



Food and Agriculture
Organization of the
United Nations



VOLUNTARY GUIDELINES: SECURING OUR RIGHTS **COLOMBIA**



Success stories

Required citation:

FAO. 2021. *Voluntary guidelines: securing our rights Colombia*. Rome.

Dashed lines on maps represent approximate border lines for which there may not yet be full agreement. The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Dashed lines on maps represent approximate border lines for which there may not yet be full agreement. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by FAO in preference to others of a similar nature that are not mentioned.

The views expressed in this information product are those of the author(s) and do not necessarily reflect the views or policies of FAO.

© FAO 2021



Some rights reserved. This work is made available under the Creative Commons Attribution-NonCommercial-ShareAlike 3.0 IGO licence (CC BY-NC-SA 3.0 IGO; <https://creativecommons.org/licenses/by-nc-sa/3.0/igo/legalcode>).

Under the terms of this licence, this work may be copied, redistributed and adapted for non-commercial purposes, provided that the work is appropriately cited. In any use of this work, there should be no suggestion that FAO endorses any specific organization, products or services. The use of the FAO logo is not permitted. If the work is adapted, then it must be licensed under the same or equivalent Creative Commons licence. If a translation of this work is created, it must include the following disclaimer along with the required citation: "This translation was not created by the Food and Agriculture Organization of the United Nations (FAO). FAO is not responsible for the content or accuracy of this translation. The original [Language] edition shall be the authoritative edition."

Disputes arising under the licence that cannot be settled amicably will be resolved by mediation and arbitration as described in Article 8 of the licence except as otherwise provided herein. The applicable mediation rules will be the mediation rules of the World Intellectual Property Organization <http://www.wipo.int/amc/en/mediation/rules> and any arbitration will be conducted in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL).

Third-party materials. Users wishing to reuse material from this work that is attributed to a third party, such as tables, figures or images, are responsible for determining whether permission is needed for that reuse and for obtaining permission from the copyright holder. The risk of claims resulting from infringement of any third-party-owned component in the work rests solely with the user.

Sales, rights and licensing. FAO information products are available on the FAO website (www.fao.org/publications) and can be purchased through publications-sales@fao.org. Requests for commercial use should be submitted via: www.fao.org/contact-us/licence-request. Queries regarding rights and licensing should be submitted to: copyright@fao.org.



©FAO

COLOMBIA
Good agricultural
practices from
community gardens.

CONTENTS

PAGE 2

1. INTRODUCTION

PAGE 4

2. CASE OF COLOMBIA

PAGE 8

3. ROLE OF THE GUIDELINES IN COLOMBIA

PAGE 10

4. CHANGES AND ACHIEVEMENTS MADE

PAGE 16

5. CHALLENGES AND LESSONS LEARNED

COLOMBIA

Highlights



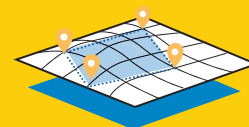
Awareness-raising among the public, private sectors, civil society and academia in the implementation of the Guidelines.



Ongoing support for civil society to contribute to the national and regional discussions about rural development using a territorial approach for the implementation of the comprehensive rural reform contemplated in the Peace Agreement.



Substantiated, participatory and collaborative systems and methods to support the social management of rural property and the implementation of the multi-purpose cadastre.



Technical support to the national authority in charge of the protected areas, facilitating spaces for multi-stakeholder dialogue and exchange.



Incorporation of the Guidelines in the implementation of the law for victims, including ethnic groups.



Creation of multi-stakeholder platforms with ethnic authorities for the recognition and consolidation of their skills within the framework of the Peace Agreement and in the context of the pandemic.



Use of the Guidelines in the planning instruments of the territorial entities.



Contribution to the reduction of technological gaps.

1. INTRODUCTION

Colombia is one of the richest countries in the world in terms of biological diversity with 54 871 species of different biological groups.

The state recognizes 84 indigenous communities that represent 2 percent of the national population.

The country has 59 natural areas.

There are 22 million hectares potentially available for cultivation.

In May 2012, the Committee on World Food Security approved the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (the “Guidelines”). The Guidelines have been described as a catalysing instrument that improves the conditions of land and natural resources, in the agricultural, fishery and forestry sectors. They address problems related to poor governance of land tenure and the growing pressure exerted on natural resources, thereby helping countries to achieve food security for all. The Food and Agriculture Organization (FAO) has collaborated in over 58 countries, providing technical assistance, training and developing skills, and offering support in the evaluation, formulation and application of related national laws and policies.

“ The most relevant knowledge is the information and experience gathered from the implementation of the Voluntary Guidelines for Responsible Governance of Land, Fisheries and Forests (VGGT), a technical reference that we make available to our strategic partners and that proposes an effective relationship between governments, civil society, the private sector and citizens, as a mechanism to strengthen community structures and thus establish ways of collaborative work and exchange of significant experiences on land tenure.”

ALEJANDRA VEGA

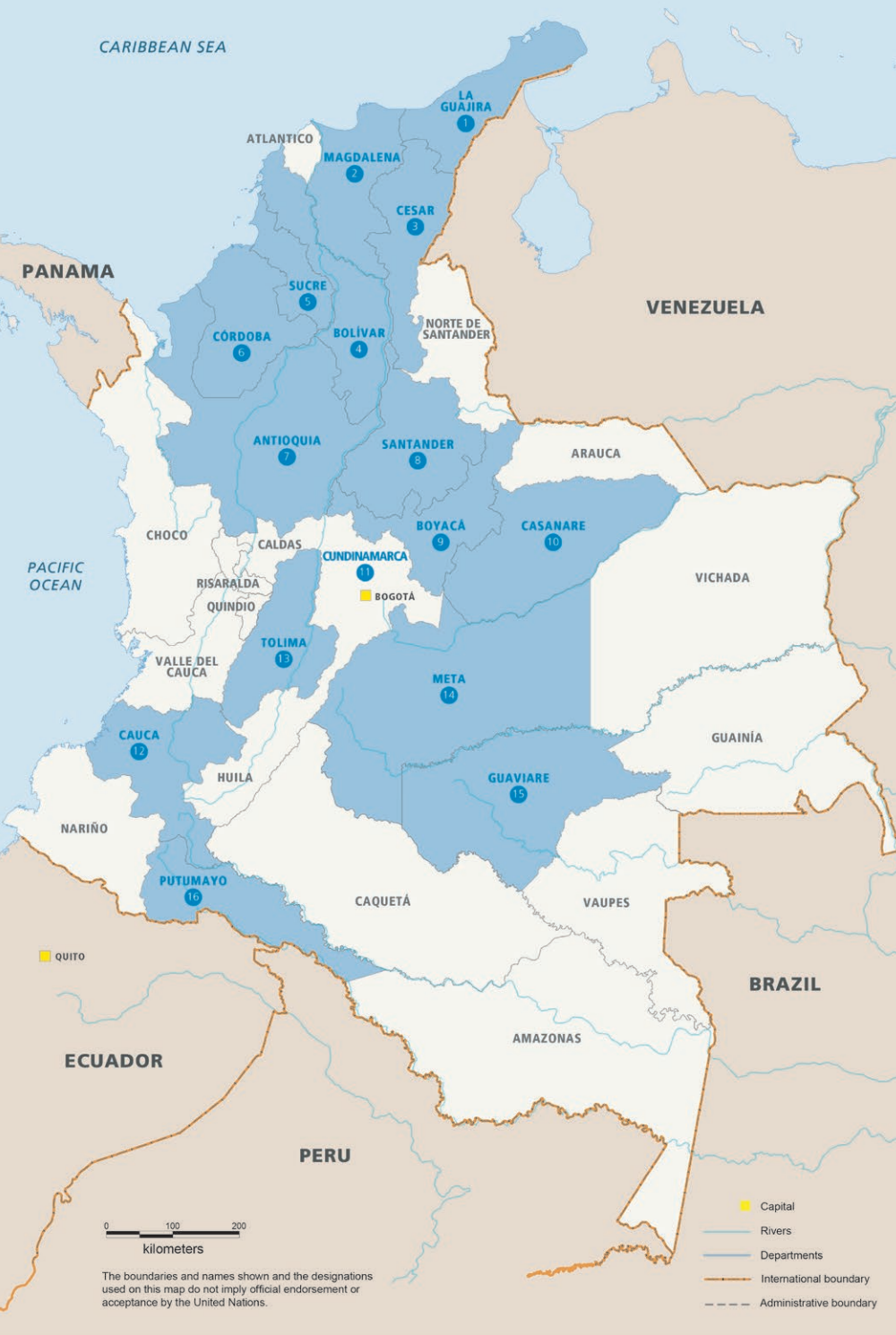
Senior Land Tenure Specialist and VGGT,
FAO-Colombia



Rome, 2012
ISBN 978-92-5-107277-6
40 pg., 177 × 250 mm
Paperback



Available in:
Albanian, Amharic, Arabic, Bilingual (Namibia),
Burmese, Chinese, Spanish, French, Hindi, Indonesian,
English, Karbi, Laotian, Miskito, Nepali, Russian



- 1 LA GUAJIRA** Fonseca, San Juan del Cesar, Dibulla, La Jagua del Pilar
Large-scale land sweeping, titling of land, support for the POSPR conservation strategy of the ANT, support and promotion of adjudication applications to Public Sector Bodies (PSB).
- 2 MAGDALENA** Aracataca Santa Marta, Ciénaga
Support for the POSPR conservation strategy of the ANT, support and promotion of adjudication applications to Public Sector Bodies (PSB)-Formalisation.
- 3 CESAR** La Paz
Formalization - Handing over of titles.
- 4 BOLÍVAR** San Jacinto, Magangué, Zambrano, Achi, Mahates, Córdoba, El Guamo, Cartagena de Indias, Tiquisio
Support for the POSPR conservation strategy of the ANT, support and promotion of adjudication applications to Public Sector Bodies (PSB) Gathering of social information that enables the definition of the spatial limits of the Community Councils of the area in accordance with that ordered by Ruling T601/16.
- 5 SUCRE** Ovejas, Majagual, Caimito
Support for the POSPR conservation strategy of the ANT, Ovejas BPM pilot.
- 6 CÓRDOBA** San José de Uré, Montelibano, Montería
Support for the POSPR conservation strategy of the ANT, support and promotion of adjudication applications to Public Sector Bodies (PSB).
- 7 ANTIOQUIA** San Carlos, Nechi, Ituango, Valdivia
Support for the POSPR conservation strategy of the ANT, support and promotion of adjudication applications to Public Sector Bodies (PSB).
- 8 SANTANDER** Bucaramanga
Diagnosis determining the inventory and state of the formalization archive.
- 9 BOYACÁ** Paipa
Diagnosis determining the inventory and state of the formalization archive.
- 10 CASANARE** Villanueva
Identification of stakeholders and uses in two community savannahs in the framework of a preliminary visit to the land in the agrarian demarcation procedure.
- 11 CUNDINAMARCA** Rioseco
Diagnosis determining the inventory and state of the formalization archive.
- 12 CAUCA** Piendamó, Almaguer y Piamonte, Timbio
Technical support for the Plan for the Social Management of Rural Property. Provide general elements of the territory through secondary sources in order to plan the intervention of the DGJT of the ANT.
- 13 TOLIMA** Rioblanco, Chaparral
Assistance and technical support for the social team of the strategic partner of the ANT that makes progress in the BPM as part of the implementation of the POSPR, and diagnosis determining the inventory and state of the formalisation archive.
- 14 META** Puerto Gaitán
Support for the POSPR conservation strategy of the ANT, support and promotion of adjudication applications to Public Sector Bodies (PSB).
- 15 GUAVIARE** San José del Guaviare
Collection of social information and analysis of the situation involving the non-ethnic population immersed in or bordering the Nükak Makú Indigenous Reservation in compliance with Order 3 of Interlocutory Order No. AIR-18-197 of the First Civil Court of the Circuit Specialized in Land Restitution of Villavicencio, Meta.
- 16 PUTUMAYO**
Training on land governance and tenure: tools for the formalization of land of public sector bodies.

50.5
MILLIONS OF
INHABITANTS

1 142 748 KM²

44,08 HAB./KM²
POPULATION
DENSITY

39 MILLION
HECTARES ARE CULTIVATED FOR
EXTENSIVE CATTLE RANCHING

5 MILLION
HECTARES ARE USED
FOR AGRICULTURE

2. CASE OF COLOMBIA

The challenges that Colombia faces in terms of land tenure, beyond the inequalities, have a specific nuance as a structural factor of the war in the country and of the agreements to overcome it; this is largely reflected in the Gini coefficient on land concentration in the 2014–2015 period, which is 0.87. This figure shows that Colombia has one of the highest rates of rural property inequality in the world (FAO and Rural Agricultural Planning Unit [UPRA], 2016). In a regional context, Colombia is among those at the top of the list for inequality in land distribution, after Paraguay and has coefficients similar to Brazil.

“ 82 percent of productive land in the country is in the hands of just 10 percent of rural owners, and informality in terms of tenure exceeds 50 percent of the land (FAO and UPRA, 2016).”

FAO - UPRA, 2016.

LAND TENURE IN COLOMBIA

According to the National Planning Department (DNP), Colombia has 111.5 million hectares in the continental area, of which 57 percent – equal to 63.2 million hectares – is occupied by forests; 39 percent – in other words, 43.1 million hectares – is used for agriculture; and 2.0 percent – equal to 2.5 million hectares, is used for purposes other than those mentioned previously. In turn, the Agustín Codazzi Geographic Institute (IGAC) (2012) estimates that in Colombia 10 percent of the plots of land encompass 90 percent of the whole rural area used for agriculture.

A substantial share of the national territory, approximately 43 percent, is private property. The remainder is owned by ethnic groups, geared towards the protection of areas, or still belongs to the State. These figures about, specifically rural, property are the subject of analysis to establish the conditions of inequality in the distribution of land.

The aforementioned is accompanied by phenomena such as the concentration and fragmentation of land, disputes due to dispossession, property falling into foreign hands, land grabbing by foreign investors

and even the use of these phenomena for speculation purposes, factors that heighten the problems related to equitable, appropriate and sufficient access that enables the survival of ethnic groups and the peasant and fisher communities, on a par with consolidated models such as agroindustry.

However, beyond the analysis of inequality in terms of land distribution, the conditions of tenure of such require reflection as to the way in which this tenure exists and is maintained in Colombia, and as to the conditions and possibilities for the access to such in its different forms.

Officially, the statistics state that almost 43 percent of private plots of land have technical and legal inconsistencies associated with tenure, while non-private plots of land are mostly still being identified, which significantly limits the administration of land of the nation, the possibilities of



access by means of titling, adjudication or conditional and safe use of rural land for agriculture (IGAC, 2014).

The challenges Colombia faces in terms of land tenure are associated with better living conditions for the rural population and with overcoming the war, given the structural nature that the use, occupation and tenure of land have had in the origins and persistence of the armed conflict. The results of the 2014 National Agricultural Census show that 44.7 percent of the rural population is living in poverty and has limited access to the land.

In addition, the mechanisms created to guarantee access to the land and its legal security have not been applied, almost 43 percent of the private plots of land show inconsistencies that make it difficult to formalise them, to the extent that the wastelands are, for the most part, still being identified (IGAC, 2014).

With regard to the regularisation of public real estate property, these are the plots of land geared towards the operation of state entities, the provision of goods and services and/or properties for social or community use, of great importance in the current scenario of the implementation of point one of the “Final Peace Agreement”, the Colombian State does not have institutional information to make

it possible to establish the level of informality of plots of land of public sector bodies. This is largely due to the lack of technical tools that make it possible for the different levels of government to establish the status of the matter in relation to the context. Other factors contributing to this situation include the failure to update the land register in most of the national territory, the lack of an inventory of wastelands in Colombia and the fact that there are large areas of the country under restrictive measures or constraints, which limit the formalisation of property, among other phenomena.

NATURAL RESOURCES AND LAND TENURE

Colombia has 59 natural areas (National Natural Parks) that belong to the System of National Natural Parks, among many others, which conserve the natural and cultural heritage of the country. 26 of these contain indigenous and Afro-Colombian communities, which reflects the multi-ethnic and multicultural nature of the Colombian nation and indicates the social and ecological function of the

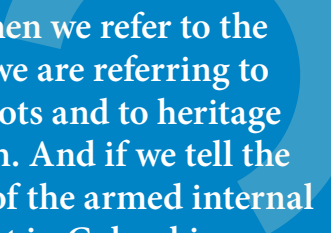
property that the ethnic groups fulfil in their territories.

However, this wealth has been decimated by anthropogenic factors such as deforestation, changes in soil use and the expansion of the agricultural frontier, among others.

Under the land management bodies, actions are planned regarding the territories in line with their vocation or support capacity, the sustainable management of natural resources, the reduction of disputes and the attainment of social, economic and environmental stability; and as such, they are essential instruments for understanding the territory and its sustainability.



3. ROLE OF THE GUIDELINES IN COLOMBIA



“ When we refer to the land, we are referring to our roots and to heritage as such. And if we tell the story of the armed internal conflict in Colombia, “having rights” signifies recovering everything we thought was lost at one point, it is about going back to that place we thought we never would be able to return to, it relates to reclaiming dreams, social fabric and historic memory.”

Community leader of the municipality of Ciénaga-Magdalena.

HOW DID THE GUIDELINES START IN COLOMBIA?

Since 2014, the FAO Office in Colombia has been following a strategy in relation to the Guidelines, with a view to involving the national entities in charge of land administration, civil society organisations (CSO), academia and the private sector, to contribute to the strengthening of management and the informed participation of the various social and institutional stakeholders, in the design and monitoring of public policies.

At the same time in Colombia, the National Development Plan – approved in 2014 – established the economic and social progress of the areas most affected by the violence as a priority. The project “Incorporation of the guidelines on the responsible governance of tenure of land in local communities living in protected areas and their areas of influence” was subsequently launched in 2016.

This project is one of 18 implemented at country level and is financed by the European Union in the framework of the European Union land governance programme, to which FAO is also providing cross-cutting support within the project “Support and capitalisation of the European Union land governance programme”. In Colombia, this project was executed by FAO, in association with National Natural Parks (PNN), the Land Restitution Unit (URT), the UPRA and the Worldwide Fund for Nature (WWF) Colombia.

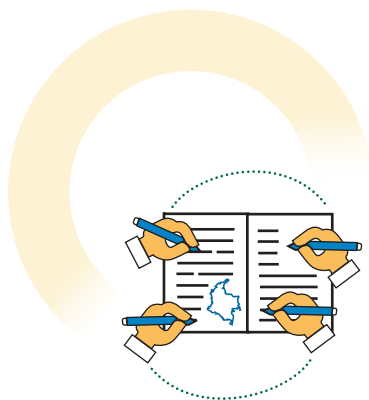
In 2018, after the successful conclusion of the peace negotiations in 2016, FAO incorporated the project “Governance of inclusive tenure to improve food security, opportunities for subsistence and the consolidation of peace” in its global programme for the implementation of the Guidelines, thanks to the contribution of the Government of Italy. This project has been making progress in support of the most vulnerable communities and families.

PROGRESS AND OPPORTUNITIES IN THE IMPLEMENTATION OF THE GUIDELINES

Comprehensive rural reform, final agreement to end the armed conflict and build a stable and lasting peace

Point 1 of the Final Peace Agreement, “Towards a New Colombian Countryside: Comprehensive Rural Reform” considers several commitments, which are linked to one another; these commitments are geared towards the structural transformation of the countryside, its comprehensive and sustainable development, democratisation, access and the guarantee of rights.

On the topic of land, commitments were made geared towards the creation of a Land Fund for the Comprehensive Rural Reform, the implementation of other mechanisms to promote access to the land, the definition of beneficiaries, comprehensive access to land tenure, the large-scale titling of small and medium-sized rural property, the guaranteeing of the inalienable and non-seizable nature of the land for a period of seven years, the restitution of land rights in cases of dispossession, the resolution of disputes concerning land tenure and use and the strengthening of food production. In addition, there were commitments to the formation and updating of the rural cadastre and of the rural property tax, closure of the agricultural frontier and the protection of reserve areas essential for the functioning of ecosystems and the conservation of biodiversity and Development Programmes with a Territorial-Based Focus (DPTFs) and National Plans for the Comprehensive Rural Reform.



4. CHANGES AND ACHIEVEMENTS MADE

“ Right now we are in a process of support for the legalization of land with FAO and the municipal government. This educational institution is grateful that you accompany us to fulfill a dream that we have had for many years: to legalize properties in order to improve educational quality and be able to count on resources to invest in the student population, which is low in economic resources.”

WILMER CORTÉS MACUASÉ

Director of the *Institución Educativa Rural La Brasileira*. Puerto Guzmán, Putumayo.

IMPROVEMENT IN LAND GOVERNANCE IN PROTECTED AREAS

The project “Governance of inclusive tenure to improve food security, opportunities for subsistence and the consolidation of peace” was implemented in the National Natural Parks of Catatumbo Barí, El Cocuy, Sierra Nevada de Santa Marta, La Paya, Nevado del Huila and the Acandí Fauna Sanctuary, Playón and Playona and their areas of influence. The municipalities of San Juan del Cesar (La Guajira) and Puerto Guzmán (Putumayo) were also targeted, incorporating in their planning instruments strategic lines for the regularisation of the ownership of strategic assets for the provision of goods and services.

Activities similarly took place in some municipalities of Córdoba and Meta. Under the premise of multi-disciplinary work and a cross-cutting approach in the context of the implementation of the Peace Agreement, the Guidelines were the guiding thread of the project’s narrative on tenure rights, strengthening the capacities of civil society organisations and issues related to addressing and transforming disputes over use, occupation

and tenure, as well as other socio-environmental disputes – the latter in particular viewed from the dynamics that arise in protected areas.

The result of this was that governance and governability as a whole increased in the prioritised national protected areas and their areas of influence, which contributed significantly to the reduction of disputes related to land tenure and land use.

Guidelines for the productive and social management of rural property (POSPR) and responsible governance were defined for the Sierra Nevada de Santa Marta and Nevado del Huila National Parks. These guidelines constitute a tool to strengthen agricultural sectoral planning at the departmental level defined in the framework of the POSPR plans and specifically for the 11 municipalities located in the areas of influence of these national natural parks, therefore becoming an input to guide and formulate the agricultural policy of the departments of Cesar, Magdalena, Huila and Tolima.

Based on the work completed with the UPRA, within the framework of the project for the incorporation of the Guidelines in protected areas, a proposed guide was prepared to incorporate the guidance promoted by the Guidelines in the public management carried out by local governments. To this end, recommendations and strategies were formulated that will be linked to local

planning and economic, social and spatial development instruments at the municipal level in the areas of influence of the Nevado del Huila and Sierra Nevada de Santa Marta National Natural Parks. The strategies were proposed to mitigate disputes that arose as a result of the superimposing of sector policies and to promote dialogue with and the intervention of the rural population in decisions concerning the use of land and natural resources.

Similarly, the recommendations and strategies outlined have a territorial reference that includes not only the problems identified with secondary information sources, but also the visions, interpretations and readings of the difficulties experienced by the different territorial actors in the municipalities of influence of both protected areas. Similarly, the recommendations were aimed at responding to the weaknesses identified in the municipal planning and development instruments and proposing initiatives to strengthen their strategic component.

The recommendations also sought to contribute to reducing the economic, social and environmental vulnerability of the rural population by creating responsible governance processes based on dialogue and participation in decision-making on land use and management, as well as the use of natural resources.

REDUCTION OF DISPUTES IN PROTECTED AREAS

Five strategies were identified for overcoming disputes related to land tenure and five agreements were established that achieved different levels of progress from the drafting of the document to the signed agreements. These were agreed locally at the roundtable discussions for dispute resolution, in each of the prioritised areas.

- **El Cocuy:** conservation actions were carried out through the project for the implementation of sustainable agroecological production systems, where 24 families benefited: 14 in the Boyacá sector and 10 in Arauca, in an intervention coverage of 10 723.42 hectares.
- **Nevado del Huila and its area of influence:** agreement for the conservation of biodiversity entered into by National Natural Parks, the Regional Autonomous Corporation of Alto Magdalena (CAM), the Mayor's Office of Santa María (Huila), peasant families in the villages of Jerusalén, San Francisco, Bachecito, El Placer, Santa Librada and Corporación Arauco.

- **Sierra Nevada de Santa Marta:** agreement to guarantee that sawmilling activities will not resume in the La Lengüeta sector, entered into by members of the Group of Former Sawmills, who have made a commitment to the indigenous authorities in the sector to abandon sawmilling as their main economic activity. The agreement was signed before delegates from FAO, *Fundación Estación Biológica Bachaqueros* and the Regional Prosecutor's Office.
- **La Paya:** 36 agreements were signed by the former inhabitants of Caucaya River (beneficiaries), La Paya National Natural Park, Leguizamo Mayor's Office and the Amazon Territorial Directorate of National Parks of Colombia. The total number of beneficiaries was 64 families, grouped into 24 individual agreements (24 families) and 12 collective agreements (40 families) to contribute on improving food sovereignty, the family economy and the socioeconomic and environmental life of the former inhabitants of the Caucaya River, based on the implementation of sustainable Amazonian conservation systems in plots of land used for agriculture in Puerto Leguizamo.

LETTER OF AGREEMENT WITH *FEDERACIÓN NACIONAL SINDICAL UNITARIA AGROPECUARIA (FENSUAGRO)*

- Implementation of methods to increase use of the Guidelines by civil society.
- Over 80 social leaders trained in single procedure contemplated for comprehensive rural reform.
- Work plan, which includes the Guidelines as part of its agenda.

EMPOWERED COMMUNITIES WITH REGARD TO THEIR LAND TENURE RIGHTS

- FAO has been developing, testing and adapting a social intervention strategy geared towards the application of the Guidelines in the Single Procedure established by means of Decree Law 902 of 2017. The strategy is also useful for the implementation of the multi-purpose cadastre as it has the ideal tools to create orderly channels for the participation of communities, as well as the instruments for their subsequent systematisation and use.
- The new decrees issued for the implementation of the Comprehensive Rural Reform include instruments for the identification of stakeholders, possible disputes and additional information useful for the administrative procedures associated with land administration, access to land, the legal security of the tenure, and useful in the judicial phases in cases where it is required.
- Drafting of a roadmap for the formalisation and titling of plots of land of public sector bodies, which contributes to the land-use planning and the more efficient provision of goods and services, by the State.
- Strengthening the technical capacities of territorial entities

and civil society organisations in the regulation of plots of land of public sector bodies, thereby facilitating the investment of official resources and the materialisation of projects and initiatives agreed in the DPTFs, by training civil servants and leaders of civil society organisations, with broad participation of women, indigenous and Afro-descendant communities, in workshops on land tenure and governance, carried out through virtual means.

RESTITUTION OF LANDS OF INDIGENOUS AND/OR AFRO-DESCENDANT COMMUNITIES

Since 2012, when the Guidelines were approved, FAO has geared its efforts towards promoting their implementation as a tool to improve land governance and therefore combat hunger and overcome poverty, and it has sought to achieve Sustainable Development Goals 1 and 2. In the framework of this initiative, FAO identified the need to protect the basic rights of ethnic communities and seek solutions to the concerning situation of dispossession and appropriation of their territorial rights.

This led FAO to join forces with the URT, the European Union and the Government of Sweden to carry out various actions aimed at i) characterising the appropriation



of the territorial rights of these communities in the framework of the project “Promoting the incorporation of land governance guidelines in local communities living in protected areas and their areas of influence”; ii) strengthening access to the registry of dispossessed lands for ethnic communities that are victims of dispossession or forced abandonment in prioritised regions, as the central axis of the project “Strengthening the sustainability of land restitution processes”; and iii) improving access to the process of land restitution and territorial rights for ethnic communities that are victims of dispossession or forced abandonment, in regions prioritised by the URT, as part of the project “Strengthening the implementation of public policy on land and territorial restitution”.

Thanks to these actions, it has been possible to apply and incorporate the Guidelines in the ethnic territorial rights restitution processes in favour of these communities. This application was based on the recognition of the particular relationship of each of these communities with their territory and the way in which this determines their basic right to restitution. As a result, it has been possible to guarantee the greater participation of the ethnic communities in the decision-making processes that affect them within the restitution processes, generate synergies between different levels of public entities (national, regional and local) to make these processes sustainable and identify methodological and technical aspects that should continue to be subject to improvement for the greater guarantee of the rights of ethnic

communities receiving restitution. Some noteworthy achievements are:

- **support to 1 214 families** restituted in the implementation of productive projects;
- **technical support** for ten cases in the land restitution process;
- **ethnic groups** (black communities and indigenous communities);
- representation of **2 826 families**;
- **100 891 hectares**;
- **Seven departments:** Antioquia, Cauca, Cesar, Guaviare, Nariño, Valle del Cauca and Vichada;
- **FAO Colombia**, in association with the Government of Sweden and in support of URT, since February 2014.



INSTITUTIONAL STRENGTHENING FOR THE LAND ADMINISTRATION SYSTEM

Plans for the social management of rural property (POSPR)

In recent years, the implementation of programmes and actions aimed at the countryside has involved multiple efforts aimed at comprehensive intervention in rural territories, including the multi-purpose cadastre and the DPTFs, with the following objectives: i) to achieve significant levels of productivity through the provision of goods and services (provision of public assets) for productivity; ii) to reduce rural poverty by reducing inequality in land distribution through the promotion of access to land; and iii) to provide equitable development opportunities in all regions.

One of these efforts consisted of the formulation of the Policy for the Productive and Social Management of Rural Property. For its implementation, the institutional structure of the agricultural sector was reformed and important changes were made in the institutional assistance model for the management of requests for the adjudication and formalisation of rural plots of land from “demand” to “supply” by means of the implementation of the land sweeping methodology, together with the broadening of the spectrum of subjects of access to land and

formalisation, agricultural workers without land or with insufficient land, by granting land titles, accompanied by complementary measures to guarantee quality of life for the peasant population in a rural environment (ANT, Decree 902 of 2017).

In addition, it is worth pointing out that the POSPR are closely linked to the multi-purpose cadastre. The latter, as a basic input to obtain information on land use, occupation and tenure in Colombia, therefore requires the coordinated actions of the aforementioned entities and, in particular, coordination with the ANT and the Department of Notaries and Registries, for the POSPR implementation processes.

Within the framework of the Guidelines, FAO has established alliances with Colombian government institutions closely linked to the processes of access and guarantee of land tenure rights, such as the ANT, the URT, the IGAC (the country’s land registry authority), the Land Renewal Agency (ARN), the National Administrative Department of Statistics, the UPRA, the National Natural Parks Unit, the Ministry of Agriculture and Rural Development and the Ministry of Environment and Sustainable Development.

These alliances resulted in FAO providing technical cooperation, and important contributions to processes, such as:

- The multi-purpose cadastre, and the support to the pilot project carried out in the municipality of Ovejas (Sucre).
- The consolidation of the large-scale land sweep as a tool for the social management of rural property.
- Formalisation processes carried out by the Land Agency in the municipalities of Ciénaga, Santa Marta and Zona Bananera (Magdalena); San Juan del Cesar, La Jagua del Pilar, Fonseca and Urumita (La Guajira); and La Paz, San Diego, Bosconia and El Paso (Cesar).
- Agricultural processes also carried out by the Land Agency throughout the country, clarification of ownership, extinction of ownership and recovery of national land.
- Development of social management tools to bring the population closer to the areas where national government entities intervene, to help build trust in the institutions, facilitate interventions associated with the formalisation and adjudication of land, as well as other processes of social organisation of property and formalisation, which are subsequently used as evidence in administrative and judicial processes.
- Studies on the concentration, land grabbing and accumulation of rural land, seeking to identify, based on these situations, the different disputes over land tenure and alternatives to address them.
- Formulation of a methodology that measures the risk of land concentration or transfer of land to foreign ownership, by means of the Guidelines.

Development Plans with a Territorial-Based Focus (DPTFs)

Decree Law 893 of 2017 defines the DPTFs as planning and management instruments to implement sectoral plans in the territories most affected by the conflict that will bring to these territories basic conditions for the lives of the inhabitants. The development of 16 DPTFs was proposed, covering 170 municipalities prioritised due to their conditions of poverty and vulnerability, the absence of infrastructure while being affected by the conflict.

To this end, the formulation of Action Plans for Regional Transformation was defined with the participation of citizens and civil society organisations, including a differential, reparative and gender-based

approach that “recognises the socio-historical, cultural, environmental and productive characteristics of the territories and their inhabitants, their differentiated needs and the vocation of the land, in accordance with the organic standards of land use and planning” (ARN, Decree 893 of 2017).

These municipalities prioritised for intervention are targets for social management of rural property and multi-purpose cadastre, where problems of access and guarantee of land tenure rights are a central theme and require attention through land adjudication programmes, subsidies and processes of formalisation as well as regularisation of tenure.

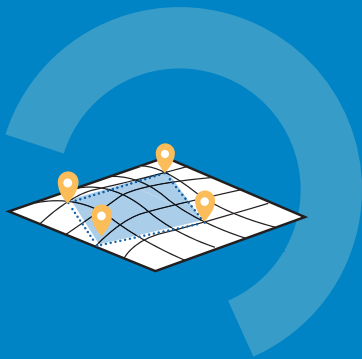


5. CHALLENGES AND LESSONS LEARNED

“ We have enormous problems with the legalization of properties, most of which do not have any legal security. With legalization, the communities will be able to advance in the achievement of investments for the improvement of the facilities where communal rooms are located. Legalization will also help health centers or schools that were historically built on land donated by individuals but were not legalized at that time.”

CARLOS HUMBERTO ROMERO

President of the Association of Community Action Boards, San José del Guaviare, Guaviare.



Addressing land tenure challenges and resolving disputes over land and natural resource use necessarily involves designing various strategies; this will promote responsible governance of land, fisheries and forest tenure with respect to all forms of tenure: public, communal, indigenous, customary and informal.

In the context of national food security, the Guidelines represent an opportunity for the Colombian State to contribute to the global goals of ensuring food security, eradicating hunger and poverty, and preventing, protecting and restoring legal tenure rights to land and territories.

In addition, the Guidelines will help in achieving sustainable livelihoods, greater social stability, environmental protection and equitable economic development for everyone.

Another challenge to address is the establishment of permanent communication mechanisms between civil society and the authorities and government institutions responsible for the implementation of the Peace Agreement, under the premise of the right to inclusive, free and informed participation.



CHALLENGES AND LESSONS LEARNED AT THE INSTITUTIONAL LEVEL: CONTINUOUS STRENGTHENING OF THE LAND ADMINISTRATION SYSTEM

- In recent years, the implementation of programmes and actions aimed at the countryside has involved multiple efforts geared towards comprehensive intervention in rural territories, including the multi-purpose cadastre and

the DPTFs, with the following objectives: i) to achieve significant levels of productivity through the provision of goods and services (provision of public assets) for productivity; ii) to reduce rural poverty by reducing inequality in land distribution through the promotion of access to land; and iii) to provide equitable development opportunities in all regions.

- It is expected that support will be given to the consolidation of the Government's methodology for the recognition of land tenure rights with the corresponding productive projects, by means of the Social Planning of Rural Property and the procedures for access to and the legal security of land tenure, such as the processes of adjudication of wastelands, formalisation of private land and other agrarian processes.

- In addition, there is the challenge of contributing to the strengthening of the skills and procedures involved in the Land Administration System. This is both in the implementation of guidelines and in their procedural aspect at national, sub-national and household levels, where positive impacts are expected to be achieved by improving their livelihoods and the perception of security and legal certainty of individual or collective tenure.



CHALLENGES AND LESSONS LEARNED IN THE SOCIAL SPHERE: APPROPRIATION OF ACCESS AND TENURE REGULARISATION MECHANISMS

Different actions have taken place geared towards the development of the skills of the rural communities in order to improve the governance of the tenure of land, fisheries and forests in the communities. To this end, the institutions and the communities are advised legally so that people initiate and process their tenure rights claims processes.

The consolidation of the processes currently underway, aimed at developing the following is considered an important challenge:

The Social Strategy for the formulation and development of territorial plans and local governments to implement methodologies aimed at solving land disputes, by means of:

- The creation of a favourable environment for the participatory construction of plans for the social management of property, incorporating clarification and demarcation processes in coordination with the multi-purpose cadastre methodology. FAO has provided and continues to provide support to the ANT by means of technical contributions, in some cases through direct operation in the implementation of the processes of large-scale land sweeping, adjudication, formalisation and agricultural procedures.
- The implementation of actions to achieve land tenure security and the full enjoyment of the rights of civil society and peasant organisations.

Alternative dispute resolution mechanisms (ADRM)

- In line with the social strategy, the FAO team has worked to position the ADRM as a strategy for unblocking and speeding up the processes carried out by the agricultural and environmental institutions. To this end, it is developing a study and a proposal that will make it possible to establish the types of disputes associated with the tenure and apply the mechanisms most appropriate to the different situations depending on their legal, political and institutional, sociocultural and economic feasibility. In this vein, the FAO proposal regarding the ADRM includes the identification of the regulatory framework that supports its implementation, an institutional design proposal and a guide for the application of a feasibility test for the different mechanisms in specific situations.

Gender equality

- Promote and respect human rights and gender equality by acknowledging the additional barriers and limitations that women face to access the land and to guarantee their property rights to such.
- Special care must be taken to investigate and apply strategies that guarantee the participation of women in land tenure regularisation processes and the mainstreaming of the gender

approach, which guarantees their rights, including relevant actions to guarantee the effective and equitable participation of women in the spaces for awareness-raising and discussion, which will guarantee the active inclusion of women and the organisations to which they belong.

- Women's tenure rights must be explicitly acknowledged, and an emphasis should be placed on guaranteeing women's participation in land tenure regularisation

processes. This is why FAO pays particular attention to the rights they exercise over different resources, including customary rights that have not been officially recognised, as well as those of other subjects of special constitutional protection.



VOLUNTARY GUIDELINES: SECURING OUR RIGHTS COLOMBIA

“ The sense and enjoyment that the people of the community give to the land are linked to roots, to tradition, to custom, to the sense of belonging, to love; because it is not land that they have bought, it is land that their grandparents left them. Rather than monetary value, the land has an emotional value because it is land that is passed down from generation to generation.”

COMMUNITY LEADER OF THE MUNICIPALITY
OF FONSECA-GUAJIRA

Success stories

Cover photos: ©FAO



This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of FAO and can in no way be taken to reflect the views of the European Union.