COLOMBIA

FORCED DISPLACEMENT AND LAND DISPOSSESSION

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
Washington DC, April 18 - 20, 2011

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Ricardo Sabogal (Colombian Government)
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Violence, forced displacement and land dispossession: a constant in Colombia’s History
XVI – XVIII Centuries
Spanish Conquest and Colonialism

- Taking of indigenous lands
- Assassinations, massacres
- Forced displacement toward inhospitable places
- Land concentration by conquerors

The 3 – 4 million indigenous people before conquest were reduced to 136,753 by the end of the XVIII Century
XIX Century: Post-Independence

- Nine civil wars and dozens of regional conflicts
- Land concentration process due to:
  - Spanish legacy
  - Governmental payments through land (independence soldiers, contracts, and politicians)
- 1850-1861:
  - Dissolution of legal indigenous lands (*resguardos*)
  - Confiscation of Catholic Church’s assets
  - Titling of governmental lands to wealthy people (*baldíos*)
XX Century

- **1899 – 1902. The Thousand Days War**
  - 100,000 persons died
  - Many more were displaced

  - 200,000 persons died
  - 2,000,000 persons were displaced
  - 393,648 farms were abandoned

- **1985 – to date**
  - 3,662,594 persons displaced
  - Millions of hectares have been abandoned
LOSS OF ASSETS

- An immediate result of forced displacement is the loss of land, housing, productive assets, and the rupture of the livelihoods of the affected persons.

- The consequences of these losses are dramatic for the IDPs and the country.
National consequences of forced displacement

- Land concentration (agrarian counter-reform)
  - Obstacle for economic and social development
  - Loss of employment sources
  - Inadequate use of land
  - Threat to food security

- Rural – Urban migration
  - Increment of unemployment, slums, deficit of housing, public services, utilities, social services

- Conflicts with neighboring countries (especially Ecuador, Venezuela, Panama)

- Pressure on national and municipal budget
PROTECTION AND RESTITUTION OF LAND TO DISPLACED PEOPLE

A STRATEGY TO BREAK THE HISTORICAL CYCLE OF VIOLENCE, DISPLACEMENT AND LAND DISPOSSESSION
Protection of Land and Patrimony of IDPs Project

- Since 2002 to date, the World Bank (Post-Conflict Fund and the State and Peace Building Fund) with the participation of several donors has supported the Government of Colombia in implementing the Protection of Land and Patrimony of IDPs Project.

- The government elected in 2010 has made land restitution to IPDs a high priority.

- The results of the Protection of Land and Patrimony Project are being used as the foundation for the new land restitution policy.
PROJECT ON PROTECTION OF LAND AND PATRIMONY OF INTERNALLY DISPLACED PERSONS

Ministry of Agriculture and Rural Development

Presidential Agency for Social Action and International Cooperation

Donors

19th April 2011
STARTING CONTEXT

2002
Displaced people by gender

Source of data: RUPTA; Cut off date: Dec. 2009
Abandoned Land as a Consequence of Forced Displacement

- 4'723,269 People in IDP’s Registry
- 3'624,426 People certified as IDP’s
- 323,223 Households declared abandonment of land
- 39,366 Title holders with abandoned land and protection measures

Cut off date: Dec. 2010
Abandoned Land

Concentration according to the number of parcels

360,000 pieces of land abandoned

More than 54% of IDP’s exercised informal rights over land.

Source of data: RUPD-SIPOD, RUPTA y CTAIPD; Cut off date: Dec. 2010

<table>
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<th>Rango predios</th>
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<tr>
<td>Alto</td>
<td>1,501 - 2,200</td>
<td>Color 2</td>
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<tr>
<td>Medio</td>
<td>901 - 1,500</td>
<td>Color 3</td>
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<tr>
<td>Bajo</td>
<td>271 - 900</td>
<td>Color 4</td>
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<tr>
<td>Menor</td>
<td>1 - 270</td>
<td>Color 5</td>
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</table>

Source of data: RUPD-SIPOD, RUPTA y CTAIPD; Cut off date: Dec. 2010
Starting situation

- Massive Internal Forced Displacement of population
- High Intensity Internal Conflict
- Land and territory loss
- Legal framework not being executed
- Institutions not responding to their legal obligations
- Acción Social, with the aid of International Cooperation, establishes the PROJECT ON PROTECTION OF LAND AND PATRIMONY OF IDP
- No information about land grabbing or land abandonment
- Abandonment or dispossession of parcels and collective territories
Not all institutional information is updated nor it is managed through centralized information systems
Legal Foundation of Land Protection

POLITICAL CONSTITUTION

BLOQUE CONSTITUCIONAL
Human Rights
International Treaties or Agreements
or Agreements ratified by Colombia

PRINCIPLES ON HOUSING AND PROPERTY RESTITUTION FOR REFUGEES AND DISPLACED PERSONS (PINHEIRO)

GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT (DENG)

Ordinary legislation
- Law 387 / 1997
- Law 160 / 1994
- Decree 2007 / 2001

Special Legislation
- Law 70 / 1993
- Decree 2164 / 1995
- Decree 250 / 2005
- Law 975 / 2005

Jurisprudence
Intervention in 10 Regions

<table>
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<tr>
<th>REGIÓN</th>
<th>COLOR</th>
<th>DEPARTAMENTO DE INFLUENCIA</th>
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<tr>
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<td>Atlantic</td>
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<td>Bolívar</td>
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<td>Valle del Cauca</td>
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<td>Cesar</td>
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<td>La Guajira</td>
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<td>Huila</td>
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<td>Tolima</td>
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</table>
Implementation Approaches

- Ethnic
  - Gender-based
  - Childhood-based

- Rights Approach
- Forms of land occupation

- By type of land tenure relationship
Conceptual and methodological Development

Institutional Network

Positioning of the topic

Influence on Public Policies

Strategies Developed

Strengthening of Institutional and Community Capacities

Transferring of methodologies, procedures, tools, training materials and technical assistance.

Context of widespread violence

Routs: Protection, Land titling and restitution
Toolkit
Research
Information systems
Project on Protection of Land and Patrimony of IDP

Phase I
US$ 2 million

Phase II
US$ 3,5 million

Phase III
US$ 17,8 million

Colombian Government with the support of

[Logos of various organizations]
Outputs

- Land Rights of Indigenous People.
- Compendium of Rules
- Methods of Abandonment, Usurpation and Dispossession
- Restitution Routes
- Land Titling Routes
- Financial debt and mortgage of IDP
- Land Tenure Studies
- Building up a differential focus of gender and childhood
- Identification of actors responsible for land abandonment and dispossession
- Analysis of Land Tenure Titling under the Forest Reserve Areas Act 2 / 59
- Preparation of the Rural Land Atlas
**Outputs**

- Methodologies for protecting IDP’s land rights (individual and collective protective routes)
- Toolkit and user’s guide for the implementation of the land protective methodologies
- Information System: Unified Register of Abandoned Land and collective territories due to violence - RUPTA
- Conveyances’ Procedures for parcels located in areas with collective protective measures.
- Community training for identification, characterization of land conflicts and conflict resolution mechanisms (Facilitator's Guide)

**Methodological Developments**

**Human Resources Development**

- RUPTA implementation and training
- 10 regional teams & national management team
- Multi-donors strategy
Land Rights Protection

Consists of:

☑ Identification of land rights and informal relationships to the land of persons and communities that have had to abandon their parcels due to forced displacement, or those facing an imminent risk of displacement.

☑ Protection and safeguarding the free will of owners when land transfers are carried out, avoiding dispossession.

☑ Making the public the protective measures through their registration in the official land registry.

☑ Serving as evidence for future restitution processes.

Recording in the Unique Registry of Land, Properties and Collective Territories (RUPTA)

PROTECTIVE ROUTES

INDIVIDUAL  COLLECTIVE  ETHNIC
Outputs of the Protective Measures

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<thead>
<tr>
<th>Routes of Protection</th>
<th>Variables</th>
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<tr>
<td></td>
<td>RIGHTS</td>
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<tr>
<td>COLLECTIVE</td>
<td>114,980</td>
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<tr>
<td>INDIVIDUAL</td>
<td>40,510</td>
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<td>Total</td>
<td>155,490</td>
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Source of data: RUPTA - Incoder
Cut: 31/03/2011
Protective Land Measures – According to the Phases of the Project

<table>
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<tr>
<th></th>
<th>Fase I</th>
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<th>Fase III</th>
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<td>Derechos</td>
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<td>Personas</td>
<td>3,851</td>
<td>83,450</td>
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<td>76,844</td>
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<td>Área (ha)</td>
<td>121,953</td>
<td>2,525,566</td>
<td>5,088,800</td>
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(*) Note: If is not cadastral data available, the area figure represents the value declared by the victim.

Source of data – RUPTA, CTAIPD: Cut off date: Dec. 2010
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<thead>
<tr>
<th>DEPARTAMENTO</th>
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<td>Carmen de Bolivar</td>
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Source of data: PPTP; Cut off date: Dec. 2010

- **Land titling**
- **Land restitution pilots**
- **Collective Route**
Land Restitution

- Case Documentation
  - Physical identification of parcels
  - Legal identification of parcels
  - Household information

- Strategy
  - Institutional Actions
  - Community participation

- Special Administrative Unit For Land Restitution

- Land restitution pilot experience
  - Physical Restitution
  - Legal restitution - titling
## LAND RESTITUTION Pilots 2010

### Source of data: PPTP
Cut off date: Dec. 2010

<table>
<thead>
<tr>
<th>Departamento</th>
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<td>TOTAL</td>
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<td><strong>868</strong></td>
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From legal land protection to restitution

Project on Protection of Land and Patrimony of Internally Displaced Persons

Special Administrative Unit For Land Restitution
Transition
From the Project to the Administrative Unit

Institutional design of the Special Administrative Unit for Land Restitution

Design of the Grabbed Land Registry – GIS (parcel based land information system)

Technical support to define the legal framework for the integral restitution of the territories of ethnic groups

Design of the methodologies and procedures needed to carry out the responsibilities of the Special Administrative Unit for Land Restitution

Transitional Justice: Victims´ bill
Land Restitution Route

1. Parcel Restitution Claim
2. Special Administrative Unit For Land Restitution
3. Inscription in the Grabbed Land Registry
4. Request to Restitution Tribunals
5. Ruling
THANK YOU