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108. Sources of water necessary for the domestic supply of the rural population, whether installed in the locality or not, shall be for public usage.

## Chapter II

### *Establishment of Towns and Settlements*

109.-113. (Omitted)

## PART VII

### COLONIZABLE AREAS

114. For the purposes of colonization, with national or alien elements, zones of the first class are those reserved by the law for concessions not exceeding the limits of the area fixed for the medium property. In two thirds of these zones it is not permitted to make new concessions of an area larger than those specified. Within the remaining third part the National Agrarian Reform Service shall determine the areas for the establishment of agricultural enterprises.

115. Colonization zones of the first class are:

- a) A strip 25 kilometres wide extending on either side in the longitudinal direction of railway tracks, of highways built or to be built at State expense and of navigable rivers where there are public lands or lands which have reverted to the public domain;
- b) A radius of 5 kilometres around centres of more than 1000 inhabitants, on tropical and sub-tropical plains;
- c) All the regions specified by the Government as falling within this category.

116. Landless peasants, unemployed workers and emigrant Bolivians who have returned to the country, ex-combatants of the Chaco war and the relatives of those who fell in the National Revolution shall have preference in regard to the grant of properties in these zones.

## PART VIII

### EXCESSIVELY FRAGMENTED AREAS

#### Chapter I

##### *Distinctive Classes of such Areas*

117. Rural areas where there is excessive fragmentation of landed properties shall be classified into two categories: residential rural areas and areas which are predominantly small-holdings.

#### Chapter II

##### *Rural Population Areas*

118. Classified as rural population areas are those in which the population is concentrated and the properties are increasingly subdivided, mainly on account of the fact that it serves the interest of the rural families to earn their livelihood in their own farmhouse plot with the respective parcel belonging thereto, taking into account the favourable situation of the zone for purposes of residence and communal life rather than the area of lands for specifically agricultural purposes.

119. A rural population area may present one or several of the following characteristics: proximity to urban or industrial centres, favourable situation for rural trade and communication with other areas, situation close to fishing and hunting country, forests and natural vegetable and animal resources, climatic conditions, topography, drinking water supplies and other facilities such as are essential for the subsistence of a social group.

#### Chapter III

##### *Predominantly Small-Holding Areas*

120. Predominantly small-holding areas are those where the greater majority of the properties are not sufficiently large to enable their owners, whose main occupation is agriculture, to gain a livelihood.

121. In localities where small-holdings predominate and where the shortage of cultivable land is aggravated by the fragmentation of each property into parcels which are separate and remote from each other, a policy of re-arrangement of the lands shall be applied.

## PART IX

### PEASANT ORGANIZATIONS

#### Chapter I

##### *The Peasant Community*

122. The peasant community is that population group the members of which are brought together by the proximity of their dwellings and by common interest and, in order to satisfy the needs of their social community, have more frequent contact with one another than with persons in other places. Their legal status shall be recognised by law.

123. Three distinctive classes of peasant communities are recognised according to their origin, as follows: —

- a) A farm community which is composed of 50 or more families of peasants who under the latifundium system were subject to the same authority, whether they worked on an estate with various owners, or on various estates which were considered to belong to the same group of owners. It is a characteristic feature of the farm community that it has traditionally constituted a production unit accustomed to a system of collective work, the families being considered as constituent members of one and the same group. It is possible for the farm community to maintain the co-operative system of production pursued in the farm estate for the benefit of the community itself, as a result of the allocation of the lands granted to that community.
- b) A peasant community group is that composed of the inhabitants of various medium and small estates voluntarily combining to form a group of not less than 50 families for the purpose of claiming recognition of their legal status.
- c) The Indian community is composed of the families of peasants who under the designation of original settlers and farm-hands are the owners of an area legally recognised

as the territory of a community in virtue of titles granted by the Governments of the Colony and of the Republic or arising from traditional occupation. The internal government of the Indian community is conducted by the community's own institutions.

## Chapter II

### *Functions of the Peasant Community*

124. The duties of the peasant community are as follows:

- a) To represent the interests of its members through its representative legal body;
- b) To promote the welfare of the population, having regard primarily to such aspects as:
  - 1) Curricular and extra-curricular education in schools;
  - 2) To improve conditions and standard of living;
  - 3) Care and protection of health;
  - 4) To improve production techniques and economic and social relations;
  - 5) To promote the various forms of co-operativism so as to create by joint efforts the necessary economic facilities and make a personal labour contribution towards the fulfilment of local improvement projects.

125. The peasant community, as such, is independent and may not belong to associations of communities or subordinate itself to centres, federations, confederations and other public bodies.

126. The peasant community is distinct from the agrarian syndicate:

- 1) Because the former does not serve the ends of the class struggle against sections or elements which are foreign to the locality; 2) Because it may not belong to provincial, departmental or national bodies.

127. While maintaining its independence the peasant community does not prevent the existence of agrarian syndicates and other organizations of a cultural, economic and political character.

128. The peasant community's own economic resources shall not be used for any purposes other than those of local benefit. Any contributions or gratuities to organizations which are not of a local character shall be considered as misappropriation of funds and those responsible shall be liable to the penalties prescribed.

### Chapter III

#### *Savage Settlements*

129. Savage groups in the tropical and sub-tropical plains living in the savage state with a primitive form of organization shall be under the protection of the State.

130. Rural school centres and duly authorised private institutions engaged on incorporating the savage settlements within the life of the Nation, shall have sufficient land at their disposal for establishing the settlement families and making them into independent farmers. The collective and private property of the savages shall be inalienable. The institutions of the savage settlements shall at all times remain under Government control.

131. Without prejudice to the formation of the family property of savages, the organs entrusted with their incorporation shall promote systems of co-operative labour.

### Chapter IV

#### *Peasant Syndicates*

132. The peasant syndicate organization shall be recognised as an instrument for the defence of the rights of members and of the maintenance of social progress. The peasant syndicates shall participate in the implementation of Agrarian Reform. They may be independent or affiliate with central bodies.

### Chapter V

#### *Agricultural Co-operatives*

133. The social utility of the agricultural and combined agricultural and livestock-breeding co-operatives constituted by mem-

bers of communities, peasants in general, colonists and medium and small property owners shall be recognised. The State shall promote and encourage their organization and development. Their activities shall be covered by a special decree.

134. Agricultural co-operativism shall be based on the following basic principles: voluntary joining of members; equality of rights and obligations of members; democratic control and independent single personal vote of the amount of capital to be subscribed by each member; free exercise of social activities and distribution of yields in proportion to the quality and quantity of work contributed, or to the extent of the operations carried out.

135. This Legislative Decree shall not apply to the lands of the agricultural and combined agricultural and livestock-breeding co-operatives within the limits laid down in Articles 19 and 20.

## Chapter VI

### *Exploitation of Collective Lands*

136. The collective lands of the peasant community shall be worked by all the members. The representatives of the community shall be responsible for the administration of the work.

137. Accruing revenue shall be used for the following purposes:

- a) Payment of costs of production;
- b) Amortization of the price of the expropriated estate;
- c) Expenditure on behalf of the community generally;
- d) Distribution of profits to members of the community.

138. The community, on its own responsibility, and with the necessary technical advice shall bring about a lasting reform of methods of cultivation by members and improvement of their collective experience.

139. The community may extend the area of the collective lands and its agricultural capital to introduce the division of labour through new methods of cultivation and establish the basis of a collective agriculture for the benefit of the country.

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## Chapter VII

### *School Organization*

140. The peasant communities shall promote the establishment of schools which shall be under the supervision of School Boards composed of members of its organization.

141. Such communities shall maintain the scholastic establishments which before the proclamation of this Legislative Decree had been the concern of the expropriated owners.

142. The peasant community shall take charge of the cultivation and exploitation of the school field in order to provide the produce necessary for the scholars' breakfasts and luncheons. The school field shall have no purposes other than those here specified.

## Chapter VIII

### *Provisions Jointly Affecting the Peasant Organizations*

143. The representatives of the peasant community, syndicate, co-operative, school council and other local organizations shall necessarily be members of the community and residents of the locality. Service within the peasant organizations shall be performed without remuneration.

## PART X

### PEASANT LABOUR

144. The colonate system and all other forms of free or compensatory performance of personal service shall be abolished. The peasant worker shall be incorporated within the Nation's legal social system with all rights vouchsafed by the Law.

145. The wage system shall be laid down in all individual or collective contracts as a standard of remuneration. The workers shall be released from all liabilities arising out of personal obligations.

## PART XI

### CONSERVATION AND DEFENCE OF NATURAL RESOURCES

#### Chapter I

##### *Forest and Animal Resources*

146. Vegetable resources such as cinchona, high quality timber and other classes of woods and resources of valuable fur-bearing animals or birds of rare plumage and other livestock bred for commercial purposes and becoming extinct shall be declared to be under national protection. The State shall regulate and organize their exploitation.

147. All land with a slope in excess of 15 % shall be declared to be forest or grazing land, as the case may be, and the destruction of woods and pastures shall be prohibited; in the Yungas and densely populated rural areas with scanty cultivable land, their cultivation in level and terraced furrows shall be authorised as an exceptional measure.

148. For the defence of renewable natural resources the Government shall prescribe the following legal provisions:

- a) Forests Act;
- b) Hunting and Fishing Act and pertinent regulations;
- c) Act on the Conservation of the Soil and of National Parks.

#### Chapter II

##### *Livestock Breeding*

149. Livestock breeding within the territory of the Republic shall be subject to regulation by the State and shall embrace the following aspects:

- a) Livestock-breeding farms in relation to area and type of work;
- b) Bovine, equine, mule, ovine, porcine, caprine and auclidean population as regards registration, number, method of breeding, health, industry and trade;

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- c) Livestock-breeding economy as regards development and protection.

## PART XII

### TOWN AND COUNTRY PLANNING

150. The formation is prescribed of the General-Directorate of Town and Country Planning within the framework of the National Commission of Co-ordination and Application.

## PART XIII

### WATERS

151. The population centres shall have the right to their share of sources of potable water for domestic purposes; the agricultural or livestock-breeding properties shall, with equal right, use the amount necessary for their cultivation, irrigation and watering purposes.

152. The system of obligatory service or duty shifts for irrigation in force at the time of enactment of this provision, both as regards non-assignable properties and those established in connection with the introduction of Agrarian Reform, shall be maintained in accordance with the extent of crop cultivation concerned.

153. Without prejudice to the system of casting lots or duty shifts the general rule shall be laid down that supplies of water flowing into a property shall be utilized to the extent required, and no person may obstruct its application for agricultural purposes.

154. The sale or commercial exploitation of waters shall be prohibited and any surplus water in a zone or estate shall pass freely for the benefit of those zones or properties which lack their own water supply and which are in a position to make use of such surplus.

155. The application of the foregoing principles and the activities of bodies entrusted with supervising the proper utilization and conservation of irrigational waters and works shall be governed by special regulations.

## PART XIV

### PAYMENT FOR EXPROPRIATIONS AND REDEMPTION OF THE AGRARIAN DEBT

156. Lands affected by this Legislative Decree in accordance with Article 34 shall be paid for at the current registered value to the extent corresponding to the part concerned, with Agrarian Reform Bonds which shall earn a non-capitalizable interest of 2 per cent per annum, over a term of 25 years.

157. As regards the redemption of the bonds preference shall be given to the Bolivian Bank of Agriculture and to small creditors over large creditors, and payment shall be guaranteed by mortgage on the lands granted to the peasants, with their crops, livestock and industrial installations and, subsidiarily, by a State guarantee.

158. Such bonds shall have redemptive power to cancel mortgage debts contracted with the Bolivian Bank of Agriculture on properties affected by this Legislative Decree, for payment of arrears of taxes on the expropriated property and for the acquisition of State lands in colonizable zones, within the limits prescribed for the various types of property.

159. The conditions, the redemptive power and the terms of issue and of transmission of such bonds to the creditors shall be governed by special regulations.

160. Peasants who have been granted lands shall pay the amount of the registered value of such lands within the term of 25 years taking effect from the date of possession.

The National Agrarian Reform Service shall specify procedures to be followed in determining the shares to be paid by the peasants for their parcels.

## PART XV

### IMPLEMENTATION OF AGRARIAN REFORM

#### Chapter I

##### *Organs*

161. The National Agrarian Reform Service shall be set up as the senior organ for the implementation of this Legislative Decree and of appropriate supplementary provisions.

162. The National Agrarian Reform Service shall be composed of the following organs:

- a) The President of the Republic;
- b) The National Council for Agrarian Reform, subordinate to the Minister of Rural Affairs;
- c) Agrarian Judges;
- d) Rural Agrarian Reform Boards;
- e) Rural Inspectors.

163. The establishment, appointment, eligibility, territorial jurisdiction and procedures governing the organs enumerated in the foregoing Article, shall be subject to regulations issued under a special Decree.

#### Chapter II

##### *Duties*

164. The President of the Republic shall be the supreme Government authority supervising the National Agrarian Reform Service and shall decide in the final instance, in virtue of the powers vested in him, all questions arising from the application of this Decree and from Decrees supplementary thereto.

165. The duties of the National Agrarian Reform Council shall be:

- a) Overall planning and supervision of agrarian and rural affairs;
- b) The preparation of the Agrarian Reform Act as prescribed, with the right of submitting proposals to the Executive;

- c) Dealing at the consultation stage with matters relative to the designation of expropriable lands;
- d) Bestowing titles of ownership on new grantees;
- e) The organization of systems of promotion, co-operativism and credit for combined agrarian and livestock-breeding activities;
- f) The organization of systems of colonization, rational exploitation and mechanization of combined agrarian and livestock-breeding activities.

166. The duties of Agrarian Judges are as follows:

- a) To take cognisance of designations of expropriable land in litigation proceedings and to deal with the re-hearing of Rural Board cases which have not been opposed;
- b) To deal with such designations and decide them in the first instance;
- c) To deal in a consultative capacity with designations by the Judges in Water Cases and in the primary instance with cases governed by a special Act.

167. The duties of the Rural Boards shall be:

- a) To apply within their jurisdiction the provisions of this Legislative Decree and the Decrees prescribing rules and regulations in conciliation proceedings at the petition of an interested party or of the Rural Inspectors, and to assign possession to the new owners;
- b) To assign final possession to the new grantees, and to mark off the boundaries of their parcels in accordance with the decision concerned.

## PART XVI

### INTERIM FINAL PROVISIONS

#### Chapter I

##### *Leases and Occupation Licences*

168. Exceptional cases rendering possible contracts for a lease, partnership and joint ownership shall be governed by a special Decree.

169. All contracts under leases or usufruct culture, livestock breeding and forest products shall be governed by the Agrarian Reform Decree.

170. Leases of usufruct exploitation as referred to in the Decree relating to large areas of maximum areas specific

171. The owners of properties situated in the area of which is the respective geographical property, shall be a

172. The owners of different territorial units shall have the maximum specific right to choose to keep, the total by this Decree for concerned.

173. The joint consent in addition to in possession of the this Legislative Decree be deemed cancelled movements they may right of grant conc

174. Any difficulties Decree shall be set of landless peasants in the interests of of the agricultural

169. All contracts for the concession of uncultivated lands under leases or simple occupation licences for purposes of agriculture, livestock breeding, exploitation of forests, and timber and forest products generally, shall be subject to revision by the Agrarian Reform organs.

170. Leases of uncultivated lands and licences to undertake such exploitation as referred to in the foregoing paragraph, and applying to large areas or expanses of land, shall be limited to the maximum areas specified for the large agricultural undertaking.

## Chapter II

### *Dual Ownership*

171. The owner of two or more small-holdings or small properties situated in different territorial districts, the total combined area of which is less than the maximum limit prescribed for the respective geographical zone concerned for the small and medium property, shall be allowed to retain them.

172. The owner of two or more rural properties situated in different territorial districts the combined areas of which exceed the maximum specified for the medium property shall have the right to choose which property or properties he is allowed to keep, the total of which shall not exceed the limit specified by this Decree for the medium property in the geographical zone concerned.

173. The joint owners enjoying the use of a small plot or allotment in addition to the lands jointly owned by them shall remain in possession of the first-mentioned in the form contemplated by this Legislative Decree, and the contract of joint ownership shall be deemed cancelled with appropriate compensation for the improvements they may have introduced, and without prejudice to the right of grant concerned.

174. Any difficulty arising in the application of this Legislative Decree shall be settled with due regard primarily to the interests of landless peasants and small-property owners and, subsidiarily, in the interests of production, to that of the medium holding and of the agricultural undertaking.

175. A translation of this Legislative Decree in the Aymara, Quechua and Guatani languages instructively summarized and simplified, shall be published in order that the peasant population in all the rural districts may thoroughly familiarize themselves with the new rights afforded them.

176. All Acts, Decrees and Resolutions contrary to this Legislative Decree shall be repealed.

177. From this day, the second of August nineteen hundred and fifty three, the system involving free labour service prevailing in agriculture shall be permanently abolished and the right to the grant of lands with title of ownership, in favour of all peasants of Bolivia, shall be proclaimed.