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Research questions and agenda

Land concentration and redistribution in Colombia: a political perspective

Observatorio de Restitución y Regulación de
Derechos de Propiedad Agraria

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1. Introduction

Colombia not only suffers from extreme levels of inequality, but it has also endured one of the longest civil wars in the world (conservative estimates have it lasting 35-40 years). The Colombian government and the main guerrilla group, the Revolutionary Armed Forces of Colombia (FARC, according to its Spanish acronym), are currently in the midst of negotiating a peace agreement. They have reached a preliminary agreement on agrarian issues, which they and others deem a prerequisite to both arriving at peace and sustaining it.

Furthermore, in 2011, the government started an (at least in theory) large-scale, ten-year land restitution process, stressing that it will be implemented, along with other anti-poverty measures, regardless of the outcome of the peace talks. However, neither the preliminary agrarian agreement nor the government restitution policy have been clearly outlined, and both are full of gaps and issues that need further clarification. Not surprisingly, recent years have seen growing concerns regarding both extreme inequality in general and land issues in particular, as well as their possible links to violent conflict. These agrarian concerns bring to the forefront questions and agendas that had long been abandoned --a process of rediscovery that is clearly not only Colombian.



This is the immediate context in which the project that gave origin to the *Observatorio de Restitución y Regulación de los Derechos de Propiedad Agraria en Colombia* was written and eventually approved by *Colciencias*, the Colombian national agency of science and technology. This text lays out the research agenda of the *Observatorio*, and some of the basic puzzles it examines¹. A four-year research program, the *Observatorio* seeks to describe and understand, in comparative perspective, the institutions that regulate land property rights in Colombia, and their relationship with violent conflict, land grab, the political system, and the state. The mandate of our research program is to analyze a set of outcomes --which will be specified below-- related to land tenure, conflict, and state in Colombia, but also to follow systematically and in real time the ongoing land restitution process, eventually producing policy-relevant output and advice.

The program potentially has both analytical and policy import. We are aware that social analysis does not always translate directly or obviously into policy, but even so we hope that—either directly via policy evaluation or indirectly through concepts and ideas—we may help to find a way out of what Albert Berry (2014) has called "the Colombian [agrarian] tragedy".

Without a doubt, this is a genuine tragedy. Even the incomplete counts produced by several state agencies and NGOs permit us to evaluate the extent of the losses suffered in the last four decades at the hands of armed and unarmed actors. For example, the RUV --the Unified Register of Victims, established in 2011 -- includes more than 5 million cases of forced displacement. The RUPTA, another state database whose purpose is to identify usurped lands with the goal of removing them from the market, has more than 50,000 individual complaints, in

¹ Further details can be found at <http://www.observatoriodetierras.org>



addition to 13,000 cases dealing with collective lands.² Case studies have highlighted the strong relationship between regional coalitions, armed actors, and coercive dispossession of the peasants (see for example Salinas & Zarama, 2012). Furthermore, displacement --not only caused by armed conflict-- is an ongoing phenomenon, which has dropped significantly since the peak reached in the late 1990s, but remains far from negligible.

These are the dimensions of the agrarian problem that we want to unpack. This document proceeds as follows. In section 1, we lay out some of the basic terminology. Section 2 focuses on Colombia's historical trajectory, which serves both to provide basic information about the country and to illustrate some of the issues we seek to understand. In section 3, we discuss some of the main narratives linking land and conflict. In the next part, we further develop our research question. We close with a short set of conclusions.

2. Basic terminology

Throughout this document and our research, we make use of the following terms:

War and peace. We adopt a working definition of civil war, close to the purely operational one which is now standard in mainstream quantitative literature (i.e. a certain number of deaths caused directly by the conflict, and at least two clearly defined parties in confrontation). This type of definition is conventional, and in the Colombian context, permits us to distinguish between periods of peace (though possibly a "hot" peace) and periods of war. This is fundamental to

² Many of these reclamations were not accepted, but a substantial portion of these refusals are based on technicalities.



understanding the Colombian case, which is marked by three traits. First, it has suffered two long and bloody cycles of civil war, the first (known as *La Violencia*) starting in the mid 40s and ending in the mid 60s, and the second starting in the early 80s and continuing into the present. Second, both periods of conflict have seen massive land grabs. Third, even during years of relative peace, a certain "floor" of coercive dispossession was maintained (see below). If we are able to distinguish periods of war and peace --eventually allowing for a fuzzy frontier--, then we can examine the differences and continuities regarding land property regulation, coercive accumulation, and tenure patterns between them.

Land grab. We understand land grab to be coercive "accumulation by dispossession" (Harvey, 2003). We concur with Hall's criticism (2013) of a substantial part of the land grab literature regarding the fact that the term "grab" should only be used when extra-economic methods are used to achieve a massive and "negative" (from the poor to the rich) transfer of assets. Such an understanding of the term seems particularly relevant for the Colombian case, where war has been tied to violent negative redistribution, and where peace has failed to produce any real positive redistribution. It also raises important questions about the relationship between coercive, political, legal, and market mechanisms in land accumulation processes.

Democracy. Once again, we understand democracy in the conventional sense, as competitive politics plus checks and balances³ (regarding the advantages of this definition, without overloading the term with additional meaning, see Przeworski et al., 2000). Even adopting this very restricted understanding of democracy, the characterization of Colombia as a bona fide democracy may be open to contestation given the high and persistent levels of violence in the country throughout the period(s) considered here. The important point for us, however, is

³More or less "Polity democracy".



that the country has had competitive politics and a working system of checks and balances for more than one hundred years, almost without interruption. This takes us directly to the next section.

3. *The Colombian trajectory in a nutshell*

In this section we describe some of the country's principal characteristics, as they relate to the conflict and the agrarian problem stated above. For those not familiar with the Colombian case, Table 1 lays out some of the most important dates and time periods of the conflict.

Table 1 - Some key dates for the understanding of land and conflict issues in Colombia

Year/Period	Event
Mid 1940s, early 1960s	"Undeclared civil war" between the two main political parties, Liberal and Conservative. Left tens of thousands of deaths
1958-1974	National Front (NF), a consociational agreement between the two main political parties
1964	Foundation of the FARC, which came to be the main Colombia guerrilla group
1960s	Foundation of other Marxist guerrilla groups
1961	First NF agrarian reform. Foundation of



	INCORA (National Institute of Agrarian Reform)
1968	The second NF agrarian reform begins
1970s	Foundation of the M19, a nationalist guerrilla. Pacto de Chicoral (1973) freezes / reverses the agrarian reform
Late 1970s, early 1980s	Onset of a new wave of civil war
1982	Creation of the MAS (<i>Death to Kidnappers</i>), the first paramilitary group, funded by narcotraffickers
1980s	Territorial expansion of guerrilla and paramilitary groups
1991	New Constitution, which entailed a vigorous democratization
1994	Market agrarian reform
1997-2002	Most violent period of the Colombian conflict by almost any criterion
2002	Election of Álvaro Uribe as president. He was reelected in 2006
2003	INCORA is shut down, INCODER (National Institute for Agrarian Development) is created in its stead
2004	Constitutional Court declares the situation of internally displaced persons (IDPs) to be a "non constitutional state of things"
2002-2007	Paramilitary DDR (disarmament, demobilization, and reintegration)



2000-2010	<i>Parapolítica</i> scandal: strong and massive links between paramilitaries and politicians are discovered.
2009	Restitution bill presented to Congress is defeated
2010	Election of Juan Manuel Santos as president
2011	The so-called Ley de Víctimas (1448, which includes substantial legislation for land restitution) is approved
2012	The peace process between the government and the FARC formally begins. The first point on the agenda is "access to land" ⁴
2013	Government and the FARC reach basic agreements regarding "access to land"

3.1. *Basic aspects of the Colombian regime*

In the last 100 years, Colombia has been an anomaly compared to the rest of Latin America in that it has experienced—almost without interruption—the atypical and stable coexistence between democracy, as defined above, and political violence. Competitive politics, along with checks and balances, were institutionalized extremely early, and were only interrupted by two short and relatively moderate military interregna (1905-1910, and 1954-1958). In the Latin American context, this

⁴ Versions of the agreement in English and in other languages can be found at <http://www.tlaxcala-int.org/article.asp?reference=8112>



is a rather extraordinary record⁵. On the other hand, the country has suffered two prolonged and extremely brutal cycles of civil war (the first one, known as *La Violencia*, from approximately the mid 1940s to the early 1960s, and the second one starting between the late 1970s and the early 1980s, and continuing into the present day⁶). Additionally, the periods of relative peace between the conflicts were still characterized by the regular, and frequently homicidal, use of force to settle political differences between the government and the opposition, or between local/regional actors.

There are very good descriptions of how historical occurrences of land grab relate to these political structures (the key reference here is Legrand, 1986), and we also have a good understanding of the role of politicians during specific periods and regions (see for example Reyes, 1978). However, we lack a coherent view (as well as systematic comparisons across periods and regions) of the role of the political system in the attribution and specification of land property across regions and periods.

3.2. *The local connection*

Competitive politics have been present in Colombia since at least 1910 and have persisted without interruption into the present day⁷. The country's two main political parties were among the very few institutions that had full national coverage. The institutional rules and agencies that regulated the access, transference, attribution, and settlement of disputes related to property rights over land were partisan in origin, and in general were directly related to competitive politics. For example, notaries and mayors --two of the main agents directly

⁵ This contrast did not disappear completely with the democratization of Latin America from the 1990s, as in many countries illiberal trends became dominant.

⁶ Which, according to many renderings, makes the Colombian conflict the longest in the world.

⁷ The short lived and relatively lenient dictatorships did not interrupt the very rich party life, that was deeply rooted in the country.



responsible for the specification of property rights throughout the period—were of political origin and were embedded in dense networks of party directorates and brokers, landlords, and other power structures. This may be one of the key aspects of the Colombian case that links land tenure with violent conflict and specific configurations of the state (Gutiérrez, 2014). Also, the provision of security was left to local and regional elites; only in 1962 were the police nationalized, but even then, the institution still allowed for the private provision of security (Gallón, 1983), especially in the countryside (Escobar, 1998). This private provision of security was a key institutional factor in the development and growth of the paramilitary phenomenon in the 1980s and 1990s. The government's decentralization process—initiated during the 1980s and expanded in the 1990s—was consciously and powerfully exploited by the paramilitary, the guerrilla and other illegal actors in order to take hold of local power.

Conversely, the workings of the Colombian political system may explain Colombia's redistributive “laziness”, even in comparison with the rest of Latin America, the most unequal continent in the world. Proposed agrarian reforms were watered down, and neutralized during their implementation. This may have several explanations. One is that the Colombian political system is completely closed (socially or politically), although this does not seem to hold upon further investigation (we revisit the issue in the next section). A more sensible and tenable proposition is that local powers got the upper hand at a series of crucial conjunctures (see for example López, 2010), a theory which fits well with the literature about state formation (see for example the narratives by Migdal, 1988: Tilly, 1992). But this leaves open the key question about the relationship between local powers and national decision makers/agencies. Was the state genuinely weak vis-à-vis local/regional elites, cunningly weak, or does the problem need to be stated in other terms?



3.3. *Land inequality*

Colombia has also faced chronic issues regarding the distribution of land and the regulation of land property rights. In this respect, certainly, it is everything but an outlier in Latin America (see for example Edelman & León, 2013; Forewaker, 1981). What is uniquely Colombian is the magnitude and persistence of the problem, and the difficulty in finding a solution to it. It is worth highlighting the following three points.

First, at the end of the 19th Century the country probably had more lenient legislation regarding rural settlers than the rest of Latin America (Legrand, 1986). However, due to its physical and political characteristics, and the fact that the state held the majority of land as wasteland, political connections and juridical tinkering were often used to attribute or reattribute property rights. Colombian landlords had both the motivation and the capacity to accumulate land through a combination of market, coercive, political, and legal mechanisms (Legrand, 1986). Through specific historical sequences (narrated for example in Fajardo, 1986; Legrand, 1986; Palacios, 2011; and Reyes, 1978), the process of accumulation through coercion, politics and law has persisted throughout the last hundred years. At the end of the 20th Century, these practices were still very relevant. Even in other Latin American countries that had similar patterns of land grab and no real agrarian reform, like Brazil (Forewaker, 1981), coercive accumulation seems to have been much less continuous than in Colombia⁸.

Second, the two big periods of civil war prompted large-scale land grabs, and correspondingly large negative redistributions of land. Though as yet we lack rigorous quantifications of their extent, the more careful figures for the second cycle of violence suggest that around 6 or 7 million people were evicted from their

⁸Mainly, because the political arrangements were much more volatile.



land (nearly 15% of the population living in the countryside), of which at least a quarter may have been violently expropriated (see for example Garay et al., 2011⁹). For the first cycle of violence we have no quantitative data, but land grabs seem to have been massive as well. Moreover, post conflict periods have seen further accumulation processes, enabled by specific forms of state presence, political bargaining, and the (re)attribution of land rights through political influence and judicial niceties. The fact that the Gini coefficients of land concentration in Colombia and other Andean countries are similar may hide very fundamental differences in the specification and regulation of property rights between Colombia and in its neighbors.

Last but not least, the Colombian state/regime has had a harder time than the majority of its Latin American peers promoting a positive redistribution of land (the other version is that it has simply lacked the will to do so). Contrary to the mainstream narrative, the political system not only received, but also generated, redistributive demands. Thus, there were major attempts to produce a meaningful reform in 1936, 1961, and 1968, with several minor episodes in between (and after)¹⁰. However, where other Latin American (and generally non democratic) regimes did succeed in at least partially changing the status quo¹¹, the Colombian reforms had at best meager results. According to more pessimistic evaluations, they failed miserably (a comprehensive and fair evaluation can be found in Berry, 2002). What probably constitutes the most serious attempt to promote a positive redistribution, the 1968 reform, did not change substantively the patterns of land tenure, and the bulk of these lands were purchased by the state or given away from its own holdings (wastelands), not expropriated. Once again, though, it is worth noting that these outcomes varied sharply by region (see for example Elsy

⁹ But there are many different estimations of the number of displaced people, hectares lost by peasants, etc.

¹⁰ Hirschman (1963) produced an extremely interesting evaluation of the 1961 reform, whose abridged version was published in his *Journeys Towards Progress*.

¹¹ Although probably not in fully reversing the pattern of unequal land holding.



Marulanda concerning the impacts of the 1936 agrarian reform, 1991). Thus, while the rest of the continent was able to extricate itself from the old agrarian system dominated by landlords and localistic oligarchs (and thereby from a long cycle of agrarian wars), Colombia has remained in a "high level equilibrium" (Elster, 1983: 115), where the mechanisms that stabilize it are so strong and sophisticated that they prevent any move forward. This *may* explain why Colombia is the only Latin American country still entangled in a rural conflict. In the next section, we address why we have italicized the word *may*.

4. Land, democracy, and war: the principal narratives and their limitations

4.1. Does land inequality cause (facilitate, promote) war?

This is one of the fundamental questions that Colombian academics, policy makers and war/peace mongers, face. Is the Colombian rural problem (violent accumulation, redistributive laziness) enough to explain why war began in the first place, and why it persisted, in contrast to the rest of Latin America?

The affirmative answer is highly intuitive and is standard for actors all along the political spectrum. Colombian insurgencies were created around strong claims regarding land ownership and inequality. Subjectively, these and other actors think they are waging a rural war, for or against property. The predecessor of the FARC was created during *La Violencia*¹², and its historical leader, *Tirofijo*, became a guerrilla during the resistance against a government that regularly attacked the

¹² Certainly, the official story of the FARC starts with the response of radicalized liberal peasants in the 1950s. See <http://www.farc-ep.co/>



opposition and its social base. Both the leadership and the membership of the FARC is overwhelmingly rural/peasant. Furthermore, all major agreements issued in the course of several peace processes in the last 30 years have recognized the need to address agrarian inequality and to promote some kind of redistributive policy¹³ as a condition for sustainable peace. The failure of these peace processes has made it impossible to test the true potential of such programs.

So here we have two ways in which unequal land distribution is likely to cause political violence. First, since inequality has been extreme, the regime is closed and approves/permits the use of violence from above. Moreover, the mechanisms for settling land disputes regularly favor landowners. Devoid of any tool to defend themselves within the system, peasants have then strong reasons to abandon the system altogether. Second, the very closure of the system excludes popular sectors and blocks demands from below. As a norm, these demands are met only with repression.

Although this narrative¹⁴ contains much more than a grain of truth, and is strongly, though partially, supported by the evidence, it remains incomplete and may be incorrect on some crucial points. Many key unanswered questions remain: why have some of the much more closed Latin American regimes produced less violence, and sometimes much less land inequality? How does the political system mediate between exclusion and armed rebellion/resistance? Why should the elites indulge in violent practices if the status quo favors them so clearly? What kind of collective action problems affect the different parties in conflict? How does inequality affect both the onset and the persistence of war (given that the mechanisms are likely to be very different)? The assumption that the political and social closures of the regime imply each other may simply be based on false

¹³ See for example <http://prensarural.org/spip/spip.php?article2170>.

¹⁴ Which has several variants: closed regime, lack of populism, etc.



descriptions (politically the Colombian system has been routinely more competitive than its Latin American peers), and introduces additional hidden and unwarranted, assumptions (for example, that political and social inclusion imply each other). Taking into account the Latin American experience concerning land distribution, such assumptions do not seem particularly credible¹⁵.

Competing with the "inequality causes (makes more probable, makes more intractable) war" narrative are three other main ones: that there is no relation whatsoever; that inequality promotes development and democracy (and thus indirectly could be an important anti-violence variable); and that pro-equality reforms trigger violence.

The first of these versions was all the rage until recently. The "homo economicus goes to war" (Cramer, 2002) thread tried to delink completely organized violence from social conflict and politics, and in particular from agrarian conflicts (Cramer & Richards, 2011). Thus, the Colombian war was depicted as a purely criminal episode, where illegal economies fueled the appetites of greedy actors. It was not inequality, but illegality, which caused and governed the conflict (we come back to this below). Acemoglu et al. (2007), instead, offer a political reading of land concentration. Their claim is that it has been *positive* for democracy (and possibly for conflict resolution) as it empowered local landlords, allowing them to keep Colombia's predatory political class at bay, and thus to provide public goods to their municipalities. If this were true, it could help explain why the Colombian regime has been comparatively open despite its coexistence with high levels of violence. But the argument falls short in many respects (the characterization of the political class, the lack of clear evidence that Colombian

¹⁵The majority of significant land reforms were promoted by relatively closed, or simply dictatorial, regimes. The great exception is Chile in the 1960s.



municipalities enjoy a high level of provision of public goods¹⁶, etc.). Independently of whether this perspective enjoys empirical support, it makes an important contribution in highlighting the need for an understanding of how inequality interacts with the political sphere.

Finally, both Colombia's and Latin America's historical experiences have shown that positive redistribution can trigger violent conflict, not only because redistribution's losers are powerful enough to oppose their losses with force, but because the resulting changes in the political structure can favor indirectly (and possibly with a time lag) violent conflict. Regarding the violence associated with positive land redistributions, a common case study is Mexico (see for example Tutino, 1989). Regarding indirect, lagged impacts, see the (admittedly controversial) argument by Cynthia McClintock, according to whom the agrarian reform in Peru caused the landlords from the Southern countryside to withdraw, thus creating a power vacuum that was eventually filled by the Shining Path (1994). Conversely, many contemporary peace pacts seem to have been built on very conservative tenets (at least with respect to social inclusion/redistribution, for example South Africa).

These new arguments that attempt to explain (or explain away) the relationship between agrarian structures and civil conflict are unsatisfactory in many respects. That said, they do address some of the very fundamental gaps in current "land inequality is associated with war" narratives. Thus, the present situation regarding the relationship between Colombian agrarian inequality and armed conflict is the following. Some of the main actors in the conflict believe there is a causal link between agrarian inequality and conflict. History suggests that agrarian inequality had a very important role in pushing the country back into conflict—a point on which peace advocates have concurred. Yet the "inequality causes war" narrative

¹⁶ Actually, the evidence goes in the contrary direction.



does not hold comparatively, and does not incorporate --or it does very one-sidedly-- political dimensions. A new and more careful explanation is needed.

In synthesis, this seems to be an opportune moment to revisit the “[agrarian] inequality causes war” proposition. It is obviously relevant to both politics and policy, especially in the midst of a peace process, and after a preliminary agreement that bids for an “agrarian transformation”¹⁷. It also sits well with the present concerns of the literature. With the “distress” (Ron, 2005) of the greedy/atomistic interpretation of civil war, there is a new¹⁸ ongoing discussion of how and why sustained and organized mass violence may be related to specific patterns of inequality (Blattman & Miguel, 2010; Cederman et al., 2013; Stewart, 2002). By identifying the mechanisms that link (extreme) inequality with war via the mediation of political dynamics, we may generate interesting interactions and dialogues between the Colombian case and the comparative literature.

4.2. *The war causes (catalyzes, promotes) inequality narrative*

The argument that the relationship goes in the other direction (that is, that the Colombian war has fed, augmented and deepened agrarian inequality) is conceptually and empirically less problematic. The data provides abundant evidence for this deepening of agrarian inequality in Colombia, although it may not necessarily be generalizable (wars can have egalitarian effects; the point is made for example by Bowles in a very general setting, 2009). The emphasis for us, given our research problem, is how coercive accumulation has evolved through different phases of peace and war.

¹⁷ Of course the social relevance of the question does not depend on the success of the ongoing peace process.

¹⁸ For a pessimistic assessment of previous results, see Lichbach, 1989. However, important results about inequality and political violence were produced throughout. See for example Krain, 1998.



As seen above, big landowners were historically able to use political connections, legal niceties, coercion, and market mechanisms to accumulate land. However, the most recent cycle of war seems to have produced the proverbial qualitative leap in terms of the frequency¹⁹ of land accumulation and a broadening of the repertoire (for the concept of patterns of violence, see Wood, 2006) of attacks against civilians. Furthermore, the bulk of the Colombian land grab took place during a relatively short period of the conflict (more or less from the mid-1990s to the mid-2000s). So the *Observatorio's* puzzle is to understand the dynamics of the Colombian land grab, taking into account that:

- a. The land grab predated the conflict, and it survived the presence of the most active “accumulators”, but at the same time that
- b. It was intensified by the armed conflict, and
- c. This intensification was not homogeneous, but rather predominated in certain periods and regions. In other words, over both space and time, data on displacement and on land grab are hugely skewed (very high concentration of events in a handful of municipalities during relatively short periods).

Unfortunately, in the absence of better data, we must rely on the available, but highly imperfect, data. Figure 1²⁰ exhibits the main patterns of forced displacement. Forced displacement increased substantially in the late 1980s, but in the 1990s it grew tenfold over already very high levels. Then it gradually went down, not to zero but to a strictly positive floor. Keeping many caveats in mind (the data is highly problematic, displacement is NOT a good proxy of land grab²¹, etc.), it strongly suggests that the change in land tenure patterns during the harshest period of war was dramatic. As seen in Figure 2, additional evidence, this time from a database

¹⁹Measured by any criterion: number of attacks, land grabbed away from the victims, and so on.

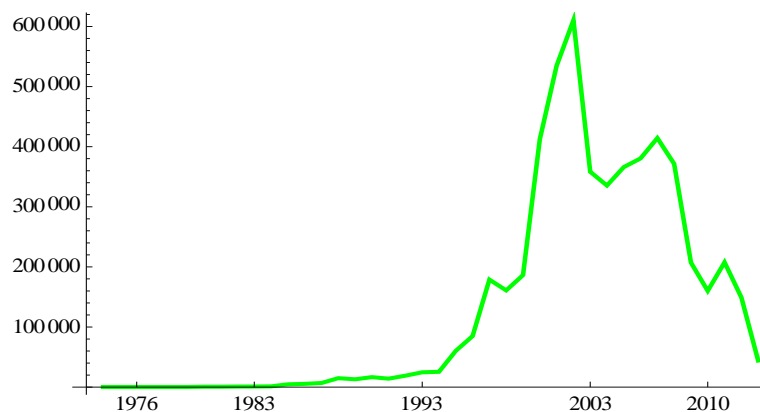
²⁰Based on the RUV data set, see Annex.

²¹Many IDPs were not land owners or tenants.



that captures more faithfully land grabbing dynamics²², leads us to the same conclusion. The same can be said about in-depth studies of specific territories conducted by the Observatorio (García, 2014; Rodríguez, 2014; Uribe, 2014) and other students of conflict and agrarian problems. The sharp increase in displacement and dispossession was accompanied by the development of a very rich repertoire of methods by different actors (not only armed ones) and networks (Salinas & Zarama, 2012) to accumulate land coercively. It also should be noted that there is reasonable evidence that the trends in forced displacement, and possibly in land grab, are correlated with other forms of attacks against civilians. See for example Figures 3 and 4, which depict trends in conflict-related homicides and attacks against trade unionists. Some forms of attack against civilians behaved differently, however. In Figure 5, for example, it can be seen that the destruction of real assets and farm animals --which occurred in the countryside-- evolved differently.

Figure 1 - Forced displacement before and after the onset of war

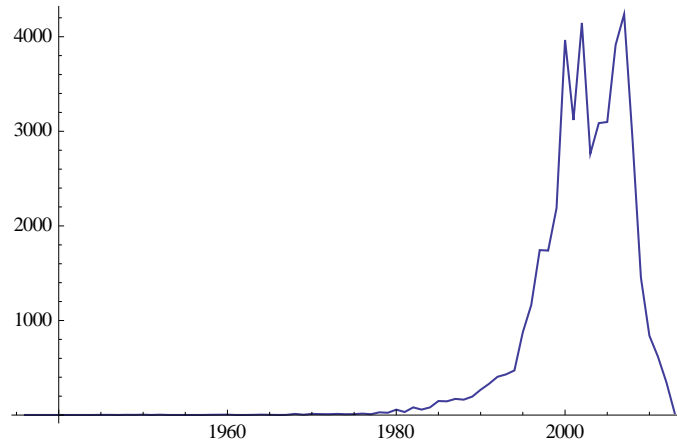


Source: RUV (Unified Register of Victims database) - August 2013

²²The RUPTA.

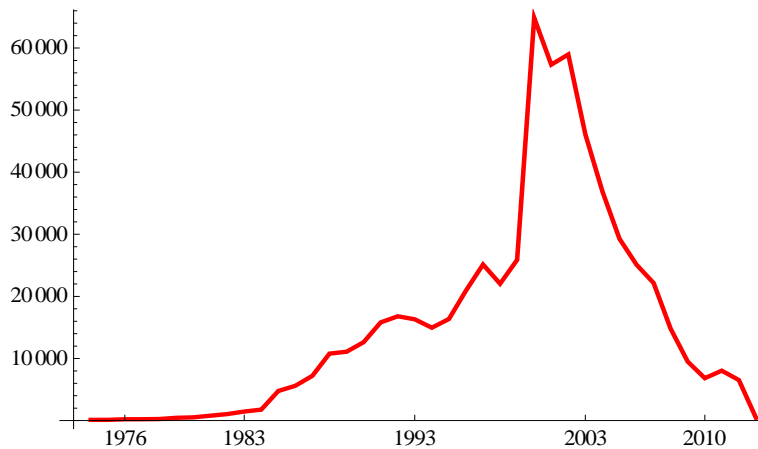


Figure 2 - Evolution of events reported in RUPTA database (a state managed inventory of properties that have been abandoned by their owners due to conflict-related violence)²³



Source: RUPTA

Figure 3 - Homicide before and after the onset of war

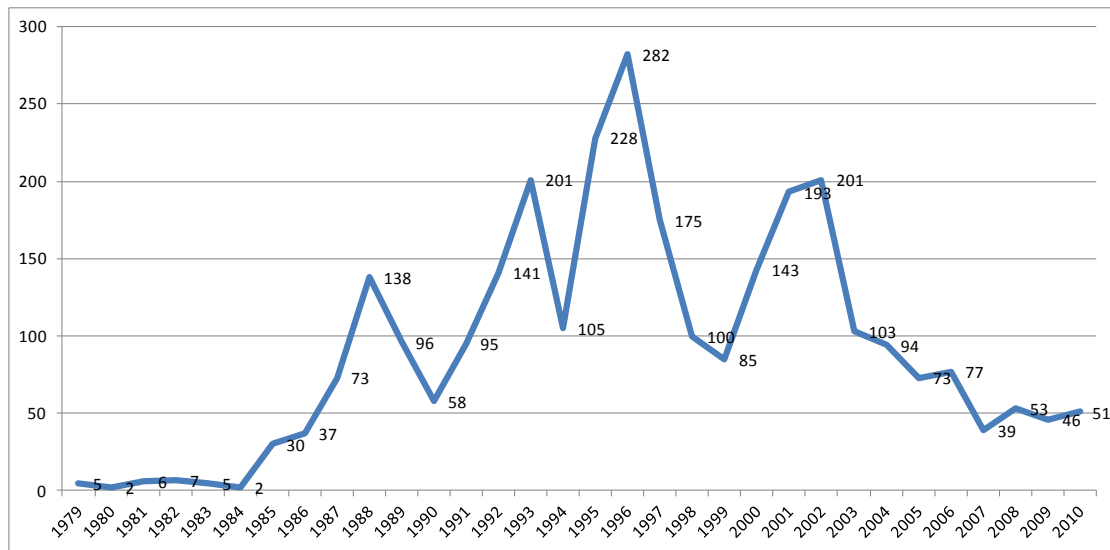


Source: RUV - August 2013

²³ <http://www.dps.gov.co/contenido/contenido.aspx?catID=295&conID=3341&pagID=6458>

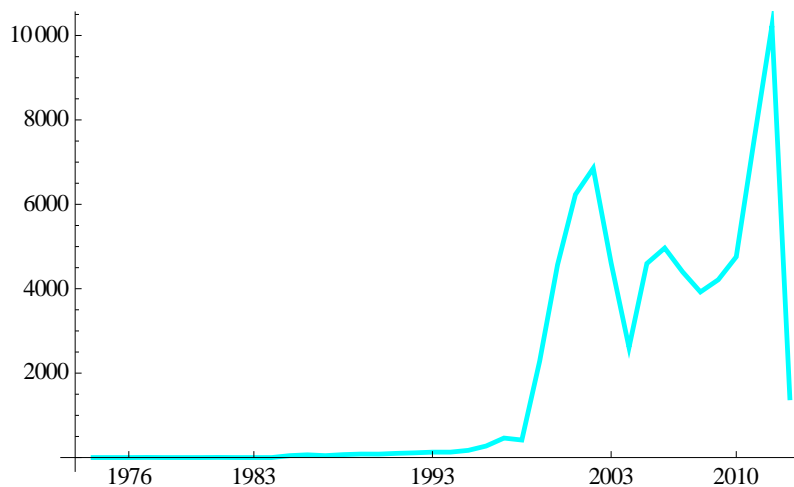


Figure 4 - Assassination of trade unionists before and after the onset of war



Source: Comisión Colombiana de Juristas (CCJ) y Escuela Nacional Sindical (ENS). 2012. Imperceptiblemente nos encerraron. http://ens.org.co/apc-aa-files/45bdec76fa6b8848acf029430d10bb5a/imperceptiblemente_nos_encerraron_1.pdf

Figure 5 - Loss of other property



Source: RUV - August 2013



Hasty conclusions should not be drawn from all of this, because the apparent differences in trends could be an artifact of the way in which the data were collected. However, there is a lot of evidence (including quantitative data, regional studies, narrative accounts, governmental reports, etc.) that points more or less in the same direction. The takeaway is that the patterns of land dispossession in Colombia: a) are persistent, and deeply ingrained in institutional and social structures that predate and survive war cycles; b) but are still intensified by these war cycles; c) and occur disproportionately during certain conflict periods and in certain regions. We do not have as yet any reasonable explanation as to why and how this occurs, nor of the observed sharp regional variance, nor why certain regions have proved more vulnerable than others.

4.3. *The “illegality causes war” narrative*

Another account grounds war in illegality. It can be argued that Colombia did not become a major player in the international narcotics economy out of the blue: institutional, organizational (for example, the largely informal and non regulated state of property rights in the country, the existence of huge swaths of territory with very little state presence, etc.), and political factors played a major role (Thoumi, 2002; a contrary view can be found in Henderson, 2012). But then how did illegality foster conflict, violence and land grab?

In the Colombian conflict, illegal economies have contributed to both the conflict and the weakening of property rights in at least five major ways. First, by removing regions from the control of the state. Second, by funding armed political groups. Third, by creating the need for the private provision of security, which in turn requires the development of protection rackets (Gambetta, 1996). Fourth, by



creating an "illegal peasantry" (Ramírez, 1996), which has no claim to rights and from whom property can be easily expropriated. Fifth, by creating illegal landed elites, who have incentives both to accumulate land and to resort to the routine use of violence to settle disputes.

Illegality can also influence war dynamics indirectly, through inequality. On the one hand, it can create/increase extreme inequality, and a type of inequality that depends on violence (because of the typical know-how and routines of illegal elites, and because they cannot rely openly and legally upon the justice system to settle disputes). But on the other hand, it may allow for reformist programs from above, as the expropriation of narcotraffickers in principle should be much easier and more legitimate than the expropriation of legal actors. Indeed, even after neoliberalism gained the upper hand globally, undermining the development of agrarian reform programs, the one redistributive promise that remained alive in Colombia was the expropriation of narcotraffickers. Legislation and the creation of (on paper) powerful agencies to expropriate narcotraffickers and redistribute their properties hinted at the fulfillment of this promise, but up until now the project has failed miserably.

5. Developing the research question

Thus we want to understand in comparative perspective the institutions that regulate land property rights in Colombia, and their relationship with violent conflict, land grab, the political system, and the state. We start from two basic facts (or assumptions): that land property is "different" from other kinds of property, and that in order to answer our key question, we have to explain three fundamental differences.



5.1. *The specifics of land property*

Land property is unlike any other type of property, for at least three reasons:

b1. Right to access. "While land is indeed an important natural resource, it is a special one since it is also key to gaining access to other natural resources." (Borras & Franco, 2013: 1726). Still, landowners can impose high externalities on their neighbors, blocking their access to key resources.

b2. Identity. Land property often implies conflicts around identity (Borras & Franco, 2013), which is not a divisible good. Conflicts over non divisible goods may become intractable (Di John, 2007).

b3. Container. Land is a property that can contain both other properties and people, and which thus becomes a key military resource.

Thus, the analysis of the ways in which land property is linked to the political system and violent conflict should take into account these characteristics.

5.2. *Key differences*

It is fundamental for us to understand several phenomena, but also how they change and they compare across periods and territories. In particular:

- a. We want to produce a consistent and credible explanation of the Colombian tragedy related to land in the Latin American context.
- b. We want to understand the highly skewed (to the right) behavior of displacement and associated attacks against civilians. This is a very



consistent pattern, which suggests that the Colombian tragedy is related both to national traits (e.g., institutional arrays) and to regional/local characteristics (e.g. coalitions, presence of armed groups, territorially grounded organizational behavior, traditions and know-how).

- c. We want to characterize and explain a consistent pattern of longitudinal variation, starting from the fact that land grab is intensified during war, but persists during peace.

5.3. *The questions*

Below is a list of the characteristic questions we are pursuing²⁴. We do not aspire to answer them all, nor to do it with complete consistency, but at least to advance the research agenda in the following six dimensions. Please note that to answer such questions we have to understand simultaneously relatively invariant/stable factors and high levels of territorial and longitudinal variance:

- 1.1. *Questions related to institutions regulating land property.* How are land property rights specified and regulated in Colombia? What are the relevant differences by region and period, and what do these say about the institutionalization of property rights and its consequences?
- 1.2. *Questions related to war and peace.* What kind of mechanisms, if any, link agrarian inequality with armed conflict in Colombia? How are the cycles of war and peace related to land inequality?

²⁴ With the caveat that this categorization is somewhat mechanical, because we want to understand interrelations, interactions, etc. So this works only for heuristic purposes.



- 1.3. *Questions related to land grab.* How can the trajectory of the Colombian land grab be characterized? How do the different dynamics of dispossession of peasants in Colombia compare according to key criteria (such as expropriator, region, period)? Who were the expropriators during peace and during war? How can these differences, if any, be understood? What is the relationship between (coercive) land grab and market accumulation? How does illegality/informality affect land distribution?
- 1.4. *Questions related to the state and the political system.* Which social and political coalitions (Putzel & Di Jhon, 2012) have been associated with massive land grab (during war and during peace)? How is the Colombian land grab mediated by the political system? In peace? In war? Who are the veto actors for processes of positive redistribution? Nationally? Regionally and locally? How is the Colombian land grab coordinated between regional/local coalitions and the state? How can we characterize and understand the relationship between different civil and armed bureaucracies and land grab?
- 1.5. *Questions related to the ongoing restitution.* How is the present restitution faring? How can we explain the outcome? How can the relative failure of previous positive redistributions be understood? What lessons, especially for institutional design, can be drawn from these experiences?
- 1.6. Last but not least, *questions related to research methods.* By design, the Observatorio's research intends to compare systematically across periods, regions, and groups. There is already a wealth of sources and evidence to do it. This is both an asset and a challenge. The data may be difficult to obtain. When accessible, it is imperfect, patchy and heterogeneous; it is also massive. Quantitative data is typically the result of convenient samples,



and textual corpora (be they taken from archives or from in-depth interviews) also have their quirks and limitations. To proceed in our investigation we have to learn to coexist with this type of evidence. In particular, we have had to deal with massive bodies of textual data (judicial proceedings, etc.), as well as with the need to follow processes which are observed, documented and commented on in real time (like the restitution process). Meanwhile, we must juggle with partial and noisy quantitative data and massive but biased convenience samples produced by the state and other actors, which are periodically updated with new data (this for example demands the development of “adjustment of beliefs” methods). Last but not least, we have to learn to triangulate across different types of data. (As an aside, the failure to document and understand regional variance --and to identify its meaning-- is also rooted in the intrinsic difficulty related to managing these masses of heterogeneous data.)

We have already produced tools to face some of the most urgent challenges, and have further developments lined up.

5.4. *Time frames*

The Observatorio is composed of the following research groups: jurisprudence (Law Department, Universidad del Rosario; Law Faculty, Universidad del Sinú); economics (Economics Department, Universidad del Rosario); political science (Law Department, Universidad del Norte, and IEPRI²⁵- Universidad Nacional); computational methods and tools (Mathematics, Universidad Sergio Arboleda). Additionally, an academic unit is following the restitution process daily. Furthermore, clusters of groups support other activities (web page, warning systems, interactions with state agencies, etc.).

²⁵ Institute of Political Studies and International Relations, for its acronym in Spanish.



Collective action on the part of these groups does not imply agreement regarding theoretical frameworks, methods, findings or preferences, a homogeneity with which fortunately the Observatorio is not endowed. Each research group establishes its own time frame, according to its specific research problem. For the study of the origin of relevant institutional designs, the starting date might go back into the 19th Century. The follow-up of the restitution process initiated in 2011, instead, will obviously focus on the present day. For all other questions and issues, we will work on the most recent period of conflict.

6. Conclusions

Given the importance of the issues involved in agrarian debates in the country, there are many state agencies, NGO's, and academic undertakings already "observing" them. Some of them have already produced very valuable work. The specific niche in which this *Observatorio* intends to operate is political/institutional. We want to understand the institutions, coalitions, and political dynamics that explain Colombia's massive land grab, as well as its persistently high and coercively-based levels of inequality in the rural world. We want to produce a credible argument that passes basic comparative tests, and that accounts for the longitudinal and cross sectional variation of displacement and associated forms of victimization of civilians.

There is high quality previous work on which we will draw systematically. At the same time, the quandaries and problems identified here remain unanswered and sometimes unaddressed. Furthermore, since to deal with some of these problems we need to come up with specific tools, we intend to be "methodologically aware" throughout and produce research results also in the methodological terrain.



As observed above, there is no direct relation between social scientific research and political/policy outcomes. On the other hand, systematic analysis of institutional designs and careful observation of policies and processes may contribute to the identification (by public opinion, social actors, and the negotiating parties) of basic lessons, avenues for advancement, and possibilities for progress. The best literature in the field has shown eloquently that the positive redistribution of land is not only possible but also highly desirable in contexts marked by extreme inequality and violence (Lipton, 2009). We hope that some of the ideas developed by this research program contribute to increase the likelihood of positive outcomes.

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