Reflections on Colombia’s Land Conflict from a Peace and Development Framework

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1. Colombia has been a focus of study by the academic and international development community for the theoretical and empirical puzzles it presents: century-old electoral democratic institutions endure amidst a landscape of intractable armed conflicts, while capitalism exists alongside a robust war economy in which the promotion of violence in the countryside has become a way to accumulate wealth and power. Significantly, these contradictions intensified only in the last three decades, during the period of rapid liberalization. Today, the country, touted as the US’s key ally in Latin America, is the world’s leading exporter of cocaine and home to one of the worst humanitarian crises with the number of its displaced population, estimated at 3.5 million, being second only to Sudan’s.

2. Those working on Philippine peace and development issues have much to learn from the Colombian experience. Even as distinct histories and economic geography separate the two countries, their political economies share broadly similar features that may help explain long-running insurgencies and endemic poverty in the countryside. First, Colombia and the Philippines belong to a specific category of democratic states in which stable electoral institutions prevail at the national level even as decentralized, often bloody power struggles at the local level persist. The coexistence of these two geographically-differentiated rules of the game—relatively peaceful national elections to decide on who would control the central state and violent confrontations to resolve competing claims to resources, notably land, and thus territorial power—provide the context in which armed rebel groups, quasi-state and private local security forces, and criminal gangs operate. Second, in the two countries, land ownership has remained the major source of economic and political power and thus of social conflict; despite decades of implementing agrarian reform, land ownership remains highly skewed and land rights of the rural poor, tenuous at best.

3. This reflection paper discusses the Colombian experience in war-making and peace-building from the perspective of the land conflict. It is divided into three sections. The first part provides an overview of the changing nature of the land conflict; the second part discusses the country’s unfolding land restitution and land reparation agenda. The paper draws from the literature on the Colombian state and political economy as well as the discussions and interviews with government and non-government sources during a brief field visit to Colombia in June 2010.1 By way of a conclusion, the paper attempts to draw out lessons for the Philippines.

Brief Overview of the Land Conflict

1. At the core of the many paradoxes that Colombia presents is the worsening conflict over land. The country has implemented agrarian reform since 1936 and, yet, a conservative estimate puts the land gini or inequality in land at .85. In 2008, among landowners with land titles, 16% own as much as 60% of the lands, while 70% own only 2.8% of these lands.2 Even the shift from state-led to market-assisted land distribution schemes in the 1990s—ostensibly to minimize administrative inefficiencies and corruption—has done little to relieve landlessness among farming communities.3 Rather, the dominant trend in land ownership patterns in the
past two decades is land concentration—a trend that both state and nongovernmental sources point to as “counter-agrarian reform.” Almost by definition, land concentration has gone hand-in-hand with the massive dislocation and dispossession of peasant families and indigenous and Afro-Colombian communities. In fact, the failure of agrarian reform to secure the land rights of direct producers and the rural poor and the rapid flow of foreign and domestic capital into rural areas have over time contributed to the emergence of new and even more violent forms of land conflict.

2. A cursory review of Colombia’s history helps explain the tenacity of the land problem. Since colonial times, export agriculture has driven economic growth and constitutes the main source of wealth and power. Up until the late 1950s, the issue of land had been central to the political competition between a modernizing Liberal Party, seeking to expand its urban and industrial social base, and the landlord-dominated Conservative Party. As such, for much of its history, agrarian reform had been held hostage to partisan electoral politics, making it difficult for the program to build on past gains. One study also points out that because agrarian reform since the 1960s focused largely on providing landless and restless peasants public and idle private lands, mostly located in the state’s periphery, it was essentially a resettlement program that over time replicated traditional land tensions and social conflict in these newly colonized territories. The flow of landless peasants displaced indigenous communities; big landowners followed suit, grabbing untitled lands of these settler peasant communities. In the 1960s, intensifying land conflict in the periphery gave rise to rural-based armed resistance, notably the Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN) that are still of consequence today.

3. Land-based violence evolved along three distinct, yet overlapping types: intra-elite armed confrontations until the 1950s; more pointedly class-based struggles beginning in the 1960s; and, a war economy, propelled by decentralized armed groups, since the 1990s. As mentioned above, up to the first half of the 20th century, Liberals and Conservatives took up arms and mobilized their peasant constituencies against each other. The adoption of agrarian reform as a state policy had landlords arming themselves against both state reformers and allied social movements, notably the National Peasant Organization (ANUC). The nature of the civil war, however, shifted from intra-elite to class-based power struggles upon the onset of the Cold War and in response to intensifying rural and urban working class mobilizations. The two traditional parties adopted a power-sharing arrangement (the National Front of 1958-1974) to preserve elite rule and so it was a relatively united ruling class that passed Law 48 of 1968, providing for the formation of civilian militias for counterinsurgency efforts in the countryside. Law 48 sought to extend the state’s reach into the hinterlands, the bastion of rebel groups, by involving big landowners to help finance these militias. Reflecting this political and class realignment, the ruling elites forged the Chicoral Agreement in 1972 that prioritized voluntary modes of land transfer and agribusiness.

The 1980s and especially the 1990s saw yet another transformation in the character of land-related violence in rural areas. The more ideological, state-centered armed confrontations between the state and insurgents of decades past began to include another dimension: economically-driven, decentralized attacks by non-state and quasi-state actors on individuals and communities. A turning point was the end of the Cold War and the crisis of state socialism that translated into a dramatic decline in external support for domestic communism. Deprived of ideological referents and confronted with dwindling resources, insurgents stepped up kidnappings, extortion, and other illegal activities to sustain their operations.
Another key development in the war is the evolution of paramilitaries, from being an extension of the military’s counterinsurgency campaigns in the 1960s to, more recently, acting as the landed elites’ private security forces, with many eventually becoming a law unto themselves with access to politicians and the political process. These two parallel trends have fed into and taken off with the spread of narcotrafficking. The proliferation of roaming armed bands promoting violence as a mode of resource mobilization provides the immediate cause for Colombia’s war economy.

4. Two structural factors have also come into play, linking the land issue to increasing violence and the mass displacement of rural folk in the past two decades. The historic failure of the country’s land policies to deliver on small farmers’ and indigenous communities’ land rights, and the further opening up of the rural economy to foreign and domestic agribusiness and mining enterprises combine to provide an incentive to effect the massive evacuation of rural populations in prime agricultural and mineral-rich lands. It can be argued that the country’s traditional land rights system, largely determined by the individual’s or household’s relationship with the land (i.e., proprietor, possessor, occupant, and leaseholder), has become anachronistic in a period of rapid capitalist rural transformation, requiring stable land markets. The government estimated that at least 40% of occupied rural lands do not have titles. The high rate of informal land ownership renders small farming communities in areas identified by government as strategic growth corridors highly vulnerable to forced evacuations.

In this connection, the issue of sequencing of land development becomes important to the implementation of agrarian reform. A key learning from the Philippine agrarian reform experience, especially in relation to official development assistance, is the importance of securing small farmers’ land rights before introducing major infrastructure projects; improvements done on the land immediately raise the value of that land and, thus, landowner compensation and the potential for conflict. In the same vein, one can also question the wisdom behind the indiscriminate adoption of market-assisted agrarian reform in a situation of imperfect land markets.

5. Discussions with Colombian academics, land policy analysts, and peace and development advocates point to the changing character of violence. Mauricio García-Durán’s study shows: even as the war between the state and communist armed groups has gone on since the 1960s, the war in the countryside became, in global comparisons, a major armed conflict (that is, with victims numbering 1,000 or more a day) only in the 1990s; during the decade, victims totaled 3,000 victims a day. Other figures are worth noting: from 1990 to 2009, the armed forces, FARC, and the paramilitaries participated in 38%, 36%, and 3% of combat operations, respectively, yet their involvement in documented cases of human rights violations were, as follows: armed forces, 22%; FARC, 21%; and, paramilitaries, 40%. This trend, thus, belies claims that paramilitaries grew out of a need for the rural elites to defend themselves against insurgents. Instead, paramilitaries under orders of big landowners or on their own accord began to mobilize against farming communities in order to clear previously occupied farm lands. Maps of Colombia establishing where paramilitaries operate, internally displaced persons (IDPs) originate, and where agribusiness, mining interests, and the illegal drug trade thrive show a congruence of territories and, therefore, suggest a correlation among the three. Land policy expert Yamile Salinas stresses the “illegal-legal link” in which unscrupulous groups exploit loopholes in the land titling system, buy off public officials, and hoodwink or force hapless peasants to sell their lands at below-market rates, all in an effort to legitimize
ill-gotten property in the land market. These abandoned lands, in turn, are sold to investors, wishing to take advantage of government’s offer of fiscal and other investment incentives, laws liberalizing the exploitation of natural resources, and the construction of extensive infrastructure and other mega projects.

The two national development programs in the past decade thus set into motion a fundamental and widespread restructuring of property rights. In Colombia, the use of violence to facilitate the penetration of capital into the countryside has been likened to primitive capital accumulation. According to this analysis, the war economy works to push the country’s capitalist development to the next level: violence is the mechanism by which new property rights and rural elites are created. To date, increased commercial demand for land has led to a “counter-agrarian reform” trend. It would seem that not only has land concentration outpaced the implementation of the current market-assisted agrarian reform program led by the Colombian Institute for Rural Development (INCODER), the trend has begun to impinge on already distributed land under the program.

6. The most visible impact of this changing character of the land conflict is the dramatic increase in the numbers of internally displaced persons in the last two decades. The rise in extrajudicial killings, paramilitary activities, and drug wars, on the one hand, and continuing insurrections and military campaigns to flush them out, on the other hand, have forced millions of the rural poor, including women, indigenous peoples, and Afro-Colombians to flee their homes and farms. By most accounts, there are more than five million hectares of abandoned lands.

**Land Restitution and Reparation: A Key Policy Arena on Land Rights**

1. Because of the land conflict’s centrality to the violence in the countryside, the issue of agrarian reform had been central in past peace negotiations with the armed left. Nevertheless, the failure of peace negotiations and, more so, the relative success of the military solution in drastically minimizing the area presence and combat capabilities of insurgents under the past administration have worked to lessen the urgency of instituting asset reforms, notably in land ownership, in connection with the war.

   This said, Camilo Gonzalez of Indepaz raised a valid question: can structural reforms be negotiated? No doubt, peace negotiations provide a platform for combatants to mainstream their policy agendas. Whether such negotiations would actually deliver on redistributive reforms is an empirical question, partly depending on the balance of forces. It is instructive that even in the best of circumstance—such as perhaps Colombia in the 1990s when the peace agenda gained popular support, garnering about 10 million votes in the 1997 local elections cum referendum—government could only offer land grants to demobilized guerrillas. The highly contentious issue of land, tied to the question of power, requires a much broader political arena.

2. As Colombia today seeks to transition to a post-conflict scenario, the issue of land has once again gained currency. With the number of internally displaced people (IDP) reaching critical levels, the urgency to provide a comprehensive solution to the problem of displacement has brought back into sharp focus the rural poor’s lack of land tenure security. Whereas past approaches to the IDP problem focused on merely distributing seized narcolands to victims, the law that first laid out the government framework on transitional justice, Law 975 of 2005
(more popularly called the Justice and Peace Law), has also paved the way for the expansion of the agenda to include land restitution and reparation.

The National Commission for Restitution and Reparation (CNRR), created by the Justice and Peace Law, has begun to address the IDPs’ land rights and general welfare within the overall framework of transitional justice and with the longer view of preventing future displacements. In broad strokes, the key to solving the IDP problem entails matching IDPs and abandoned lands, producing land titles to protect ownership as well as providing them economic support and security against violence.

The CNRR and all those involved in the IDP program have undertaken to accomplish an ambitious set of objectives. As of June 9, 2010, the CNRR was working to resolve land claims of some 430,000 IDP families, including demobilized guerrillas and paramilitary members covered under the Justice and Peace Law. More than 2.5 million hectares of land have been placed under protection, that is, are covered by municipal orders that temporarily put a hold on the sale or transfer of ownership of these lands.

3. The IDP problem’s potency in drawing national attention to the problem of land rights would seem to rest not only on the staggering number but also on the mobility of the victims. Studies done on the IDP problem note its impact on other departments and neighboring countries—those at the receiving end of this flow of uprooted and restless humanity. Equally important, the rush of the IDP population into Bogota and other major cities, peaking in the early 2000s, was a jolt on the national consciousness, working to remind the country’s urban elites and middle class about the precariousness of life and property in the countryside. As displaced rural populations find their way to the cities, the land conflict that government has sought to resolve since the 1960s by relocating peasants to the periphery has come full circle. The wide impact and high visibility of the IDP problem have thus far worked to bring the land issue back on the national agenda.

4. For all intents and purposes, the issue of land restitution and reparation is a reminder of the country’s unfinished social justice agenda. It would seem that this policy domain serves as a focal point of government and civil society efforts to test innovative approaches toward remedying the land conflict that has led to violence and the IDP problem.

The land restitution and reparation program (hereafter, referred to as the program), in fact, could provide yet another channel for peace-building efforts. One, program implementation, as it starts with an attempt to resolve specific competing land claims, will necessarily be area-specific, involving stakeholders in the local economy and local governance. Patricia Buritica of the CNRR stressed that the effort to secure returning IDPs’ lives and rights requires initiating reconciliation dialogues among the different development actors at the community level: peasant and non-governmental organizations, the local government, and the business sector, including foreign investors. Working on the land restitution and reparation program, Eduardo Medina of the International Organization for Migration (OIM) suggested that every stage requires some form of reconciliation, whether it is to get government and civil society to agree on baseline figures at the national level or to set up an early warning device at the local level to prevent new displacements. In this light, program implementation presents an opportunity to launch a peace and development process of a different kind, one that is community-centered, involving directly-affected parties and with concrete talking points.
Moreover, in studying how to more effectively secure IDPs’ land rights, the program has begun to explore reforms in the land administration system, especially in relation to the land rights of women, indigenous peoples, and Afro-Colombians. Immediately, government has to contend with the country’s informal land rights system that, in the course of a 50-year old war, has contributed to a situation where there are multiple claimants to the same piece of land. The program’s plan to set up special restitution courts in an attempt to fast-track the resolution of competing land claims within a year could also inform future efforts at institutional reforms. The activism shown by Colombia’s highest courts (i.e., the Constitutional Court and Supreme Court) on the question of transitional justice gives hope that best practices in this area might eventually find their way into the regular justice system (where land cases usually take 10 years to resolve).

5. The road ahead for land restitution and reparation is, however, strewn with major challenges—challenges that had overwhelmed the state-led agrarian reform program in the 1990s. One, despite the government declaring the decisive retreat of insurgents and paramilitaries since the early 2000s, the countryside has yet to prove a safe place for the rural poor. New criminal gangs have appeared; narcotrafficking and drug wars continue; the increased commercial demand for land provides an incentive to use violence in order to force rural populations out of their lands. A government study thus estimates that since 2003, an average of two to three hundred thousand have joined the ranks of IDPs every year. Equally worrisome, the land restitution and reparation program also is constrained by limited administrative capacity and funding. All told, the land restitution and reparation program could run up against the same problems that have diminished any redistributive reform agenda as a government policy.

In fact, the land restitution and reparation policy arena, which could touch off contentious debate on asset reforms, may very well be the next political flashpoint. Care thus needs to be taken not to overstate the place of the land restitution and reparation agenda in the country’s pursuit of agrarian justice lest the project collapses under the weight of expectations that go beyond its mandate. At its best, the program provides a proactive approach to an egregious humanitarian crisis.

6. The bigger reform agenda is the need to engage the national development model that has so far left little to small farmers, women, and indigenous peoples. While relatively high economic growth characterized the past decade, its benefits have yet to uplift the rural poor. Even as the economy grew by an average of 4.3% during the past decade (up from the 2.1% annual average in the 1990s) and the Uribe government adopted conditional cash transfers as the main mode of poverty reduction, poverty dropped only five points, from 51% in 2002 to 46% in 2008. The poverty index for rural areas in 2008 stood at 65%. Despite the dramatic increase in foreign investments from $2.1 billion in 2002 to $7.2 billion in 2009, job generation has been marginal, with unemployment rate reaching 12% in 2009—the highest in the region. To provide a long-lasting solution to the problem of internal displacement is to ensure a place for smallholder agriculture in the country’s development program.

In this light, the case of Magdalena Medio presents a microcosm of the different demands of capitalist transformation on a still largely agrarian society. The region has the makings of a strategic growth corridor: blessed with wide expanse of fertile lowlands and wetlands nourished by the Magdalena Medio river system as well as vast reserves of oil, gold, uranium and coal, the region will host the country’s second biggest hydroelectric project and a major road network that would provide a trade route to neighboring countries as well as the Atlantic
and Pacific Oceans. Nevertheless, rising land values and government’s recent promotion of extractive industries have worked to increase uncertainty in rural communities that have spent more than decade trying to overcome the trauma of war and to reposition small producers’ groups in a fast-changing rural landscape. Rural communities’ efforts to set up small farms for food and commercial crops and to grow small enterprises are themselves at a crossroad. In 2003, the Peasant Reserve Area of Valle del Rio Cimitarra, which was established following a farmers’ march-exodus in 1998 and a long process of negotiations among government and non-government organizations and the Peasant Association of Cimitarra River Valley (ACVC), was suspended.\textsuperscript{21} Illegal forces continue to threaten peasant organizations: significantly, the number of politically-motivated killings in 2008 and 2009 totaled 538, repeating a two-year cycle of high violence.\textsuperscript{22}

As the armed conflict recedes into the background and market forces take center-stage in the lives of rural communities, the causes of displacement and social conflict may shift. This early, therefore, there is a need to assert the importance of smallholder agriculture in national development, on the one hand, and push for a regulatory framework that would mediate between small producers and big business as well as protect the environment, on the other hand. As Luis Hernando Briceño of the Programa Desarrollo y Paz-Magdalena Medio said, the goal is to ensure that farmers and rural communities remain in their lands.

**Lessons for the Philippines**

Looking at the Colombian experience, Filipinos interested in peace and development issues, should note the following:

1. In the Philippines, as in Colombia, the implementation of agrarian reform has always been politically-motivated. The early introduction of electoral democracy even before the full development of a central state has tipped the balance in favor of territorial elites whose support national politicians seek out in order to get into elected office. This historical legacy has implications on the specific implementation of agrarian reform. A key similarity between the two countries is that the bulk of distributed lands had been public lands—perhaps an open secret among agrarian reform bureaucracies in liberal states. Despite its transformative potential, agrarian reform implementation has, therefore, worked around powerful landed interests, preferring instead to move farming communities to the periphery, beyond the effective reach of the central state. The Colombian case provides a cautionary tale on how such schemes can breed all sorts of conflicts in the countryside.

2. In Colombia and the Philippines, decentralized, quasi-state security has historically been an element of local governance, generally missing in Latin American and East Asian countries with histories of relatively strong centralizing states. This arrangement, however, becomes problematic when central state institutions are weak and unable to rein in local greed and moderate local grievance. In Colombia, this tradition has given way to the emergence of “parapolitics,” in which paramilitaries have begun to dictate on policymakers and manipulate policy processes. This suggests the need to calibrate decentralization programs, especially in settings with weak central authority. Transferring responsibilities and functions to local governments may respond to efficiency concerns in the short term, but may create more problems for the national state in the long run. Immediately, in Colombia’s case, narcotrafficking and the IDP problem stand out.
The Philippines had had an early post-war tradition of warlordism, founded on rural elites’ competition control over land and political office. There is a need, therefore, to ensure that laws that empower local government units do not provide incentives for political violence, similar to the clash between two political clans in Mindanao in November 2009 that led to the massacre of 57 civilians, including 34 journalists. One such law worth reviewing is the Special Economic Zone Act of 1995 that gives local authorities a greater role in carving out territories that would enjoy tax privileges and infrastructure support from the national government. Ecozone authorities, headed by the governor and mayor, would also have the power to decide on the conversion of agricultural lands for residential, commercial, and industrial use as well as to set up their own security forces. Such laws increase the economic stakes in holding local office and thus promote a highly volatile situation at the local level.

3. Whether the direct cause of internal displacement is the armed conflict or poverty, the solution will ultimately redound to ensuring rural communities are productive and firmly rooted in local development. In Colombia, there is wide agreement that economic hardship directly and indirectly contributes to the problem and, as such, needs to be addressed within the transitional justice agenda.

The Philippines does not yet have a national policy on internal displacement. Yet, the mass exodus of rural folk is equally as staggering, as reflected in the growing urban poor population, estimated at 20 million. Part of this flow is due to the armed conflict, especially in Mindanao; a substantial number, however, are displaced because of economic hardship. Colombia’s experience shows the need for a comprehensive approach to internal displacement and highlights the link between rural and urban development.
NOTES

1 The field visit, from June 7 to 12, was part of the Philippine-Colombia peace research exchange program, organized by the Conciliation Resources in partnership with the Colombian Institute for Development and Peace Studies (Indepaz) and Philippine Sulong-CARHILL (Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law) and Balay Mindanao. The author wishes to thank everyone involved in the project, the sources cited here, and Jorge Arboleda, Patricia Osorio, and Miguel Herrera.

2 Figures here based on a discussion with Patricia Buritica of the National Commission on Reconstitution and Reparation (CNRR), Claudia Mejia of the Project on Protection of Land and Patrimony of Internally Displaced Population-Accion Social, and Yamile Salinas of Indepaz on June 9, 2010 in Bogota.

3 Providing a detailed study of the agrarian reform program is beyond the scope of this paper. However, suffice it to say that despite using statist and market mechanisms as modes of land distribution, by 2000, the government program seems to have exhausted its transformative potential. As one study summarized: after almost four decades since the 1960s, the program had spent 3,500 million dollars while distributing only 1.5 million hectares to some 102,000 families. See Alvaro Balcazar, Nelson Lopez, Martha Lucia Orozco, and Margarita Vega, “Colombia: alcances y lecciones de su experiencia en reforma agrario,” Desarrollo Productivo, Series CEPAL, September 2001.


7 This point was contributed by Camilo Pardo, who works with the Project on Protection of Land and Patrimony of Internally Displaced Population-Accion Social. In an interview on June 9 in Bogota, Pardo explained: proprietors are landowners with legal titles; possessors work on private idle lands for 10 or more years and thus have claim over those lands; occupants work on untitled idle lands that they can claim after five years; and, leaseholders pay rent for the use of the land.


11 The discussion here is based on interviews conducted in early June, before the presidential run-off election set on June 20, and was written during the transition when newly-elected President Juan Manuel Santos was still fleshing out his government’s policies. As such, it does not anticipate changes in the restitution and reparation program that would come under the new dispensation.

12 According to the Office of the High Commissioner for Peace, between 2002 and May 2010, 53,254 previously armed individuals and groups had demobilized, 60% of the cases were due to peace negotiations. Of those who demobilized, 66% belonged to paramilitaries while 18% and 14% were FARC
and ELN members, respectively. The other half of the campaign to defeat the insurgency was the massive military offensive under former President Alvaro Uribe’s “Democratic Security” program. Supported by the US anti-drug program, the Colombian military doubled its size, expanding to a 100,000-strong fighting force.

13 The CNRR leads and coordinates a multi-agency effort on the restitution and land reparation program, including those on the land issue. Government bodies in the regular bureaucracy that are involved in land titling, security, and rural development are represented in this initiative while Accion Social’s Project on Protection of Land and Patrimony of Internally Displaced Population provides technical support.


15 Camilo Pardo, for instance, recalls the early 2000s when at the height of armed clashes between the military and FARC, IDPs came to Bogota in droves prompting government to review its IDP policies.

16 According to Patricia Buritica, since each claimant may have a different relationship with the land (legal title holder, leaseholder, occupant, or possessor) and may have occupied and worked the same land at different periods, there are often competing claims to the same piece of land. These claimants on the same lands are among the 430 thousand families that the CNRR is working with.


18 In an interview on June 12 in Bogota, Eduardo Medina said that the government funds for land restitution would cover only 70,000 hectares. In the June 9 discussion, Patricia Buritica mentioned that, based on the Justice and Peace Law provision, the CNRR has only three more years left to get the program running.


20 This discussion is based on a field visit to Magdalena Medio, particularly the office of the Programa de Desarrollo y Paz in Barrancabermeja and the project sites of its partner farmers’ and community organizations on June 10-11.

21 The 1994 agrarian reform law (Law 160) provided for the establishment of peasant reserve zones (ZRCs) as a model of sustainable and integrated area development. By 2000, there were six such ZRCs all over the country. In 2003, the government suspended the ZRCs, putting the fate of development projects established by farmers groups in these areas in question. This point is based also on inputs from Mario Alvaro of Indepaz.
