



## USAID PROGRAM BRIEF

# LAND TENURE & PROPERTY RIGHTS

## COLOMBIA

### OVERVIEW

Decades of conflict have pitted the Government of Colombia against left wing insurgents, paramilitary forces, and drug traffickers. The resulting lack of control over portions of the nation's territory combined with highly unequal land access, population displacement, and weak governance have contributed to poverty, instability, environmental degradation and proliferation of illicit coca production.

Insecure land tenure is a widespread problem that has been facilitated by traditional government policies promoting uncontrolled colonization of the agricultural frontier. In Colombia, insecure property rights are also tied to the crisis related to displaced persons. Colombia has an estimated 3–4 million internally displaced persons, one of the highest rates of IDPs in the world along with Sudan and Iraq. The country's Afro-Colombian and indigenous populations were disproportionately affected by displacement and it is estimated that up to 70% of the displaced do not possess registered title to the land they previously occupied. In Colombia, formalization of land rights is viewed not only as a mechanism to enhance tenure security and promote productive investment but also as a critical tool in efforts to prevent the spread of the humanitarian crisis surrounding displaced persons.

Securing land tenure, restitution of land rights, and protection of the property rights of the displaced are stated policy objectives of the Government of Colombia. USAID/Colombia's Strategic Results Framework for 2009-2013 echoes these priorities and incorporates intermediate results specifically related to improving land tenure and to improving protection and restitution of land for the displaced. Achieving these objectives will require reforms to the legal framework and substantial improvements in the capacity of the State to assist its poor and vulnerable populations.

### STATUS

Support for Plan Colombia's counter narcotics efforts has been the principal focus of USAID activities in Colombia in recent years. One of USAID/Colombia's largest projects is Más Inversión para el Desarrollo Alternativo Sostenible<sup>1</sup> (MIDAS). Through an integrated approach across four technical components (small and medium enterprises, agribusiness, commercial forestry, and policy), MIDAS aims to improve economic competitiveness and reduce incentives for participation in illicit cultivation and commercial activities. The MIDAS project's policy component is addressing problems of insecure property rights and the need to reconstitute land rights to millions. MIDAS is identifying legal and institutional limitations to land formalization processes as well as mechanisms to reduce transaction costs. The project reforms laws and regulations, conducts pilot regularization activities in seven rural regions, and is developing a pilot for a GIS-based land information system. The project is in the process of designing a national property formalization program and seeks innovative mechanisms for financing this initiative such as municipal income from mining revenue. The project is also working to



Through an integrated approach across four components MIDAS aims to create new and alternative licit income sources to strengthen Colombia's economy and lead private initiative away from illicit economic activities.

<sup>1</sup> More Investment for Sustainable Alternative Development

## LTPR PROGRAMMING NEEDS IN COLOMBIA

- Legal and regulatory reforms;
- Undertake restitution and reparations for Colombia's displaced population;
- Improve capacity of government institutions to regularize and manage land;
- Assist municipalities to implement legal procedures to protect property of displaced persons;
- Formalize the land rights of ethnic minorities and improve their ability to manage collective territories;
- Develop rapid and efficient mechanisms to resolve land conflicts; and
- Update the outdated rural cadastre so it can serve as a foundation for land formalization, restitution, regional planning, and municipal revenue generation.

support implementation of property restitution initiatives through improvements in the legal framework and execution of restitution pilots at a regional level. In protected areas and forest reserves, the project is attempting to develop appropriate policies and property related interventions to address the often conflicting objectives of biodiversity conservation and productive land use.

## SUCCESSSES

The MIDAS policy components' principal successes related to land tenure and property rights include:

- Six international cooperation agreements signed between governors, mayors, and other public and private entities to formalize rural property in 25 municipalities benefitting over 1,500 farmers;
- Establishment of new judicial procedures to facilitate land restitution to displaced persons developed and included in law now being considered by the Colombian Congress; and
- Provision of technical assistance to the Ministry of Interior and Justice related to land policy for displaced persons, strengthening Regional Restitution Commissions, and recommendations for reforms to the normative and institutional framework surrounding restitution.

## CHALLENGES

While the government of Colombia has made substantial progress in suppressing insurgency and reasserting control over its territory, challenges remain, including:

- Continued lack of State control over geographic areas under the domination of armed groups and/or drug traffickers;
- Inconsistent political will to restitute and redistribute land to Colombia's poor and vulnerable;
- A complex institutional environment with unclear lines of responsibility and scarce resources; and
- Lack of accurate and incomplete data on land ownership, boundaries, and use.

## FUTURE

The MIDAS project comes to a close in late 2010. In its last year, the project's land policy team aims to:

- Transfer MIDAS' leadership and coordination role on pilot land rights formalization projects to the local departments and municipalities involved;
- Garner lessons learned from pilot experiences, which will lead to policy and legal reforms aimed at reducing formalization costs, simplifying procedures, and strengthening the institutional framework for rural land formalization;
- Develop and adopt concrete and immediate mechanisms to restitute property to displaced persons while long-term legal reforms are under consideration; and
- Develop a national framework and a regional land management model for rural areas that incorporates objectives of sustainable land use, conservation, property formalization, land restitution, land access, and cadastral modernization.

**USAID PRRGP COTR:** Dr. Gregory Myers, GMyers@USAID.gov

**Colombia COTR:** Mark Carrato, MCarrato@USAID.gov

**Implementing Contractor COP:** Brian Rudert, brudert@midas.org.co **ARD Technical Manager:** Amy Regas, aregas@ardinc.com