The Determinants of Land-Grabbing in the Colombian Civil War: A Preliminary Analysis

Camilo Pardo
Schar School of Policy and Government, George Mason University, USA
cpardo2@gmu.edu

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Abstract

Conflicts over land issues have been a constant all throughout the republican history of Colombia. During the nineteenth century, the story of land-related conflicts could be told in chapters describing the failure of three agrarian reforms, all defeated through various means, politically and physically, by the weight of large landowners.

However, the last thirty years have witnessed what can be cataloged as the most recent chapter in the history of conflict over land in the country—land-grabbing.

The dramatic escalation of the internal conflict caused a humanitarian crisis of dramatic proportions, which had as its most salient result, millions of people fleeing their homes in order to protect their lives. This massive forced displacement resulted in important extensions of land being abandoned, a situation that was taken advantage of by unscrupulous parties to seize some of those lands. In short, property rights were massively affected—land was stolen—while internally displaced population was running to save their lives. In the Colombian context, this has been labeled as land-grabbing.

This paper explores the factors that explain the degree of intensity of land-grabbing in the country at a municipal level with a special interest in cattle ranching as the major economic activity of rural elites in the country.

Key Words:
Property rights, Conflict, Land-grabbing, Tenure security, Elites.
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Introduction

Conflicts over land issues have been a constant in the republican history of Colombia. Going from the clash between the Catholic Church and the nascent Colombian State in 1861 -after their special land tenure regime was abolished- to the land disputes between land-owners and settlers during the colonization process of frontier land in the early twentieth century, and the three failed land reforms in 1936, 1961 and 1994, the persistent tension that has defined the decision-making process about how to manage the resource is evident. Moreover, although land issues can only explain to a certain degree the emergence of the armed conflict that has been going on in the country since the 1960’s, it is very telling that the first chapter on the peace agreement reached by the Colombian Government with the Revolutionary Armed Forces of Colombia (FARC) was on a Policy for Integral Agrarian Development, in which land access is at the core.

As far as the twentieth century goes, the history of the conflict over land in Colombia can be told through the chapters of three failed agrarian reforms, which were all defeated through various means by the weight of large landowners. First, Law 200 of 1936, which aimed at clarifying property rights and de-incentivizing the holding of large plots of unused land with the threat of expropriation was rejected by rural owners who responded with massive evictions of sharecroppers from their unused lands. In lieu of appeasing conflicts, these were exacerbated and absorbed by a national escalation of bi-partisan aggression known in Colombian history as La Violencia. In 1961 a second attempt at resolving the issue of access


was made, but this time with the focus put in distributing frontier land, a much less controversial policy design than expropriation. This was accompanied by strong efforts seeking to empower the peasant movement in order achieve better results. However, after about 10 years of poor results in absolute numbers and very modest distribution outcomes\(^3\) (about 85% of land given was on newly colonized regions) a new conservative administration in coalition with agribusiness organizations, fearing the spread of the ideas coming from the Cuban Revolution, brought these efforts to an end in 1972. Finally, in 1994, with Law 160, another reform was approved. This time, it was hoped that market mechanisms (subsidies) and not expropriation of unproductive land would achieve the sought distribution of the resource. Along the very high transaction costs that the program evidenced, the lack of organization of the peasantry in the midst of an intensifying internal conflict, made it very difficult for them to conduct a successful negotiation with their land-owner counterparts, as the policy dictated.

However the history of conflicts over land does not end there, as during the turn of the twenty-first century the country witnessed what can be catalogued as the most recent chapter in this story, when massive extensions of land were abandoned by internally displaced population and their property rights were affected during their absence. Put simply, large extensions of land were stolen while people were running for their lives. In the Colombian context, this has been labeled as land-grabbing and it constitutes the most recent account of land conflicts in the country; it is also the subject of analysis of this paper.

Public opinion in Colombia generally relates land-grabbing to an issue of political economy of war, in the sense that illegal greedy forces both in the political left (FARC) and in the right (Paramilitaries), stole the land from the displaced peasants. This first proposition, perhaps due to its simplicity, was adopted as an accepted general explanation to the phenomenon. However, after 5 years of the implementation of the restitution policy\(^4\) (which aims at recovering stolen land and returning it to its original owners), greed seems

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\(^3\) Balcazar, Alvaro et al. (2001) “Colombia: alcances y lecciones de su experiencia en reforma agraria”, Santiago de Chile, CEPAL.

\(^4\) https://www.restituciondetierras.gov.co/estadisticas-de-restitucion-de-tierras
to only explain a small portion of the phenomenon. The determinants of land-grabbing seem to be a more intricate issue than the mere avarice of overconfident war-lords.

Given the importance that land issues have had in the construction of Colombian institutions since its birth as a republic, contributing to the detailed understanding of land-grabbing, as the most recent chapter in the history of conflicts over land, is of salient importance for the process of transition to peace.

With that in mind, the present research aims at exploring other factors that may help explain the logic behind the illegal land seizures, with a special interest in exploring the potential participation of rural elites. Based on existing literature about the causes of historical land conflicts in Colombia and a few pieces about land grabbing in particular, the paper tests for correlations between land-grabbing and: municipal poverty, the presence of illicit economies, level of rurality, forced displacement and finally the presence of regional elites.

To do so it has been structured in four sections, the first of which will provide a review of the existing literature about land and conflict in Colombia, followed by another describing the data utilized and the methods employed. The third section provides the results of the regression models to introduce the final section which will present some concluding remarks.

*Land Conflict and Rural Elites in Colombia*

Although the nature of conflicts over land in Colombia varies considerably across time and space, it can be safely maintained that these find their essence in the historical competing interests of the peasantry and the landed elite. This argument stands even stronger if applied in particular to the permanent tension for access and distribution of the resource during the 20th century and what has been of the 21st.

The ‘agrarian question’ as it is often labeled in related literature first entered the political agenda of the country as a consequence of a much broader global trend by which the
agriculture sector entered for the first time into global markets. This trend particularly manifested itself in the country with the increase demand for land caused by the stark rise in the international prices for coffee, what consequently gave rise to conflicts between the *hacendados* -large land owners- and *colonos* -landless individuals- who simultaneously went on to claim unoccupied land, the former with the aim of enlarging their estates, and the latter hoping to take part in the international boom.

It was within this context that President Alfonso Lopez Pumarejo introduced the first attempt at implementing efforts to widen access to land in the 20th century. Law 200 of 1936, introduced a novel legal construction - the ‘social function of property’, which for the first time conceived the possibility of claiming ownership of unused land derived from its peaceful and permanent economic exploitation. For obvious reasons, this was not well received by owners of large estates -much of which were either uncultivated or being used informally by *campesinos*- who answered back with massive evictions of rural populations and sometimes turning their unused land into cattle pastures. To top it all, as some authors maintain, in some cases *hacendados* even took advantage of the new regulation to access public lands and claim them as theirs. To address all this a new law was passed in 1944 (Law 100) withdrawing all of the progressiveness of Law 200 and introducing stringent safeguards to private property. The efforts to distribute land by introducing the ‘social function of property’ failed tremendously, and added some more fuel to historical conflicts between land owners and landless populations.

In 1948, after the murder of leftist leader Jorge Eliecer Gaitan, the country entered into a period known as *La Violencia*, an undeclared civil war that faced liberals against conservatives, and in which, as it was expected, existing rural conflicts were amplified.

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9 Op. Cit Frances, p.19
During this time, the ruling Conservative party used police and army forces to harass liberal peasants and advance a large-landowner agenda; through this period “the purpose use of violence to seize lands and displace people became a common practice in certain regions.”\textsuperscript{10} \textit{La Violencia} ended in 1953 when leaders of both parties agreed on a transitioning military government lead by General Gustavo Rojas Pinilla, who stepped down in 1957 after demobilizing the liberal peasant guerrilla movements that had emerged to respond to conservative abuses (upon the persistent inequality, some of these guerrilla fighters went on to found FARC some years later). After this period, a political agreement to alternate the Presidency of the country between the two national parties for sixteen years (two terms each) was signed by Liberal and Conservative leaders.

Alberto Lleras Camargo, elected president for the Liberal party in 1958, presented an ambitious land reform program that was approved by Law 135 in 1961. Nevertheless, given the focus with which it was implemented and the results it obtained, it can be argued that it was designed so as to not upset rural elites. The reform created new institutions in charge of implementing the agrarian reform, however, most of the -very few- expropriated lands were in isolated regions with very poor access and soil quality and, most importantly, the focus of the implementation was not put into expropriation but into granting titles to frontier (public) lands. Given the global context in which it was approved and implemented (the Cuban revolution had ousted the Batista regime just two years earlier, the cold war was well into its second decade and the US government was implementing its Alliance for Progress), some maintain that the reform “was clearly aimed at containing what counterinsurgency doctrines refer to as ‘growing pains’, or conflicts arising as part of the development process itself, but evidently not at promoting genuine transformation of unequal rural structures.”\textsuperscript{12}

Peasant leagues and some leftist forces continued to make political pressure for land reform. After coming into power in 1966, liberal president Carlos Lleras Restrepo wanted

\textsuperscript{11} Op. Cit. Ibanez, p. 286.
\textsuperscript{12} Op. Cit. Thompson, p. 343.
to give a new air to the failing reform approved in 1961 by including compulsory redistribution in areas of traditional haciendas. Nevertheless, confirming the by now clear pattern, his proposal was defeated in Congress by the influences of the landowning class. He turned then to the people and supported the creation of the National Association of Peasants Users of Agricultural Services –ANUC- an organizational platform conformed by peasant leagues, which promoted invasions of unused haciendas to maintain the pressure on land access issues.

However, once again these strategies backed fired as a Conservative government came into power in 1970, declared the invasions a subversion of public order and responded with massive force against the occupiers. With the advice of international development agencies, it also responded with a very regressive rural policy that saw small tenure and production as contrary to economic development. In 1972, a bipartisan agreement that also included private sector representatives, known as the Pact of Chicoral, was signed to avoid any land reform efforts and deciding large-scale agriculture as the rural development path of the country. Consequently, land reform was excluded from public discussions for at least the two following decades.

During that time, the demand for illicit drugs came into scene and with it the cocaine production and commercialization industry established itself in the country, bringing with it several consequences for the historical struggle over land. First, drug traffickers needing a sector where to lauder the utilities of their illicit activities found in the land market and the agriculture sector (especially cattle ranching\textsuperscript{13}) a perfectly fitting option. During the 1970’s and the 1980’s large extensions of land were acquired by drug dealers, what meant to them the possibility to legalize illicit capital, to build infrastructure in order to expand their business and, given the status that land ownership has in the country, to become new members of the rural large land-owning elites\textsuperscript{14}.

\textsuperscript{13} Op. Cit. Reyes, pp. 59-60.
\textsuperscript{14} Reyes, Alejandro (1997) “Compra de tierras por narcotraficantes.” In Drogas ilícitas en Colombia: Su impacto económico, político y social, Ed. Francisco Thoumi, Bogota, Ariel, PNUD and DNE.
The boom of the cocaine market also permitted FARC to expand their financial capacity, their territorial presence and to systematically target rural elites, both historical and the newly emerged (cattle ranchers, as the main rural economic activity, were specially affected during this time). Given the lack of capacity of the national government to fight back FARC, rural areas saw the emergence of paramilitary armies, which were initially founded by agricultural business owners to defend themselves, but that soon became politically engaged and the armed wing of rural conservative views, now propelled by the financial power of their illicit new partners.

Within this context a new attempt at an agrarian reform was approved in Congress in 1994. This time, under the close advice of international development banking organizations, the country embarked in what theory has come to know as market-led agrarian reforms, which in contrast with other versions did not prioritize governmental intervention to expropriate or distribute land, but it left that function to the capacities of the market; the government’s function under this model was to provide subsidies to peasants in order for them to buy land that they had previously negotiated with private owners. However, the prevailing context of violence in which the willingness of the buyer and the seller were limited, and special socio-political factors particular to the Colombian situation, such as the fact that land is mainly held for speculative purposes, what makes its market value much higher than its productive value, turned this new attempt into another failure.

The most recent episode of the history of land and conflict in Colombia took place during the past 25 years or so, when civil war escalated to reach truly dramatic indicators as a consequence of rebel forces turning to drug trafficking as a means of finance, which as mentioned above, gave them the resources to expand their numbers, areas of influence and damage capacity. The Colombian Government responded with similar intensity with the financial support of the United States, and, on their part, illegal paramilitary armies -also involved in the illegal narcotics trade- added an important portion of cruelty and brutality.

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to the situation. The result was the worst humanitarian crisis that the western hemisphere has experienced recently, which had as its most salient result, millions of people fleeing their homes in order to protect their lives. Logically, this massive forced displacement resulted in important extensions of land being abandoned, which was taken advantage of by unscrupulous parties to seize some of those lands. Sometimes the land was simply repopulated by illegal armies (paramilitary or guerrilla), sometimes fleeing peasants were forced to sign the transfer of the rights over the land, sometimes property rights were transferred to third parties through corrupt methods, and other times violence forced them to sell for a much lesser than market value in exchange to stay alive. Given the alleged dimensions of this phenomenon, some have referred to it as a massive land counter-reform.16

Data and Methods

The following sections describe the analysis performed with the aim of understanding the land grabbing phenomenon that took place in the country. Given that not much literature has been produced on the drivers of this mass scale affectation on property rights, the structure of the analysis builds mostly upon existing literature on the historical conflict over land as detailed above. However, a few pieces about land grabbing in particular were also considered to construct the model. Based on this information the paper tests for correlations between land-grabbing and: municipal poverty, the presence of illicit economies, levels of rurality, forced displacement and the presence of regional elites.

The paper takes advantage of an extensive cross sectional data set put together by the author specifically to undergo the research using governmental information. It was constructed using municipal data and contains information from 100% of the municipalities (1123) in the country related to their level of rurality, the presence of illicit crops, the intensity of conflict, economic activity related to extensive cattle ranching, poverty, population and the degree of land-grabbing that occurred therein.

The information about land-grabbing was gathered from the Colombian Land Restitution Unit and contains the total number of restitution claims by municipality received up to September 30, 2016. These claims correspond to affectations to their property rights caused by internal conflict and that took place since January 1st, 1991\(^\text{17}\). This total is used to measure the degree of land grabbing in each municipality and as such, it represents the dependent variable in the models.

Rurality level is measured by a categorical variable that ranges from 1 to 4, where 1 relates to urban centers and 4 to very rural municipalities. These categories were established by the National Planning Department\(^\text{18}\) based on the level of rurality given to each municipality in the National City System\(^\text{19}\), population density and urban-rural population ratio. This information was included in order to control for the type of services and infrastructure that a plot of land may enjoy, arguing that higher levels of rurality are associated with poor infrastructure and lower access to services such as irrigation and other public goods. It is also assumed that lower levels of rurality, this is, closeness to urban centers is associated with higher levels of law enforcement, which should be negatively related to land-grabbing.

The information about the of illicit crops in the municipality was obtained from the SIMSI Project (Sistema Integrado de Monitoreo de Cultivos Ilícitos), a joint effort that convenes the United Nations Office on Drug and Crime, the Colombian Ministry of Justice along with other governmental agencies. With information about the number of hectares planted with illicit crops, a binary variable was constructed to determine the cases in which a municipality had the presence of coca plantations for four or more years from 2000-2006. Following the literature, the existence of illicit economies is included to control for the interests of the so called “new rural elite’ that emerged thanks to the boom in the international cocaine market. It is hypothesized that in municipalities with coca

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\(^{17}\) Cut off point was set to 1991 by Congress in Law 1448 of 2011.


\(^{19}\) www.dnp.gov.co/programas/vivienda-agua-y-desarrollo-urbano/desarrollo-urbano/Paginas/sistema-de-ciudades.aspx
plantations, economic interests coincide with lower level of institutional capacity, which should be positively related to the magnitude of land-grabbing.

Forced displacement is measured by the total number of people forced to leave a certain municipality since January 1991 to December 31st 2014. This information was obtained from the Colombian Presidency Observatory for Human Rights and International Humanitarian Law, which records the number of violent events in each municipality. It is expected that as forced displacement increases in a municipality, land-grabbing should have also an incremental behavior.

Given the recurring mentions to cattle ranching both in the general literature about the historical conflict as well as in the specialized literature about land grabbing, there is a special interest in exploring quantitatively the potential participation of cattle elites in this phenomenon. This information was gathered from the census performed by the Colombian Agricultural Institute (ICA) which among other information contains the total number of ranches over 500 hectares dedicated to this economic activity. This information was used to generate a binary variable to designate those ‘cattle-ranching’ municipalities, defined as those that have 2,500 hectares or more (5 or more ranches) dedicated to this industry.

A categorical regional variable was included to control for location of the land-seizure events. According to the Department they belong to, Municipalities were grouped into five regions – (i) North (Antioquia, Cordoba, Sucre, Bolivar, Magdalena, Atlántico, La Guajira, Cesar, Norte de Santander y Santander); (2) South (Caquetá, Putumayo, Vaupes, Amazonas); (3) Center (Boyacá, Cundinamarca, Tolima, Huila, Quindío, Risaralda, Caldas); (4) Pacific (Chocó, Valle del Cauca, Cauca, Nariño) and; (5) East (Arauca, Casanare, Meta, Vichada, Guainia, Guaviare).

Finally, information about population comes from the National Administrative Department of Statistics –DANE-, and measures total municipal population in the thousands in 2005. Poverty data also comes from DANE and quantifies the percentage of municipal population living with unsatisfied basic needs in 2012.
Two sets of analyses were performed using the information described above. First, given the count-type data provided by the total number of claims, the first analysis was executed in the form of a Negative Binomial regression using the same information. A second analysis was performed as a logistic regression in which, and after analyzing the distribution of the number of claims, municipalities having experienced land-grabbing were defined as those with one hundred or more restitution claims during the 25 year period. This measurement resulted in a total of 219 municipalities labeled as having experienced the phenomenon and 903 as not. With the aim of comparing results the logistic regression was undertaken with two different models, one including categorical variables for regional location of plots claimed in restitution, and another one without including this information.

**Analysis**

The results of the negative binomial regression show that the presence of illicit crops, levels of poverty and rurality, and cattle ranching are correlated with land-grabbing. Similar results were obtained from the logistic model in which all of the explanatory variables but some rurality levels are related to the response variable.
However, interesting findings come from the analysis of the levels of rurality, the impact of cattle ranching and the geographical location of the municipality. In terms of rurality, the expected number of claims is 0.77 times higher in level three and 0.47 in level four, than compared to urban centers. This would lead to suggest that land-grabbing had a greater impact as rurality level increases, and in particular, to point out that the land that was specially targeted was that where there is low capacity level for law enforcement, but at the same time, had some access to infrastructure and public goods (level 3), as it was not completely isolated (level 4). According to this, land grabbers bore in mind quality of land as well as low risk of apprehension when deciding which land to steal.

The geographical location of the municipalities is also interesting. The expected number of claims is twice as high in the central region of the country, compared to the south. Those
familiar with the geography of the country know that the center region has the most highly connected areas and that the south of the country not only has the most isolated ones, but it has traditionally been FARC’s area of influence. According to this data, FARC regions were not critically affected by the land grabs, or at least, they were so to a much lesser extent than what traditionally has been considered ‘rule of law territory’. Also important to highlight is the fact that in the pacific regions of the country, the expected count of claims is also almost two times larger than in the south. This can be related to the fact that this region is known for experiencing a high influence of illegal drug trafficking as well as to the fact that the most important ports in the country are located in this area and therefore are economically important. This may be related to that fact that full implementation of the restitution policy in the south of the country did not start until the second semester of 2016, so the analysis may be missing claims presented after the data was gathered.

Forced displacement has a light positive influence in the count of claims, which can be attributed to the fact that while land-grabbing is concentrated in some areas of the country; mass displacement was evenly distributed throughout the entire country. The expected number of claims is also positively correlated with being a municipality with high incidence of the presence of illicit crops and is 0.28 times higher in those that are, in contrast with those that are not.

Finally, the correlation between cattle ranching and land-grabbing is quite interesting. According to this data, the expected number of claims in cattle ranching municipalities is 1.5 times higher than in not cattle ranching areas.

As it can be seen in table 1, the logistic regressions confirm all of these results. Interesting to highlight is the very strong correlation between land grabbing and cattle ranching, as well as with intermediate levels of rurality and differences in geographical location. Also worth to highlight, as shown in annex 2, is the high capacity of these two models to predict the occurrence of land grabbing.
Conclusions

Several concluding remarks can be made at this point. The first, and perhaps one of the most salient, is that contrary to common belief, land-grabbing does not seem to be a national phenomenon. This assertion is supported by the way the number of claims is distributed and in particular by the fact that 15 municipalities (out of 1121) gather around 22% of the claims and about 80% of the municipalities have less than 100 claims for the period between 1991 and 2016. Although it can be argued that security concerns can prevent victims of land-grabbing from presenting claims, and that the country has not yet seen the true dimension of the phenomenon, which could produce an homogenous increase in the number of claims all over the country, the fact is that this argument can hold true for some areas of the country where security is still a major concern, but it does not for a considerable extension of Colombian territory. Put simply, the counter-agrarian reform claim made by the literature does not hold.

Second, land grabbing was not circumstantial; the results suggest that there was some sort of logic behind the decision about what land to steal. This could be related to the level of rurality of the area where seized land is located, which is related to the degree of capacity of the state to exercise its monopoly on violence and enforce the rule of law, as well as to the degree of connectedness and access to infrastructure and other public goods and services. The results show a special interest in land located in areas with the right balance of low coercion capacity and fair access to infrastructure and public goods.

Finally, although these results are preliminary and they are clearly not enough to claim causality, the consistency in the results related to the correlation between cattle ranching and land-grabbing are perhaps the most important contribution of this research to the understanding of this phenomenon. As noted by the literature, cattle ranchers have played a central role in determining the agrarian structure of the country, they have traditionally opposed land reform and, as heads of rural elites, basically any attempt to modify the rural status quo. Their participation would mean that in addition to not letting go of any land for
the purpose of equity in the past, they were involved in the illegal seizure of land taking advantage of the war. Given the implications in terms of historical reconstruction of land issues in Colombia, as well as in terms of public policy design for the future of the implementation of the Peace Accords, contributing to the understanding of this potential link constitutes an excellent opportunity for further research.
ANNEX 1

(Fig.1) Distribution of number of claims

(Fig.2) Number of municipalities by range
ANNEX 2
(Predictability power)

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