IMPLEMENTING LAND USE AND CADA斯特RE REFORMS IN COLOMBIA
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1. General facts
2. Historical background of land law in Colombia
3. Policy context
4. Major challenges
5. Current state of cadastre

March, 2017
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1. General facts about Colombia

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GENERAL FACTS ABOUT COLOMBIA

Middle-high income country
Presidential Unitary System

Decentralized Government

1,102 municipalities
32 departments

New NDP territorial structure
6 regions
163 subregions

US$13,829
GDP per cápita (2015)

65% of total expenditure
managed by regions

49 million inhabitants
76% in urban areas
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2. Historical background of land law in Colombia

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HISTORICAL BACKGROUND IN LAND LAW OF COLOMBIA

Colombia develops a new land policy approach.

New agricultural institutional structure:
• From a demand approach towards an asset and holistic management approach.
• New instruments to improve land use in rural areas.

New normative emphasis:
• Formalization and legal security of land tenure.
• Land access for rural population: Land trust fund and subsidies for land purchase.
• Wasteland administration (awarded and not awarded).
• Creation of the multipurpose cadastre – Land market information.

1936, Law 200: Established the social function of property
1961, Law 135: New institutional arrangement for a comprehensive agrarian reform (INCORA)
1988, Law 30: Strengthened processes against land concentration
1991, constitution. 64 Article: Promotion of progressive access to land property
1944 Law 160: Land subsidy agrarian procedures – wasteland procedure.
2015, Institutional reform of the agricultural sector – Developing the peace agreement
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3. Policy context

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In recent years, Colombia has experienced a lead economic growth in front of LAC countries. 

Colombia reaches the highest investment rate compare with LAC average.

Source: FMI, DANE. Cálculos DNP. LAC 6: Argentina, Brasil, Chile, Colombia, México y Perú.

Source: Institutos de Estadística. DNP. *Available information until 2016T2.
ECONOMIC AND SOCIAL ACHIEVEMENTS

Colombia made the highest progress in decreasing poverty in the region.

LAC 6: Poverty reduction 2010-2013 (percentage points)

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Unemployment has remained in one digit.

Annual Unemployment rate (average)

Source: DANE.
Accession process with the OECD

18 approved committees:
1. Bribery transaction
2. Investment
3. Fiscal Affairs
4. Environment Policy
5. Corporate government
6. Insurance and private pensions
7. Competence
8. Financial markets
9. Digital policy
10. Health
11. Regulatory policies
12. Statistics
13. Science and technology
14. Agriculture
15. Territorial policies
16. Consumer
17. Education
18. Fishing

5 committees in progress:
1. Commerce
2. Employment and social matters
3. Chemical
4. Public governance
5. Economic development
THE ARMED CONFLICT HAS REDUCED DURING THE LAST YEARS

73% decrease in the number of municipalities affected by the armed conflict (2002 – 2013)

Municipalities that are highly and very highly impacted by the armed conflict saw an incidence decrease going from 361 in 2002 to 94 in 2013.

IICA is measured based on: (i) victims of forced displacement; (ii) armed actions; (iii) homicides; (iv) kidnappings; (v) victims of anti-personnel mines.

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4. Major challenges

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COLOMBIA HAS A WEAK LAND USE PLANNING AND LIMITED LAND MANAGEMENT TOOLS

In general, the first generation of Land Use Plan -POTs- do not have high quality standards

Only 3% incorporates a territorial approach that brings together urban and rural areas into land use and investment plan

97% don’t have risk analysis in urban areas

61% have a wrong approach in its land that requires protection

Municipalities with Expired Land Use Plans

81% of the municipalities POTs have expired

THE COUNTRY FACES STRONG LAND USE CONFLICTS

What are they for?

- Farming: 11' ha
- Cattle raising: 6' ha
- Agroforestry: 4' ha
- Forestry production: 3' ha
- Water bodies: 2' ha

How are they been used?

- Farming: 6' ha
- Cattle raising: 38' ha
- Agroforestry: 216 ha
- Forestry production: 121. ha
- Water bodies: 2' ha


Source: IDEAM. 2013. Mapa nacional de cobertura de la tierra, imágenes 2005 - 2009, escala 1:100.000 versión 1.0.

Note: It has been extracted form the legal exclusion zones (PNN), the forest and semi natural areas.
LACK OF LAND USE PLANNING FACILITIES TO OVERCOME ENVIRONMENTAL DEGRADATION

75% of deforestation is concentrated in municipalities affected by armed conflict.

Deforestation 1990-2015

Every municipality between 1990 and 2000 endure deforestation

40% of them suffered deforestation between 2012 and 2015

Annual Deforestation rate is three times higher in municipalities affected by armed conflict *:

Number of deforested hectares for 1.000 ha of forest:

- Conflict: 6.5
- Rest of the country: 2.6

INFORMALITY IN OWNERSHIP: 59% OF HOUSES THAT OWN LAND ARE IN INFORMALITY

Lack of legal document to validate his/her domain right of property.

**Negative effects**

- Land devaluation
- Credit access barriers.
- Access to state supply restricted.
- Generates judicial insecurity
- Discourages investment.
- Facilitates dispossession

**Land informality in rural houses.**

- Owners 59.0%
- Inhabitants 19.5%
- Holders 21.4%

Source: DDRS-DNP based on ENCV (2011)
LAND AND PRODUCTIVE ASSETS ACCESS IS DIFFICULT: 36.4% OF RURAL HOUSES HAVE ACCESS AND USE TO LAND

Approximately 800 thousand agricultural families don´t have any legal right to the land.

Source: DDRS-DNP a partir de ENCV (2011)
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5. Current state of Cadaster

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A new multipurpose-approach cadastre model
Structural institutional transformation

National Development Plan
*All for a new country*

Havana peace agreement

Rural Mission

Conpes 3859

Lack of information on the territory
Inadequate planning

Cadastre for fiscal use
Out-of-date cadaster
Detailed form of properties is not included
Basic cartography

Unipurpose

It is not about having information but about being able to use it for multiple purposes

Interoperability
Continuous maintenance
Purge and continuous maintenance

Transport
Risks
Subsoil
Fiscal
Uses
Residential services
Social services
Environmental aspects
Register
Property
detailed characteristics
possession
economic related

Cadastral Basis

Layers

It involves a huge institutional change
Institutional backwardness
State monopoly - Regulation, execution and control
- Lack of cadastral regulations
- No sanction capacity

Institutional reform
Cadastre = a fundamental public service
- Public administrator to meet the state supply
- Methodologies and adoption of international standards
  Land Administration Domain Model - LADM
- New multipurpose cadastral regulations
- Cadastral law in cooperation with the registry
- Delegation of cadastral competencies to territorial entities
- National regulation–local administration separation

2016-2017

National Single Multipurpose Cadastral Information System
- National regulation – local administration separation

1900...

1900...

Law

CONPES
**Objectives**

1. Implement new improvement processes for the operating cadastral structure
2. Assess, purchase and restate standards and methodologies
3. Define the socioeconomic costs and impacts
4. Strengthen capacities across municipalities
5. Boost the value chain associated with property formalization

**2016 - 2017 Pilot project**

- Multipurpose cadastre model testing
- Variety of methodology approaches
- Multiplicity of use of technologies
- New operations models

23 municipalities
**Expansion Plan – Phase 1**

- Mass property scan – new cadastral structure
- Closing gaps. Cadastral and market appraisal
- Prioritization to Post-conflict territorial entities
- Interoperability of information systems – one single system
- Basic cartography for cadastre purposes

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**2020 - 2023**

A new national cadastre system with the registry to strength public administration

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**National Single Multipurpose Cadastral Information System**

- Sustainable cadastral structure
- Up-to-date and accurate information on properties
- Differential approach
- Protection against dispossession
- Boost to land market
- Participation spaces
- Access and use of the land
- Access to loans and government benefits
- Titles