



# XXVII FIG CONGRESS

11-15 SEPTEMBER 2022  
Warsaw, Poland

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## IMPROVEMENTS IN THE COLOMBIAN LAND ADMINISTRATION SYSTEM: possible contribution from the Brazilian experience

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## Main Aim

Show how Brazilian Land Administration Solutions can inspire the Colombian authorities to solve their LAS institutional and legal issues

## Steps

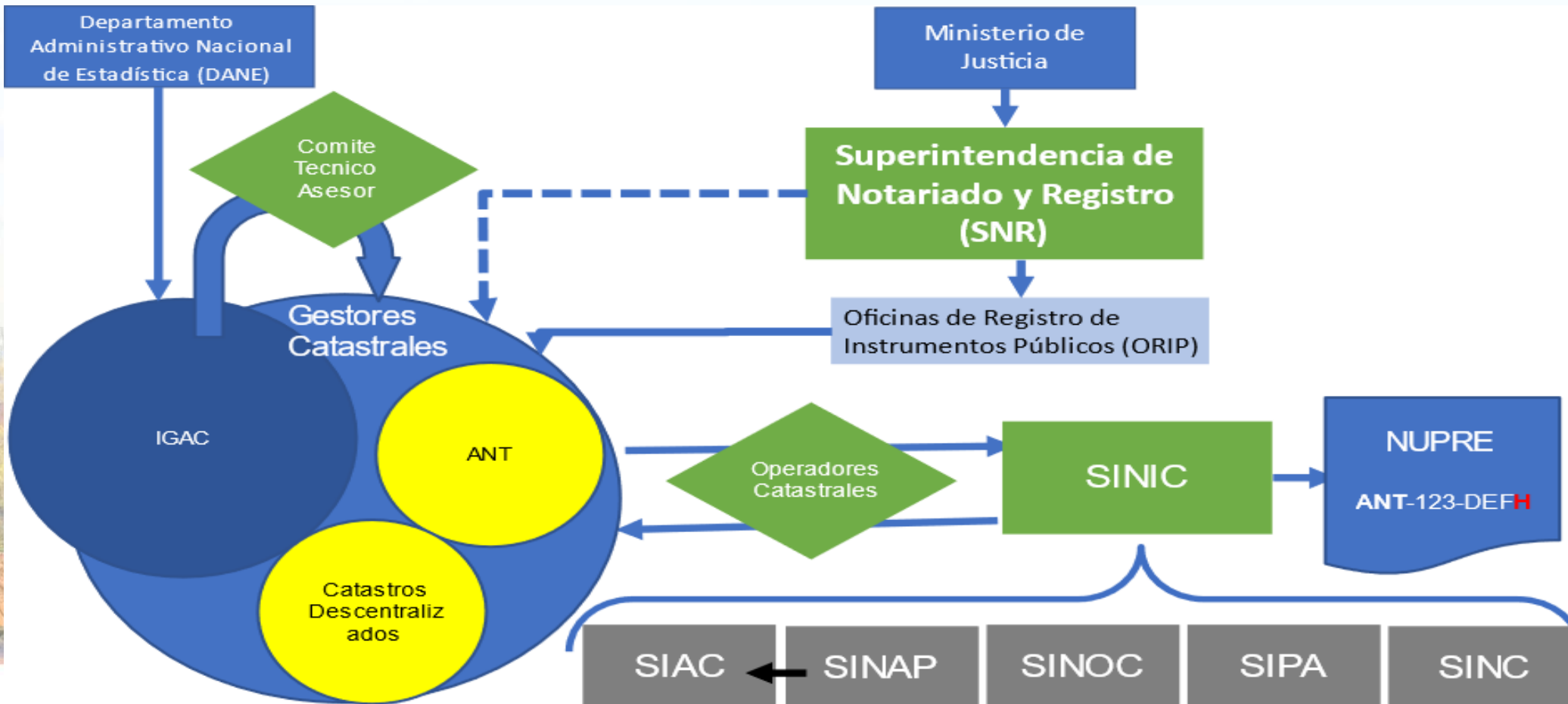
- Presentation on the current institutions, the legislation and the statistics from the land ownership in Colombia
- Description of the Brazilian LAS, its statistics and some recent solutions that could contribute to the Colombian LAS.
- To conclude, synthesize the findings and propose concrete policies for Colombia based on the Brazilian experience



## A brief historical background to the Land Administration System

- The struggle for land, between landowners, peasants, settlers, State, rural and urban society, was a causal factor of many of the conflicts that affected the development of institutions linked to the LAS (LODOÑO, 2008).
- In the 19th century, the Colombia State, granted large portions of land to those who helped solve the civil conflicts at the time, such as military, politicians and government creditors, or influential figures in political life, which in turn deepened inequality in access to land (KALMANOVITZ, 2017),
- This reality gained greater highlight in the early 20th century, with the crisis of the 1930s, when a new distribution of property took place favoring the middle and upper layers of society (MACHADO, 2009).

## The current Colombian Land Administration system





## An estimation of the Colombian land tenure situation

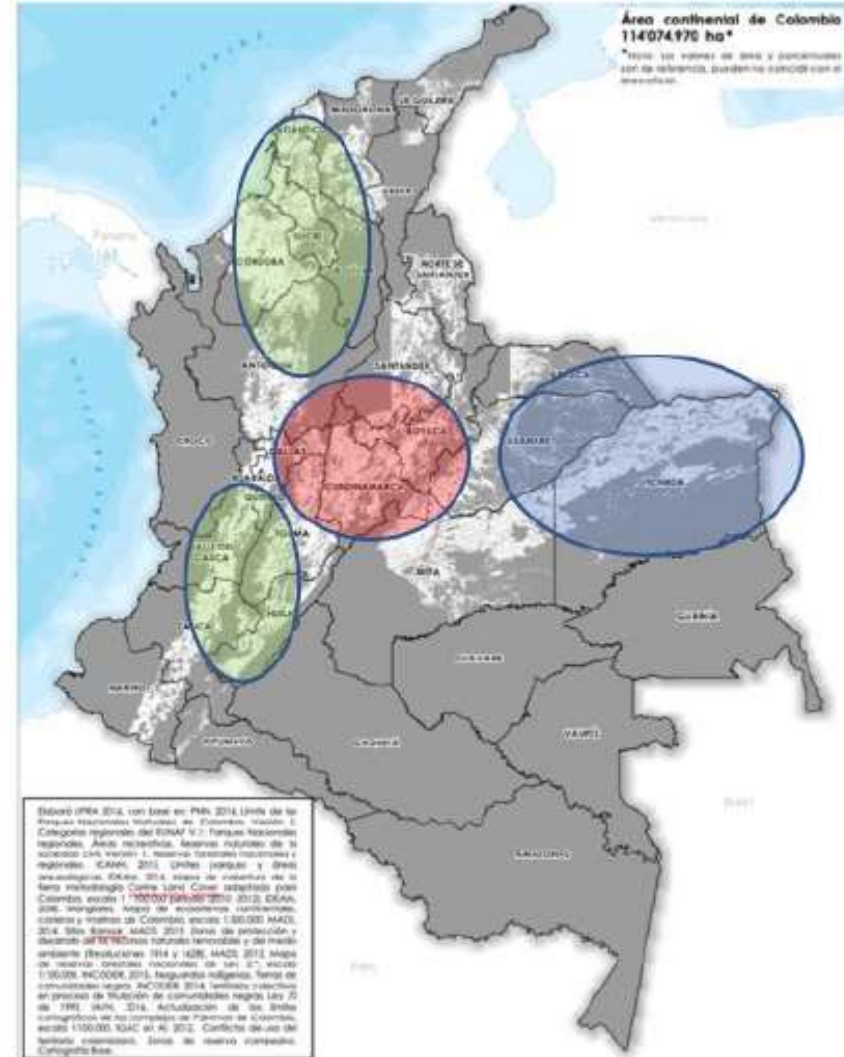
- 28% of all national territory did not have a cadastral background and 66% that had cadastral information was not updated, being only 5,68% updated (CONPES 3959, 2019)
- By January of 2020, the registration of properties corresponded to approximately 40% of the total households, most of it stored in an analogic format (CONPES 4007, 2020, p. 30)

Type	Area ha	%
Private areas, infrastructure, and water bodies*	64.483.955	56,42
Indigenous Territories	33.615.916	29,41
Protected Areas	8.493.070	7,43
Afro-descendants Communities	6.236.859	5,46
Tierras Baldías	1.300.000	1,14
Urban areas	170.200	0,15
<b>Total</b>	<b>114.300.000</b>	<b>100</b>

(\* ) Estimated by exclusion

# ESTIMACIÓN DE SECTORES DE BALDÍOS VS. PRIVADOS INFORMALES

Área continental de Colombia	114.074.970 ha
Restricciones	94.478.341 ha (83%)
Sin restricción	19.596.629 ha (17%)



- **Círculo azul:** se estima que tiene predominancia de predios baldíos.
- **Círculo rojo:** se estima que tiene predominancia de privados informales.
- **Círculos verdes:** se estima que tienen 70% baldíos y 30% privados informales.

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DIRECT ADMINISTRATION OF INCRA			
Type	Polygons	Area(ha)	% of total
Settlements	7.674	75.925.788,39	8,92
Quilombola territory	420	2.866.543,77	0,34
Certification of properties/public installments	27.312	95.755.667,21	11,25
Certification of properties/private installments	431.296	205.532.088,76	24,14
Incra land regularization agreements	107.853	4.335.993,96	0,51
Subtotal	574.555	384.416.082,09	45,15
FROM PARTNER ENTITIES DATABASES			
Type	Polygons	Area(ha)	% of total
Indigenous area	607	119.553.662,85	14,04
Conservation units	1.641	162.776.197,70	19,12
Georeferenced area by secretary of land reform of incra	80.041	3.254.260,69	0,38
Georeferenced area by terra legal	183.438	22.218.245,85	2,61
Subtotal	265.727	307.802.367,10	36,15
Georeferenced Grand Total	840.282	692.218.449,19	81,30
Brazilian Total Area		851.487.600,00	100,00



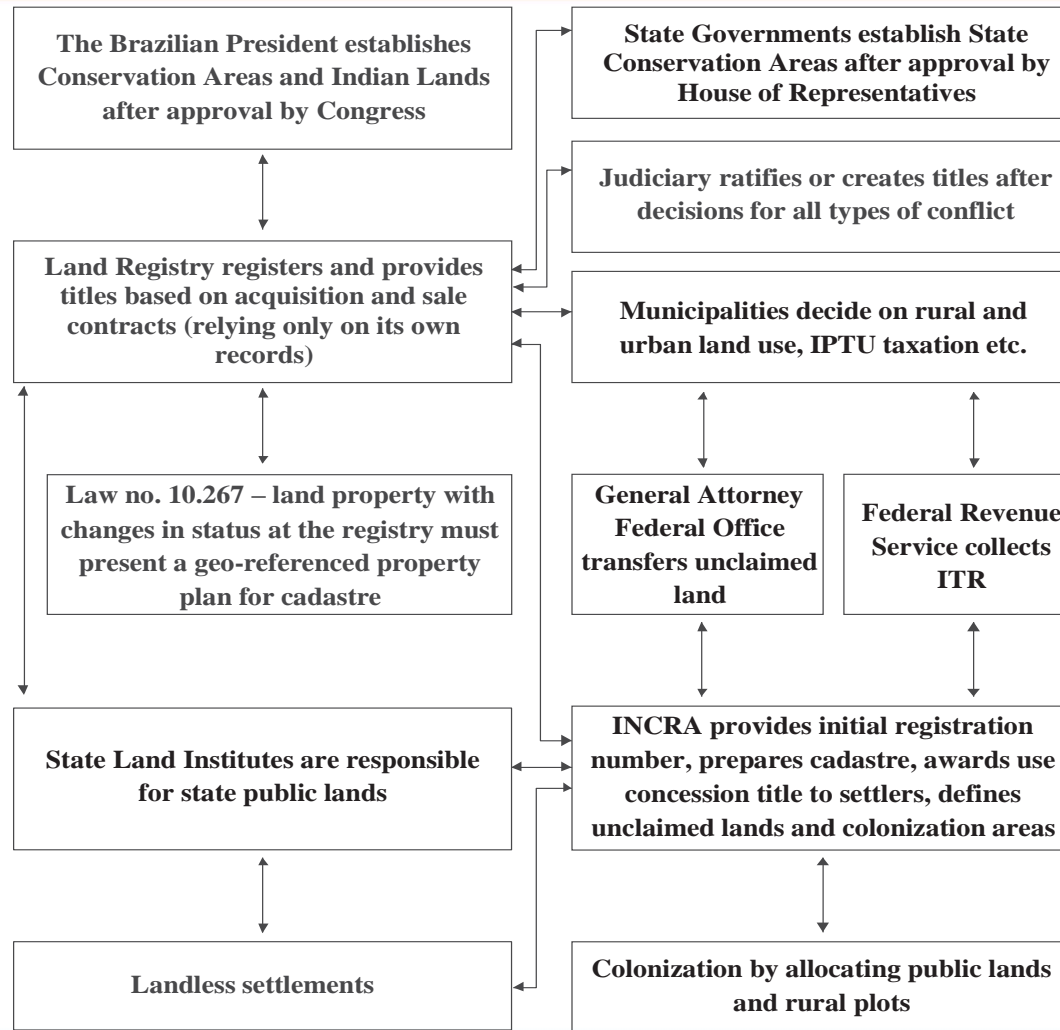
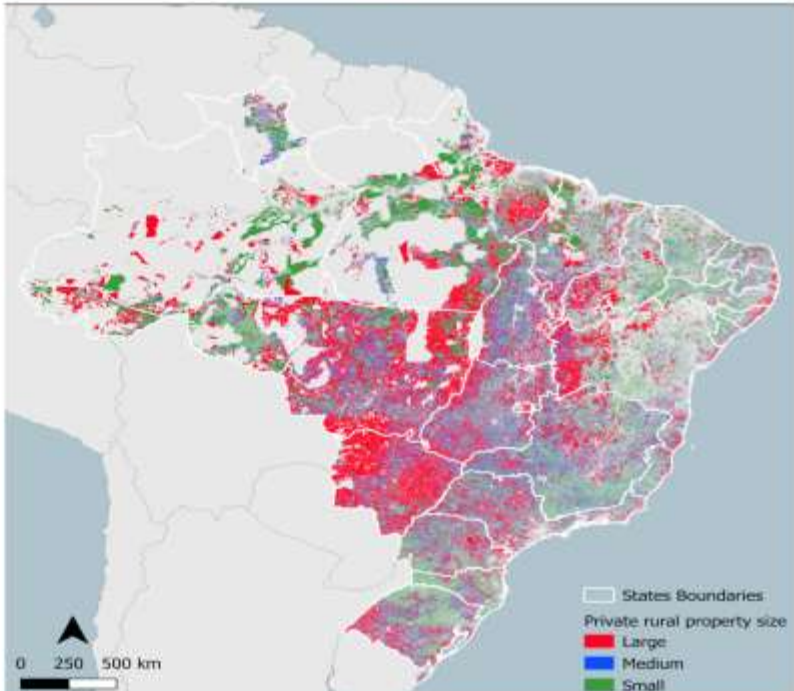
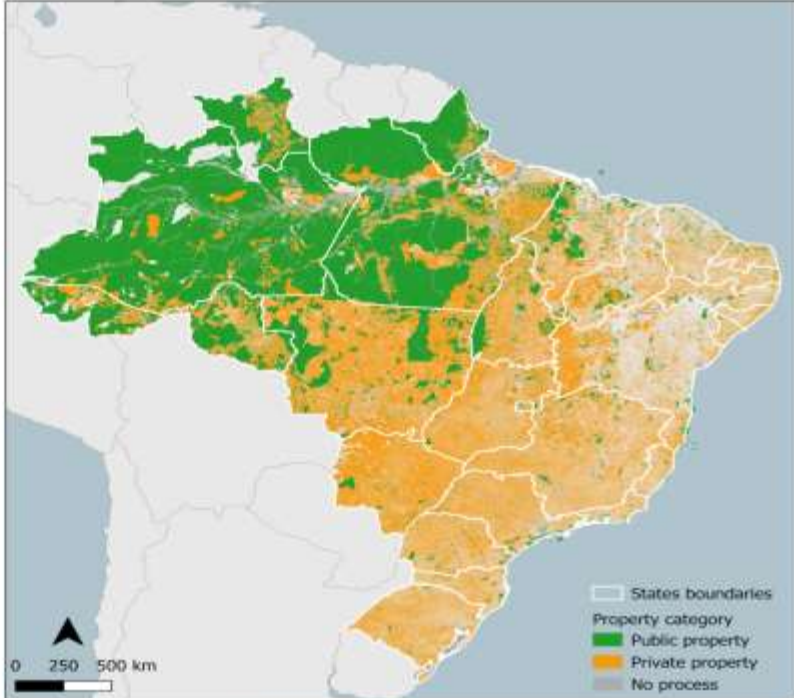
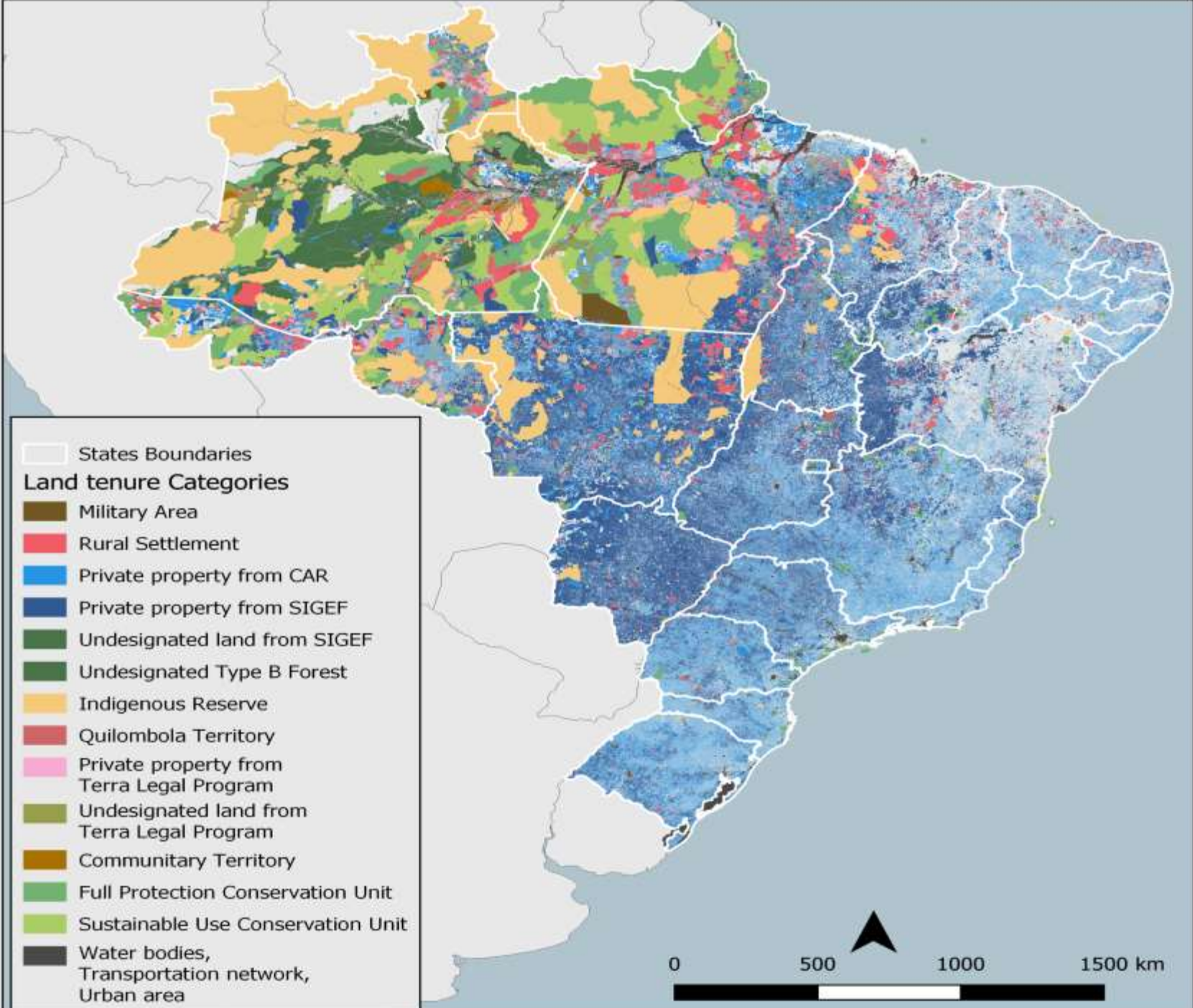


Fig. 1. Institutional framework of the Brazilian land tenure administration.







## Total and relative area and number of units of Brazilian land tenure categories

Categories	Hectares	%
Private properties from CAR	173.844.446	20,4
Private properties from SIGEF	188.782.796	22,2
Private properties from Terra Legal Program	9.830.630	1,2
Quilombola's Territories	3.117.971	0,4
Rural Settlements	41.736.096	4,9
Communitarian Territories	1.779.373	0,2
Indigenous Reserves	112.412.239	13,2
Conservation Units	93.403.026	11,0
Military Areas	3.006.965	0,4
Undesignated Lands	54.599.607	6,4
Unregistered	141.454.569	16,6
Transportation network, Urban area and Waterbodies	26.310.500	3,1
<b>Total Brazil</b>	<b>850.278.218</b>	<b>100,0</b>



## Some Innovations in the Brazilian land administration that can inspire Colombia

- Law 10.267 of 2001 – integration between cadaster and register
- Forestry Code (2012) – Mandatory conservation áreas in private áreas
- Terra legal program (created by Law n° 11,952 of 2009) – Largest regularization program in the Amazon, focus on traditional communities and conservation units, strategy by ‘joint effort’ a registration of public lands at the registry office 70 million ha;
- Law n° 13.465 of 2017 - Facilitate the regularization private process by giving a limit time frame for third parties manifest and public recognition by neighbors.

## Final remarks and propositions

- after SIGEF was proposed and enacted, it took over ten years to be operational, with all the information it was designed to. Today, Colombia counts with the political will to make this change, but this might not last for decades, so it is important to involve all intuitions and consider legal means to sustain it;
- promote the regularization process through the **Adverse Possession (or prescripción adquisitiva)** but facilitate by making it an administrative process (at the Notaries and/or Registry Offices).
- stimulate the opportunities for executing policies such as the Barrido Predial Masivo by focusing in strategic areas and mobilize for field data collection.
- Promote compliance clauses and/or environmental commitments for those being regularized;



## Main general steps for improving a Country's Land Administration System

- Make a good land ownership and LAS country historical reconstruction;
- Find the gaps and solutions for the country's LAS improvement using the existing tools STDM, LADM or other;
- Involve the country's LAS civil servants in finding Fit for Purpose solutions for the necessary improvements, using LGAF and other participatory instruments;
- Separate the instruments that must be used for the improvements by the time required for its application (operational changes, administrative changes, institutional changes, low level of laws, higher level of laws, etc...);
- Apply pilots were possible together with civil servants for them to see how to improve LAS;