

Improvements in the Colombian Land Administration System: possible contribution from the Brazilian experience

Bastiaan Reydon (Netherlands), Gabriel Siqueira, Delaíde Passos (Brazil), Mathilde Molendijk (Netherlands) and Piet Spijkers (Colombia)

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SUMMARY

The lack of clear land rights played an important role for the social insurrections in the early 19 century up to the modern conflict and territory disputes with the Narcos, one of the main challenges that Colombian democracy is facing still today. The peace agreement (2014) had a lot of focus in the improvement of the Land Administration System (LAS), but with a strong emphasis on constructing an integrated multipurpose cadastre and lesser on institutional arrangements to make it operational.

Efforts were made in different governmental levels and by international donors, as can be seen in recent reports (PRESIDENCIA DE LA REPÚBLICA DE COLOMBIA, 2021), but most of them are related to laws changes, creation of institutions, and implementation of pilots, rather than building instruments to promote perpetual changes in the Colombian reality. Today, land rights are still worrisome, as 28 % of the Colombia surface is still not mapped (CONPES, 2019), 63,9% of the territory has outdated cadastres and different types of protected areas are not clearly defined. Official documents also estimate that 7 million peasants, with access to land, still need to register their legitimate rights (MINAGRI, 2022).

Brazil, despite not being an example of good land administration (FAO/SEAD 2017), it has achieved some very interesting results with simple changes in a similar process of updates in legislation, specific programs, and some inter-institutional agreements. Some of the key changes with a Fit for Purpose approach were:

- a) Law 10.267 of 2001 – integration between cadastre and register (BRAZIL, 2001);
- b) SIGEF – System/instrument for mapping land ownership and use, with around 80 % of the

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Brazilian surface contemplated, from private properties to all legalized protected areas;

c) Terra legal program – gave land rights to protected areas, indigenous peoples land, and private owners, on clear state-owned land in the Amazon Region;

d) Law 13.465 – simplified the regularization process for all landowners, from small to large, from rural to urban plots (BRAZIL, 2017);

This article will show how those solutions from the Brazilian LAS can inspire the Colombian authorities to solve their institutional bottlenecks.

After an introduction with the process of institutional development in Colombia, a brief overview of the current institutions and the legislation that rules land ownership today will be presented, demonstrating that it was created to solve specific problems, and is still not able to deliver an efficient LAS. To explain one of the main reasons for that, it will describe the system and show the main existing land related bottlenecks. The next item will describe the Brazilian system and the main recent solutions that could contribute to the Colombian case. The concluding item will synthesize the findings and propose concrete policies for Colombia based on the Brazilian experience, highlighting that both can simplify and improve the legal and processual aspects of land regularization, and that the main lesson learned is to take advantage of the already existing agencies and institutions, to create synergies among them, that will allow the permanent update of the existing land rights.

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