

## Land and Restitution

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Land has been a central factor in Colombia's 50-year-old internal armed conflict. Throughout the conflict, millions of hectares of land have been illegally acquired -- taken from peasant farmers, Indigenous Peoples and Afro-descendant communities by armed actors vying for economic and political control of territories. This is referred to as land grabbing by human rights monitors. The Colombian government has attempted to address the land issue through the Victims and Land Restitution Law (Law 1448), which came into force in January 2012 and established a 10-year program with the goal of returning two million hectares of illegally acquired land to their rightful owners with legal titles and other forms of reparations.. However, land claimants are being threatened and killed as the internal conflict rages on, and powerful business interests are backing land distribution to their own benefit. The pace of restitution has been achingly slow; many observers doubt the government will reach its goal by 2021.

### KEY ISSUES

- One of the main issues in Colombia's internal armed conflict is land and how it is used. Some want to use it for small-scale traditional farming, and others want to concentrate production and export under a neoliberal agro-industrial model which requires large tracts of land for cultivation. These businesses benefit from forced displacement and land grabbing in areas where they plan to operate.
- Large-scale mining projects – as well as infrastructure development, agro-industrial and agro-fuel projects – have benefitted from land grabbing as well.
- Paramilitary groups, guerrilla groups, and state security forces have all participated in displacement and land grabbing.
- There have been so few prosecutions of perpetrators of land grabbing, that potential punishment is not a deterrence for more land grabbing.
- The Santos government has repeatedly said it will not negotiate a change to the economic model of the country. As such, the land restitution process favours the neoliberal model of development described above. Efforts to address land inequality have not succeeded, largely because such initiatives have not focused on the overall structure of land ownership.

## QUICK FACTS

- Today, 1% of landowners own 52% of the country's farmland — one of the most unequal land distribution rates in the world, according to the United Nations. 86.6% of landowners possess just 8.8% of registered land.
- Colombia has one of the highest rates of internally displaced people in the world. By 2014, about six million people (nearly 13% of the population) had been displaced, and close to eight million hectares of land (14% of Colombia's territory) had been illegally acquired. Displacement continued in 2014 despite the peace talks between the Colombian Government and the FARC taking place in Cuba.
- Law 791, passed in 2002 under the presidency of Álvaro Uribe, has been an obstacle to just land reform. This law provided faster access to legal registration of land illegally seized through land grabbing. Many economic actors profited from this and the measure prevented the true owners — those that had been displaced— from reclaiming their land.
- Direct actions of the state, even backed by law, have caused new types of forced displacement. For example, inhabitants in the southwest department of Huila have been displaced by the Quimbo hydroelectric project. Artisanal miners whose work was made illegal by the 2001 Mining Code have also been displaced.
- In the Marmato mine project, owned by Gran Colombia Gold, the company wants to build an open pit mine where the town's urban centre is currently located; the company proposes to relocate more than 5,000 people from the town centre.
- 80% of oil and gas projects and more than 20% of mining projects in Colombia are located within the 78 municipalities that the Land Restitution Unit has considered a priority.
- Women often encounter difficulties in the land restitution process due to their lack of official documentation as landowners or even as occupants. Their male partners or husbands are often the only ones named in legal documentation.

## TAKE ACTION!

**Demand that your Member of Parliament engage in an open and transparent debate on the human rights situation in Colombia and Canada's role in it. Ask that the Canadian government fulfill its legal obligation to conduct a thorough and meaningful human rights impact assessment of the Canada-Colombia Free Trade Agreement, including an analysis of the impact of investment.**

For more information, fact sheets and the *Colombia in the Shadow of Human Rights Abuses* report, go to: [www.pasc.ca](http://www.pasc.ca)

