



**Colombia's old Agrarian Reforms challenge a New Rural Reform to finally benefit the rural poor**

A Research Paper presented by:

***DANIEL PEDRAZA ISAZA***

(Colombia)

in partial fulfillment of the requirements for obtaining the degree of

***MASTER OF ARTS IN DEVELOPMENT STUDIES***

Major:

***AGRARIAN, FOOD AND ENVIRONMENTAL STUDIES***

(AFES)

Specialization:

*Agrarian and Food Studies*

Members of the Examining Committee:

Jun Borrás

Murat Arsel

The Hague, The Netherlands  
November 2016

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***Inquiries:***

**Postal address:**

Institute of Social Studies  
P.O. Box 29776  
2502 LT The Hague  
The Netherlands

**Location:**

Kortenaerkade 12  
2518 AX The Hague  
The Netherlands

Telephone: +31 70 426 0460

Fax: +31 70 426 0799

***Gracias al de arriba por todo.***

***Gracias a mi Morchis por su amor.***

***Gracias a mi familia por su apoyo.***

***Gracias a los amigos latinos por la diversión.***

***Gracias a todos los que hicieron este sueño posible!***

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### ***List of Acronyms***

ANUC	National peasants Association (Asociación nacional de usuarios campesinos)
FARC – EP	Revolutionary Armed Forces of Colombia - People's Army - (Fuerzas armadas revolucionarias de Colombia – Ejército del Pueblo)
IGAC	Geographic Institute Agustin Codazzi (Instituto Geografico Agustin Codazzi)
INCODER	Colombian Institute for Rural Development - (Instituto Colombiano de Desarrollo Rural)
INCORA	Colombian Institute of Agrarian Reform – (Instituto Colombiano de Reforma Agraria)
MLAR	Market Led Agrarian Reform

## *Abstract*

*Using historical and political economy frameworks, this research argues that after three agrarian reforms, Colombia continues to have a debt with its rural poor. Findings suggested that this debt is fueled by internal policy elements as well as external factors vis-a-vis their link to the reform. Therefore, these elements are (re)defined as challenges to be faced in the implementation of a new land reform. Finally, this research unpacks the new agrarian reform through these challenges, and propose a shift in the hierarchy to approach the reform. Overall, this research's results aim towards a new reform that both benefits the rural poor and serves as a mechanism to reduce inequality in Colombian rural areas.*

## **Relevance to Development Studies**

The relevance of this paper relies on the way it uses history and political economy to analyze the past and present of land reform policy in Colombia, to highlight future challenges in its development process in which the main beneficiaries should be the rural poor.

## **Keywords**

*Agrarian reform history, peace process, challenges, rural poor, agrarian political economy.*



*“If you assume that there is no hope, you guarantee that there will be no hope. If you assume that there is an instinct for freedom, that there are opportunities to change things, then there is a possibility that you can contribute to making a better world.”*

**Noam Chomsky**

## **INTRODUCTION**

Colombia has witnessed land concentration since the Spanish conquest. This concentration has grown continuously through centuries, leaving Colombia as “one of the most unequal countries in the world, with a Gini coefficient for land ownership of 0.86, only exceeded in Latin America by Paraguay”. (Grajales 2011:275). In addition “[w]hile the agricultural sector in Colombia has historically played a key role in the country’s economic development, it has also been the source of extensive social disintegration, [...]. The result has been the persistence of conflict over land ownership and access rights among rural dwellers for over eight decades” (Ampuero and Brittain 2005:364). Yet in Colombia, as concluded by the National Centre for Historical Memory<sup>1</sup> (2013:24), there isn’t any complete and systematic analysis about the historical development of policies related to land and land reform.

As a starting point, “the story of the agricultural and rural sector in Colombia over the last decades is a mixed tale of good intentions, reforms, reversals and an increase sense of prolonged and lingering crisis of the *campesinado*” (Giugale et al. 2003 :488). Understanding this dichotomy helps to comprehend, from a critical perspective, what has happened in national agrarian reforms and how historical challenges help to unpack Colombia’s new reform discussed in the Peace Process with Colombia’s oldest guerilla, the FARC-EP<sup>2</sup>. The analysis will be framed in the context of assessing the issue as to what extent have past land reforms benefitted the rural poor in Colombia, and what are the prospects of the proposed land reform in the context of the Peace process?

It is important to identify that Colombia is known as having the world’s longest permanent civil war with FARC-EP guerrilla as the longest existing insurgent group so far (Guáqueta 2003; Leech 2011). In this sense, “access to land was the main trigger that helped in forming the war system due to the state’s institutional failure to democratize access to land property rights” (Richani 2013 :220). This is why in Colombia as (Lavadenz and Deininger 2003:565) conclude, “the main challenge still on how to ensure that public distribution of resources, as for this case land, is aimed at benefitting the most vulnerable rural dwellers, especially the land less and the peasant with not enough land, instead of a few rural elites close to state power”.

This research reviews empirical and academic literature on Colombian agrarian reforms in order to shed some light on the debate towards the implementation of a future reform. It also, and most importantly, aims to provide a guidance for policy decision-makers to be able to know how history interrelates with present political economy and how this intersection teaches important lessons towards the future.

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<sup>1</sup> Centro Nacional De Memoria Histórica in Spanish

<sup>2</sup> FARC-EP: Fuerzas Armadas revolucionarias de Colombia ejercito del pueblo – Colombian Revolutionary armed forces Peoples army

Therefore, using history and political economy, the findings reveal that, after three agrarian reforms, Colombian Government has failed to benefit the rural poor. Accordingly, is argued that, to certain extent, this failure is the result of the convergence of seven internal and external elements that have persisted through history. Consequently, these elements are used to unpack the new reform, to recognize how the reform does include elements such as expropriation and land taxing but leave aside elements such as the future role of agrarian institutions. Lastly is suggested a shift in the hierarchical way to approach the reform, placing the landowning class in the center of the future reform than the rural poor.

As a consequence, this study finds similar results to what De Janvry and Sadoulet (2002) found in their review of the outcomes of seventy years of Land Reforms in Latin America. These similarities are found in elements such as expropriation of land and the integration of the peasant needs into the reforms. Nevertheless, the research goes beyond the scholars review, because it identifies other recurrent elements that have affected the reform implementation. These are related to: first, how macroeconomic policies affect reforms goals; second, how big land owners exercise their power in different ways; third, how counter reforms have managed to stop the reform process; fourth how land taxation has fuelled land concentration and finally how public institutions have miscarried the reforms.

*Organization of the paper:*

First, it start setting up relevant conceptual hooks, second it draws upon an analysis of Colombian agrarian history starting from the first reform in 1936 to the last reform in 1994, including counter reforms. Third chapter raises on the elements which fueled the failure of the reforms to reach the rural poor. Fourthly an overview of the current agrarian political economy. Finally the research uses the past and present elements to unpack the future agrarian reform providing an analysis on the way these challenges are (not) being addressed.

## **2. Conceptual hooks**

Undoubtedly previous land reforms, offer valuable lessons to understand present land concerns. They also validates the importance of historical analysis. This analysis is also a powerful analytical tool to understand the future agrarian reform and its challenges. In this way, “paradoxically, the past remains the most useful analytical tool for coping with constant change, but in a novel form. It turns into the discovery of history as a process of directional change, of development or evolution” (Hobsbawm 1972:11).

This research paper reaches its goal by using the results of a historical analysis of previous land reforms combined with an exploration of the present Colombian agrarian political economy, using history as “the unity of past, present and future” (Hobsbawm 1972:15). The analysis contest the actual situation, based in Rosset’s observation on how “a populist struggle for land that does not take into consideration [...] the historical struggle of small farmers and the landless could quickly become part of the neoliberal project and lead to increase political exclusiveness” (2006:8). Correspondingly, this chapter is devoted to describe the main conceptual hooks that guide the research.

### **2.1 Rural poor, land and land reform.**

In relation to land reform beneficiaries is central to recognise how land reform, landless and peasants have almost always been the most desired beneficiaries, however within the category of peasant, poor peasants are the main target group of each reform, at least in the initial policy design. However, it seems as if many reforms have failed to achieve these target excluding the poor and illiterate peasant in the process of getting new land.

The analysis of this study draws upon ‘the rural poor’ as: in one hand, ‘resource poor’ farmers in the same way as understood by Chambers and Ghildyal (1985:3), “[a] resource-poor farm family is defined as one whose resources of land, water, labour and capital do not currently permit a decent and secure family livelihood”. Furthermore, this is complemented as understood by Borras (2009 :9) as a “highly heterogeneous social category, and they include the peasantry with its various strata, landless rural labourers, migrant workers, forest dwellers, subsistence fishers, indigenous peoples, and pastoralists”.

Furthermore, to answer the first part of the research question<sup>3</sup>, is important to conceptualize ‘benefit’. Therefore, benefit will be reflected upon the land composition and land concentration levels, assuming how an increase in the size of the property, reveals a decrease in the benefits of the rural poor.

As for the importance of land in the rural life, Akram-Lodhi (2007:555) recognizes how “access to land allows families to use their labour in farming, rural non-farm or urban work. Moreover, land, as a resource, can, in addition to being directly used, be lent out, rented out, or sold, all of which can sustain the financial security

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<sup>3</sup> To what extent have past land reforms benefitted the rural poor in Colombia?

of rural people”. In addition, Borras Jr and Ross (2007 :1) describe how “for poor peasants, control over land also means being able to exercise their civil and political rights outside the control of landlords, warlords, and chieftains”. But, Ploeg acknowledged how

Modernisation converted land into a commodity, symbolically as well as materially, creating a rupture with the past. Land became the main collateral for the credit operations that peasants were supposed to engage in, at the risk of losing their land. [...] Land ceased to be a bastion of autonomy and increasingly became a link in longer chains that tied the farmer to exogenous and often more powerful interests and projects. Land also increasingly lost its role as part of the resource base that allowed for agricultural production; land was reduced to being a mere ‘parking lot’ where industrialised farming is located (2010:4).

In the further development of the analysis, it will be seen how historically, in Colombia, since 1970s land started to lose its productivity value and began to have a speculative value.

For the meantime, land reform is defined by Tai (1974 :11) as “public programs that seek to restructure equitably and rationally a defective land-tenure system by compulsory, drastic and rapid means”. But, nowadays, scholars such as Borras Jr and Franco, go further to explain how

Land reform remains important, but its limitations as a call to action are being exposed by the current cycle of land grabbing. Likewise, land tenure security is important, but alone is not enough, since adverse incorporation of the rural working poor classes into the corporate-controlled global food-feed-fuel regime does not necessarily require moving them off the land (2012 :2).

Besides, Borras (2007:10) explains how a redistributive land reform, emphasizes in two key issues: i) the actual and effective control over the land resource and ii) the transfer of power to control land resources, concluding how a “redistributive land reform is achieved only when there is actual net transfer of (power for) effective control over the land resource”.

Assuming that Colombian reforms were framed in redistributive policies, answering the main question of the research, is a ‘matter of degree’. This, because

Taking redistributive land reform as inherently a matter of degree provides us with an analytic tool that helps us understand and compare land reforms [...] within countries. Using this perspective, analysis can move beyond the crude ‘success’ or ‘failure’ comparative divide, which is also overly quantitatively oriented, and bring qualitative aspects into the analysis to allow more nuanced comparisons especially on the social and political-economic aspects of land reform (Borras 2006 :74).

As for the Market led Agrarian Reform (MLAR) Deininger, defines this as a negotiated land reform, that:

[R]elies on voluntary land transfers based on negotiation between buyers and sellers, where the government’s role is restricted to establishing the necessary framework and making available a land purchase grant to eligible beneficiaries (1999:3).

On the other hand, land restitution will be understood as a process that aims to enable “former landholders to claim spaces and territories which formed the basis of earlier identities and livelihoods” (Fay and James 2008 :1). Therefore,

[C]arrying it out, inevitably forces lofty principles of justice and restoration [...] while confronting] the messy practicalities of determining ownership, defining legitimate claimants, establishing evidence for claims and overcoming potential opposition by current landowners (Fay and James 2008 :xi).

In addition, scholars such as Franco et al. (2015:69), concludes how “in settings marked by inequality in land access and control, the main and urgent challenge is to redistribute land, [...] the challenge goes beyond establishing rights on paper, to making them authoritative and effective in complex realities marked by actually existing unequal power structures and power relations”. Furthermore this is complemented by Borrás Jr and Ross (2007:2) who argue that “democratic resolution of the land question through redistributive land reforms can help prevent rural conflict while creating political stability and peace”.

Also, this research uses Fox’s (1990 :3-4) framing of the ‘Challenge of Rural Democratization’ as a conceptual hook to support the categorization of the elements (internal/external) that left aside the rural poor from the reform. Overall this frame, describes internal and external obstacles faced by the rural poor in their everyday political activity, which define their democratic collective action. Besides, Fox (1990) explains how internal obstacles that are related to different socio economic variables, have a big weight when decisions to participate in political activities have to be made. On the other hand, the external factor are related to forces behind public and private sectors interested in a systematic repression of democratic activities. Also, Fox states how this repression sometimes comes along with violence and impunity. Hence this will be seen in an analogous exercise for the Colombian case.

As a final point, to define the relations between the resulting elements that sidestep the rural poor from benefiting from the reform, the ecological system theory developed by Bronfenbrenner (1979) in his book *‘The Ecology of Human Development’* will be used especially the emphasis on the interrelationship of different processes and their contextual variation. Here to say that Marx and Engels were between the first scholars “committed to what we now call an ecological systems conception of man in relation to fellow man and to nature” (Siporin 1980: 521). In addition this theory:

[i]ncludes and adds dynamic and humanistic dimensions to general and social system theories. It is concerned with people interacting [...], resource exchange, [...] mobility and distribution of populations; of the use of land, technology, energy, social organization, and other resources in natural input-output flows (Siporin 1980: 509).

## **2.2 State – Society**

As for the State analysis in the future chapters, is convenient to first notice how Fox (1993: 11-12) believes in a State which “comprises the range/composition of political, social, economic and coercive institutions that exercise ‘public’ authority in a given territory”. Furthermore literature refers to the modern state and how it:

[E]merged in the course of the 'great transformation' from agrarian to industrial societies and in the consequential requirements for appropriate institutional and regulatory frameworks and functions to facilitate and extend this. [...] Indeed it is essential to understand that the fundamental defining role and function of the modern state has been to promote, organize, protect, and sustain this economic and social transformation to industrialism-and beyond into the 'post-industrial' era (Leftwich 2011 :227).

As will be seen, Colombia developed its industrial society at the same time as its agricultural society, so the building of both societies was a parallel process rather than the lineal one followed by modern states. Therefore Colombia experienced the same path explain by Leftwich (2011:229), when he describes how “while the modern state in the now developed world grew largely through complex *internal* political processes in the course of the great transformations from agrarian to industrial societies, most states in the developing world owe their existence to the geographical definitions and institutional impositions of the colonial era”. Furthermore, for some scholars such as Machado (2009) and Richani (2013) this societal transitions did not took place in the country.

As a complement, Fox’s (1993 :21-40) state – society relations interactive approach, is a conceptual hook to understand the shift in the balance of power within the state and society through time. In the same way, he argues that “state action is the result of a reciprocal cause and effect relationship between changes in the balance of power within the state and shifts in the balance of power within society. Through conflict, each is transformed” (1993: 22).

In this sense, for example, Zamosc (1990 :63) concludes how historically in Colombia there has been an “absence of a strategy for setting up adequate institutional frameworks for dialogue between the state and the rural population”. Hence, this cause – effect relationship will be seen through the agrarian history and the actual political economy, when different actors have faced opportunities and constrains between each other. Therefore, “a state–society relations framework in the study of rural politics has the potential to cover more empirical and analytical grounds” (Borras 2009 :21), as will be seen through the next chapters.

Another conceptual hook, is Fox’s (1993 :11-13) dimensions of state described as i)autonomy and ii)capacity, to understand to what extend the State was effective implementing rural reform benefiting the rural poor in the process. Therefore, it will use ‘State Autonomy’ as defined by Fox (1993 :12 citing Skocpol 1982 :9) in “terms of state leaders independent goal formation”. Hence, for the analysis, State Autonomy is understood as the way, the political leaders in charge of the Government at each moment in time define the goals of each land reform. On the

other hand, State 'Capacity' is defined by Fox (1993 :12 citing Midal 1998 :xi) as the "ability of the state leaders to lead the people to do what they want to do". As for the analysis, capacity will be understood as political capacity meaning the way the state leaders can (not) use the reform in order to benefit the poor.

As for this research the State capacity and autonomy will be analyzed and contested through the lenses of: i) the big rural landowner class and ii) the rural poor in relation to land; iii) the Rich Urban class linked to a political party in relation to capital. This distinction between urban and rural class is because in rural areas the figures of great owner and great electoral baron almost always focus on one person or family (PNUD 2011:41), but in the urban areas this correlation of power with land does not always exists, instead power is related to capital, mainly in terms of money.

### ***2.3 Conflict, development and peace settlement.***

On the other hand, the relation between war and development and how they have manage to work hand by hand, help to explain how land have been an asset in dispute in Colombia's history and have become a capitalist asset, replacing it productivity price for a speculation price (Gómez et al. 2015, Thomson 2011, Grajales 2011). Overall, it will be argued how in Colombia, war has supported the capitalist process differing to what scholars such as Collier et al. have demarcated; "war is development in reverse" (2003:1). Besides it defy the affirmation that "development is an effective instrument for conflict prevention" (Collier et al. 2003:1,53) at least not in Colombia.

Besides, in this research this two principle claims are challenged so to conclude how capitalism blossoms along with war, which leads to say that Colombia's development process was and is being fueled by war. This analysis will be determinant in order to understand the actual Peace Process which may define the challenges of future development process in the rural areas. Moreover, Cramer scrutinize the conventional conflict-development model and define it as a "twin process of forceful asset accumulation and displacement of people" (Cramer 2006:217).

This transition to capitalism by primitive accumulation is further explain for the Colombian case by Gómez et al. (2015:271) where they provide evidence of violent land grabs in contemporary Colombia and show that a process of primitive accumulation is still very much underway in the country. What's more, this theorize what was described in the introduction by Ampuero and Brittain (2005:364) as to how "the agricultural sector in Colombia has historically played a key role in the country's economic development but at the same time is guilty for the extensive social disintegration". This process of accumulations and the dichotomy between conflict and development will arise constantly through this research.



But, Colombia has lived a long armed conflict with the FARC-EP and is currently in the longest peace process ever seen<sup>4</sup>, hoping to end the war through a negotiated peace settlement process. Furthermore, is expected that this settlement comes towards a successful end in time to come. This is supported by Hartzell et al. (2001 :190) conclusion, that "if adversaries' experience over time have the effect of convincing them that they cannot prevail in battle, they may well calculate that returning to war has no payoff". In this sense Lederach adds how "change from cycles of deadly violence to negotiation is possible only when the conflict and its perpetrating actors have reached a certain maturation point, then conciliation and negotiation efforts can be introduced with greater effectiveness and success" (2002 :31). Nowadays this seem to be the case in Colombia. But, on the other side, authors such as Walter prove that "in most cases the government and the rebels will recognize the overwhelming risks involved with compliance, and they will refuse to sign any treaty even if all the underlying issues have been resolved and even if both sides sincerely want peace" (1997 :339).

Therefore in the following chapters these hooks frame the analysis and will be considered and contested, from different perspectives of the history of agrarian reforms in Colombia.

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<sup>4</sup> Peace talks began 26 August 2012

### **3. Historical agrarian reforms in Colombia**

So, did the agrarian and counter agrarian reforms benefited the rural poor? This chapter will answer this question. Furthermore it shed light on who were initial - final land reform beneficiaries. Hence, this will be answered through a historical journey since 1936 until the 1994 land reform, using State-Society relations, State autonomy/capacity and land reform as conceptual hooks. Furthermore, this chapter is supported in the appendix 1 where there is a deeper explanation of the most important milestones in the Colombian agrarian history.

#### **3.1 The 1936 Agrarian reform**

Although this reform called for a redistribution of big unutilized farms, the reality was that “land conflicts led to the transformation of large States into pastures and cattle ranches, which were less labor intensive, causing disruption of production, reduction of foodstuff, and an increase in land prices, outcomes that the reform was designed to avert” (Richani 2013 :19). Therefore, Law 200 aimed towards eliminating the big concentration of land or latifundios but unfortunately “Law 200 left the latifundios intact but accelerated in some areas the transformation of sharecroppers and tenants into wage laborers” (Richani 2013:19) affecting specially the rural poor.

Liberal President, Alfonso Lopez Pumarejo, in his 1935 presidential message to congress stated that “the project of the land law has no purpose other than to strengthen property rights, organizing them on the basis of principles of justice, and of resolving the conflicts which gave grown out the vagueness of existing titles” (Richani 2013 :17). But, “ironically, in fact, the law appears to have given the landlords the upper hand. [...] at the same time, Law 200 strongly supported the concept of the social function of property; it stipulated that, if the great States were not made productive within ten years, they should automatically revert to public domain” (LeGrand 1992 :42, see also INCORA 1970:14). But, “land law 200, commonly thought to favor the settlers, in fact reinforced the position of the large State owners: by making easier for them to claim land as theirs, it detracted from the argument that such land was still in the public domain” (Berry 2006:130).

Furthermore, the State exercised its autonomy through the liberal party, who according to (Mondragón 2003 :9) capitalized the reform for the sake of their own interests and those of capital but not for the landowner class who at the end contested the State capacity and neutralized the reform.

As a result complemented on the review in the Appendix 1, this reform did not benefit the rural poor, as supported in the work of different scholars such as (Berry 2002, LeGrand 1992, Richani 2013, Mondragón 2003) who conclude that this law instead of improving the situation of the peasants, giving them land, seems to have been counterproductive because of the privatization promoted by the landowners removing the settlers from their land. Besides, this reform also failed to encourage expropriation strategies and land taxes.

### **3.2 Agrarian Counter reform of 1944**

But after the reform effort, Law 100 was designed to ‘correct’ the limitations of Law 200, as Richani (2013 :21) states: “whereas Law 200 [of 1936] was to create a class of agrarian farmers, shifting agrarian relations from tenancy to wage labor, the objectives of Law 100 were to reorganize the relationship between landlords and tenants [... it] defined the rights of and obligations of the tenants in a way that secured landlords control of the land”.

Again, evidence show, supported in the appendix 1, how the landowning class manage to stop the 1936 reform by putting pressure to the government in a new law which satisfied their interest rather than benefiting the rural poor.

### **3.3 ‘The Violence’ Period**

Fairly certainly, evidence in appendix 1 shows how the land owning class took advantage of this epoch of political violence to their favor, increasing the land concentration, expelling mainly the poorest dwellers from the rural areas.

### **3.4 Second agrarian reform in 1961**

Again, under a liberal presidential epoch (1958 -1962), President Alberto Lleras Camargo launched Land reform in the form of Law 135 of 1961. This law, gave rise to the Colombian Institute of Agrarian Reform (INCORA), which creation was the result of a negotiation process between liberal and conservative elites to regain control of the peasant movement (Machado 2009 :151). Besides, “the law passed only after large landowners lessened the criteria for land expropriation and instituted proper indemnification procedures and payments” (Richani 2013:27). Moreover, “Law 135 of 1961 had the backing of the Alliance for Progress with its reformist rhetoric. [...] the easy way out was to opt for the colonization route, while promising to touch private property only in special cases” (Berry 2006:133).

Evidence in the appendix 1 show how State autonomy was exercised through the liberal party who was allied with the conservative party, in what was called ‘the national front’ which divided power between liberals and conservative from 1958 until 1974. On the other hand State capacity was contested by the landowning class, while the liberal party tried to ally with the rural poor, in order to have support for the implementation of the reform.

Therefore, “despite the peasant mobilization supported by Carlos Lleras, the agrarian reform proved to be poor as a political strategy. [...] Peasants were left with a sense of frustration and ultimately alienation, which for many found the expressions in abstention from voting or sympathy for guerrillas” (Palacios and Safford 2002:328). Furthermore, decisions concerning land reform, both at local and central level, were often politically motivated towards benefiting the landlords by affecting the rural poor. Therefore Table No. 2 in the appendix 2, shows how land concentration increased from 1960 until 2002, showing how the reform did not benefited the rural poor. Hence, evidence also show how agrarian public institutions failed to defend the rural poor interest.

Additionally authors such as Richani (2013 :27) and Felstehausen (1970:20) suggest how expropriation strategies completely failed to gain land redistribution for the poor. Overall, it can be seen how, again, massive titles of public lands facilitated replication of large landowners patterns in areas where the agricultural frontier has expanded, without allowing , almost as a rule, the stabilization of rural economies and business development, a main stage of the agrarian reform laws' (Fajardo 2002:36).

### ***3.5 The 1971 Counter reform known as “Pacto de Chicoral”***

Once again, as evidence in appendix 1 displays, via counter reform, the land owning class manage to put pressure in the state in order not to affect their own interests, stopping the implementation of the 1961 reform.

### ***3.6 Paramilitary/narcotrafficking intervention - a counter reform process in the 1980s***

Several analysts point out that the military convergence occurred from the 80s became a trend towards concentration of land mainly due to the expansion of capital investment as a procedure for drug money laundering (Fajardo 2002b:23).

Evidence in Appendix 1, support Machado (2009 :117) argument as how the massive purchase of land by drug traffickers can be defined as an agrarian counter reform. These purchases were converted into extensive livestock large property as an expression of territorial domain; and they facilitated these illegal capital encompassing medium properties in large, whereby a neolatifundio dominated by drug traffickers was established, while smallholdings continued fragmentation and the median lost positions (Machado 2009 :120, Arboleda and Correa 2003 :834, Reyes and Bejarano 1998). This land concentration was also favored by a lack of land taxation to big unutilized land as Richani (2013) concludes and without expropriation strategies being led by the state.

### ***3.7 Colombia’s third agrarian reform in 1994***

This reform was introduced in Cesar Gaviria's presidential period, who also belonged to the Liberal political Party. The main goal of the reform was to strengthen the land market by providing subsidies through a redistributive program that emphasizes individual access of peasants to the land. The main aspect of the reform was the willing buying – willing seller aspect, in which the beneficiary negotiated directly with the landlord the land acquisition, with a 70% grant and a 30% credit offered by the government. Finally the land negotiation makes the difference between the previous and the current land reform. All other aspects, such as the degree of public lands, indigenous reserves, clarification of ownership, remain more or less in the traditional way. In fact, according to Balcázar et al. (2001:18), with this new neo institutional approach, was intended to reduce state intervention in acquisition and land grant programs, in order to eliminate and prevent unequal concentration of the property.

But the degree of co-optation of the reform was such that Deininger (1999:656) concludes how the law threatened to concentrate “large amounts of subsidies on a well-connected ‘agrarian bourgeoisie’ while leaving the majority of potential beneficiaries uncovered”. After all, the land reform is not modern or efficient, and repeats many of the vices of the past and their operating mechanisms which are inadequate, overdue and bureaucratic (Machado 2009:39). Once more the State capacity failed to empower the rural poor and to benefit them with more and better land, while protecting the landowning class.

### **3.8 Conclusions**

After the implementation of three agrarian reforms, by presidents who belonged to the Liberal Party, it is possible to conclude that all efforts made by the State have been insufficient when it comes to serving the rural poor. In the same way, Machado (2009:87) and Janvry and Sadoulet (1993 :305) argue how through Colombian history a serious process of redistribution of property have never come forward. Therefore the reform final beneficiaries were not the rural poor, instead the real beneficiaries were the rural landlords.

And so, it’s been exposed how traditional agrarian reform didn’t benefit the rural poor, neither recover the social property function of the land established in the Constitution since 1936 and currently in force. This detriment has been identified in relation mainly to the low level of State autonomy and capacity. Furthermore this autonomy and capacity was neutralized by the power exercised by a landowner class, their ability to impose counter reforms, obstructing the State to reach it goals.

Overall, this historical analysis brought out common element in the powerlessness of the State to exercise its autonomy and capacity. Therefore the analysis resulted in identifying recurring failure elements in history. This elements were identified by the author as:

- ***power exercised by a landowner class,***
- ***counter reforms***
- ***public institution***
- ***rural taxation,***
- ***beneficiaries***
- ***macroeconomic policies***
- ***expropriation***

Although this elements supports the fact that the rural poor did not benefited from the reform, they don’t yet specify how. Therefore, how these element contributet to leave asidethe rural poor from the agrarian reforms, will be answered in a much detailed analysis in the next chapter.

#### **4. Historicizing and defining the main failure elements**

This chapter is devoted to define the previous identified elements that contributed to the failure of the agrarian reforms and how these contribute to it. This will be done through an analysis of the elements *vis-à-vis* the way the elements relates with the reform.

At the same time, indirectly, this chapter provides elements that contribute to answer Tai's question, asked in his comparative analysis between politics and land reform: "Why is there always a gap between promise and reality?" (Tai 1974:6). And it does so, by using history to show how the promised and real outcomes of the reforms depends not only on internal elements related to the design and implementation process, but also on external factors that are often more responsible of obstructing the reforms.

Therefore, these elements are categorized as i) internal elements –Which are those directly link to the policy process- and ii) external elements –Those without direct link with the reform but whose outcomes affect it-. Consequently, elements with internal links were identified as: i) the inefficiency of **public institution**; ii) the absence of **rural taxation**; iii) the incapacity of the reform to incorporate rural poor agency into the design and implementation process, added to a weak definition of **beneficiaries**; and finally the State incapacity to carry out **expropriation** strategies. On the other hand, external factors of the reforms were identified as the **power exercised by a landowner class** who defined the extent of implementation of each reform; the cooptation of the **macroeconomic policies** by the landlords; and the repeated agrarian **counter reforms** strategy.

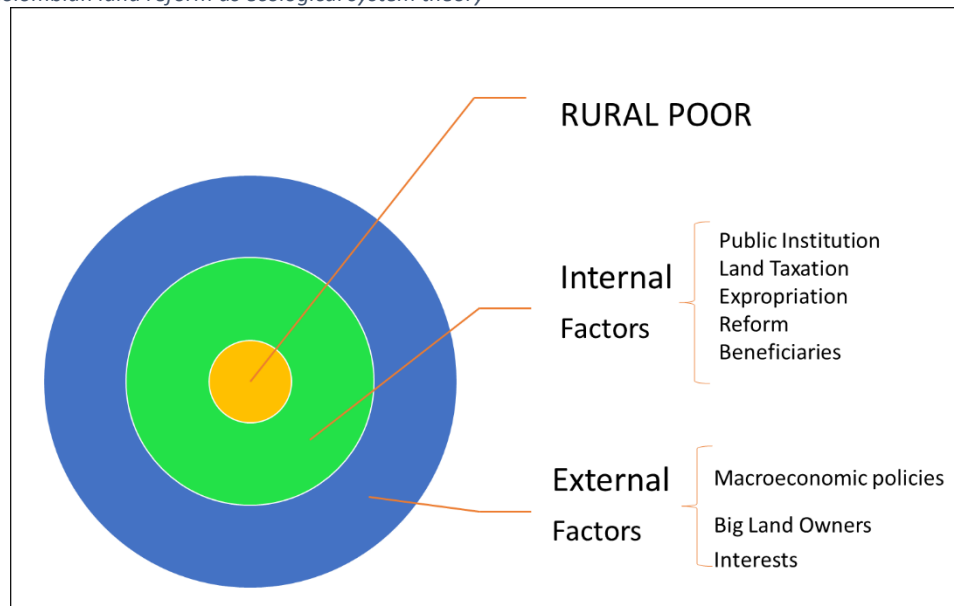
Despite the fact that there have been a lot of elements which have affected the reform, from the Author judgement, these are the ones responsible of leaving aside the rural poor from the benefits of the agrarian reform. Notwithstanding the fact that these and other elements are complexly interlinked in the failure of the reform to reach the rural poor, in order to simplify the analysis the author will only use the seven element pointed out at the end of the previous chapter.

These categories are considered an analogous implementation of the theory used by (Fox 1990) to frame the Challenge of Rural Democratization. Hence, using what Fox described as internal - external obstacles faced by the rural poor regarding their political activity and their democratic collective action, the analysis will use internal and external obstacle faced by the reform. Therefore this chapter categorizes the elements (obstacle for Fox 1990) into two dimensions: i) internal and ii) external, regarding the degree of relation they have with the reform. Subsequently these dimensions are defined as a matter of the degree regarding the relation they have with the reform. Therefore is important to recall the initial conceptual hook mentioned regarding the way comprehending redistributive land reform is inherently a matter of degree.

On the other hand, Ecological System Theory has its roots in the work developed by Bronfenbrenner (1979) to analyze human behavior. In his work he locates the individual at “the center of a series of concentric circles representing microsystems, mesosystems, exosystems, and macrosystems” (Darling 2007: 204).

This theory has been used and adapted in many disciplines to provide further explanations of social phenomena in a systematic way<sup>5</sup>. Accordingly, for this research this theory is adapted to explain the interactions between the internal and external elements of land reform previously identified. Therefore the individual in the center of the system has historically been the rural poor. In the next circle the internal elements of the reform are located, the external elements go on the outside circle representing the big land owners exercising complex power relation from the outside to the inside. Therefore to observe these elements in graphical way, illustration 1 helps to comprehend the author’s adaptation.

Figure 1 Colombian land reform as ecological system theory



Source: Author

In this context, “complexity frequently takes the form of hierarchy, and that hierarchic systems have some common properties that are independent of their specific content” (Simon (1962) cited in Wu, J., & David, J. L. (2002:8)). Therefore, the outside circles exercise power on the inside circles via hierarchic structure. A for the analysis, external factor exercise it power in a hierarchical way on the internal factors and on the rural poor.

Additionally the “characteristics of hierarchical structure can be explained by virtue of ‘loose vertical coupling’, permitting the distinction between levels, and ‘loose horizontal coupling’, allowing the separation between subsystems at each level” ( Simon (1973) cited in Wu, J., & David, J. L. (2002:9))<sup>6</sup>. As for figure 1 this

5 e.g. “the use of systems theory by radical proponents of system change are considered in terms of the dual function of social work: to serve as an instrument of both social stability and social change” (Siporin 1980 :507)

6 For more on ecological hierarchies see Ratzé (2007)

means that despite the fact that internal elements of the structure are independent, but overlap between themselves in the policy process and in some cases with the external elements of the outer circle.

Moreover, as will be seen in the next subsection almost all of the element in the internal circles, are been shaped by the power exercised by the landowning class of the external circle. Thus, Bronfenbrenner refers to this as:

The principle of interconnectedness [... applied] not only within settings but with equal force and consequence to linkages between settings, both those in which the developing person actually participates and those that he may never enter but in which events occur that affect what happens in the person's immediate environment. The former constitute what I shall call mesosystems and the latter exosystems (1979:7).

Therefore for the land reform analysis, the internal elements are the mesosystems, in which the rural poor may participate and the external elements are the exosystems where the rural poor don't participate but are affected by the events occurred in those systems, e.g. macroeconomics policies.

#### **4.1 Internal elements**

This section describes the internal elements who relate directly with the reform due to the way they are incorporated in the policy process. These elements are i) expropriation, ii) public institutions, iii) land taxation and iv) beneficiaries. The way these element have been defined and used in the process show to what extend they have contributed to sidestep the rural poor from land reform.

##### **4.1.1 Expropriation**

One land reform old strategy that is recurrent, is the expropriation of property when land does not accomplish it social function. But despite the fact that this strategy was created since the 1936 reform, the state have currently failed to use it again the landowning class.

In addition, the figure of expropriation or loss of property was introduced when the owner left with no economic use the land for a certain period (Fajardo 2002:47). Besides, the 1936 agrarian reform law “was designed to modernize the agrarian structure particularly by eliminating the nonproductive latifundios and called for a more efficient use of the land. The main objective of this program was to organize land titles and put an end to the chaotic conditions of landownership that had characterized the countryside since colonial times” but the state failed to properly implement this strategy (Richani 2013:17).

What's more, in the 1961 reform, “the terms of land distribution were so ambiguous that the Ministry of Agriculture was given free way to determine which land was subject to expropriation. [...] By 1971, less than 1% of the land subject to expropriation were distributed, and most of that was public land” (Richani 2013 :27). In addition, Felstehausen (1970:20) recognizes how “expropriation procedures



have been almost unsuccessful. The legal procedure are complex, slow and cumbersome”. Hence, this demonstrates how the law was finally applied in accordance with the interests of the person or entity responsible for law enforcement using the State autonomy to the self-interest of some bureaucrats.

Besides, evidence shows how expropriation was not a very used strategy to get private land for redistribution. In this sense, Fajardo (2002a) suggest how the marginal result of the Colombian agrarian reform is expressed in the magnitude of the operated surfaces and in the mode of intervention: until 1996, the INCORA had acquired a little more than 1,300,000 hectares. Hence from this, only 69 thousand hectares, (5.6%) were expropriated; the remaining were negotiated directly with the owners. In this same way, is key to recognize how:

Expropriation-led land reforms have been carried out in many developing countries in the past century, generally on the basis of the social function that many national constitutions bestow upon land. [...]. However, results have often been poor, mainly because the approach was either politically or financially unfeasible. Landowners were not (and will not be) willing to lose on the basis of productive illegitimacy, which caused most land reforms based on the productive function of land either to increase political instability, or to end up paying owners more compensation than the market value in order to ensure political feasibility (Bandeira and Sumpsi 2009 :40).

Therefore, expropriation has been one of the main element that the State failed to use in order to redistribute the land that does not accomplish it social function or was taken illegally. In addition, Janvry and Sadoulet (1993 :315) conclude for the Colombian experience, how “a state with urgent needs to increase agricultural production and under heavy influence of the agrarian oligarchy will be pressed to first induce modernization in the large farms before seeking expropriation”. Despite this, expropriation continues to be more a political than a logistical issue, this mainly because expropriation affects the big landowner class which will not give the land away easily and will exercise it power against this strategy.

The way in which expropriation is defined in each reform is the gateway towards the possibility of implementing this strategy, this is why is categorized as internal element. Unfortunately, as historically and graphically seen, landlord power (external element) constrains the possibility of a successful expropriation execution.

#### **4.1.2 Public institutions**

Another historical element identified is the historical inefficiency of public agrarian institutions as concluded by the World Bank (2004:67), land reform had been difficult to implement because efforts to achieve coordination between institutions nationwide have been useless and have had little impact on the ground. Other scholars such as Machado (2009:36) blame the failure of the agrarian reforms to the existence of inadequate institutions. Furthermore, Machado adds how agrarian public institutions were completely overwhelmed by the changing context, the

accentuation of conflicts and by changes in macroeconomic policies. At last he suggest a reconstruction of the institutional framework for rural development towards a real application of rural reform, beyond the problem of land.

Historically, law 200 of 1936 was a very limited attempt to settle land dispute and revealed the incapacity of the State institutions to enforce the law. In this way, Richani explains how:

Local landlords who exercised their political power through municipal government, the police and district judges were able to circumvent the law and even to offer a different interpretation of its provisions. [...] As a result, two opposing social classes in effect cooperated in subverting Law 200. At the general level, the different interpretations meant that district judge and land judges were subject to pressures of local social classes and that their modes of adjudicating largely depended on the local balance of power between peasant and colonos and landowners (2013:19).

In the same way, Richani (2013:146) concludes how “the building of a new system and institutions in Colombia will depend on class collaboration between the peasants and the bourgeoisie and their ability to hammer out an accord that could consolidate the state authority and legitimacy. Moreover the success of their class collaboration also depends of incorporating land owners”. Therefore, as Tobón Quintero and Herrera-Jaramillo (2016:109) suggest, the restructuring of public agricultural institutions should include resources and means to enable them to ensure suitability, technical capacity and social commitment to implement policies in the multiple dimensions of rural development.

On the other hand, the inefficiency of public institutions is related to deep enrooted Corruption strategies which coopt the organizations. Hence, authors such as Leftwich (2011:233-234) relate corruption to the informal privatization of public organizations, and how those organizations have been used to “advance the private interests and clients of (usually) long-standing civilian or military leaders who have become heads of state. Essentially, this private use of public office and resources is the core definition of corruption”.

In this sense, “successive government interventions aimed at fostering land reform have been largely ineffective due to corruption within government institutions responsible for reform” (USAID 2011:1). Moreover, according to PNUD (2011:42) agricultural policies applied are based on precarious institutions which have deteriorated over the past two decades and are more oriented in the interests of the power groups in the rural sector than to the needs of the most vulnerable and needy people. Fighting corruption inside the rural public institutions is a main challenge of a new reform.

Besides, the Colombian agrarian public institutions have been unable to promote and ensure proper use of soils and land to ensure, among other things, food security and sovereignty of Colombians as recognized by Tobón Quintero and Herrera-Jaramillo (2016 :97). Unfortunately Colombia is a country where its public institutions “either failed to put in place a meaningful land redistribution policy or sided with the landed elite” (Richani 2013:228).

Evidence shows how the inability of public institutions to implement agrarian reform is repeated throughout history. Therefore, public institutions have the power, functions and responsibilities to prevent land to be use as imposed by agribusiness entrepreneurs, armed groups or drug traffickers.

This is why the way these institutions are defined and structured in the reform, largely marks its ability to implement reform. But, regrettably, as historically and graphically seen, landlord have coopted the institutions (external element) coercing them from applying the reform.

Moreover as concluded by PNUD (2011:41), when working towards human development, is important to undertake the task of making appropriate institutions and well-targeted public policies both towards productive development and towards improving the conditions of the peasantry; conditions which are necessary for the wellbeing of the rural dwellers.

#### **4.1.3 Land taxation**

The creation of rural property tax is not all that implies a redistributive land reform, but given the enormous unproductive land concentration in Colombia, is a necessary condition essential for the state building (López 2009). At the same time, if a reform does not act on the factors involved in the process of land concentration, described by Machado (2005 :69) as the low taxation of rural property, backwardness in rural land registers and inadequate information on the structure of the property, the future reform will walk the same path of previous reforms.

In Colombia, land taxation have failed to be properly implemented and “remains incipient, especially for rural municipalities that maintain their dependence on critical and much-needed fiscal transfers” (Giugale et al. 2003 :494). But Lavadenz and Deininger (2003:564) go further concluding how, “taxation over land and property provides one of the most important sources of local government revenue, [...] the three main reasons for low collection of revenue from land taxes have been identified as (a) limited coverage of cadaster, (b) undervaluation of land, and (c) limited incentives and administrative infrastructure for tax collection”. At last, according to PNUD (2011:78) low property taxation has stimulated investment in land and extensive use in low-value activities such as extensive livestock

Therefore, in the 1971 counter reform, in “exchange for paying taxes on their properties, landowners were guaranteed a limited land distribution to the peasants and unequivocal support for the expansion of agribusiness through favorable credit and loan policies” (Richani 2013 :30-31). Here, it can be analyzed how landowning class used land taxation but in a counter reform project for their own benefit, but did not pay taxes in the reform process because their interest were being contested.

Therefore regarding land taxation, is significant to acknowledge that, Law 44 of 1990 set the range of the rate of property/land tax between 1 % and 16 % of property valuation. Unfortunately, the law empowered municipal councils to set the rate which encourages unproductive land concentration by manipulation of the elites to the city council (López 2009:100). Unfortunately evidence shows how land

taxation was historically coopted by the landlords, affecting the financing structure of agrarian reforms and benefiting large landowners who do not only have huge amounts of unused land but avoid tax paying of them.

Therefore, Bandeira and Sumpsi (2009:37) advises how “examples of alternative policies would be to design land taxes so as to encourage large owners to produce or sell their land, and to subsidize credits for poor rural inhabitants”. What’s more, there are enough arguments to show that a land tax, decreases future returns while increasing the cost of ownership. Therefore, as Machado (2009:103) instruct, land taxation increases the incentive to exploit the properties properly, decreases speculative demand for land, moves investment into the capital market or other productive assets, strengthens treasuries municipalities, lessens the pressure for transfers and forces a better use of reinvesting revenues to the benefit of the areas taxed or rural sector in general.

In a number of Colombian municipalities in which the degree of development and modernization of the regional economy is weak, traditional rural elites and warlords are actors which exercise a particular control over the municipal councils agenda specially the one related to land taxation system (López 2009:103). In his way, is useful to support Gómez Buendía (2003:357) statement on how taxation rates should not be fixed by the municipal councils, because these bodies are very weak in most municipalities against the relative power of large landowners. Therefore land taxation have failed to support the implementation of the reform, and this tax evasion has allowed greater concentration of land.

The way land taxation is defined in the policy process is the starting point towards empowering the State to carry out this process. This link to the process is the reason why land taxation is categorized as an internal. But, as historically and graphically seen in figure 1, external elements stop the process of implementing the land tax.

#### **4.1.4 Land reform Beneficiaries**

Another recurrent element that have fueled the failure of the reforms is related to the way the beneficiaries of land reform are defined and included in the policy process. Therefore, the rural poor had been historically identified as the main beneficiaries but haven’t been the real final receivers. As seen in the previous chapter the main beneficiaries of the reform were land owners who did good business, selling expensive land of poor or fair quality to the government. In addition countless public officials also benefited covering in the practices of corruption, as well as the political class in many regions has been the core of local or regional power around business on land and rural affairs (Machado 2009 :109).

History shows how previous reform failed to make an adequate selection of beneficiaries. For example, Machado (2009 :43) describes how access to land through subsidies, as established by Law 160 of 1994, required a selective process of future beneficiaries which involves aspects such as agricultural experience and ability to develop business; this requires previous training for the people who do not fulfill the requirements, unfortunately this training was not accomplish by that reform.

Furthermore Bandeira and Sumpsi explain an important process and distinction between different types of beneficiaries of a reform. Therefore they conclude how:

For poor beneficiaries or claimants of illegitimate land loss, access to property is possibly the only option available to reduce poverty or settle conflicts. For small farmers, and provided the incentive scheme has been properly designed, beneficiaries could simply be given the opportunity to choose, as they will select rental, purchase or sharecropping, depending on their available resources and the opportunities and land prices that they face (2009:42).

On the other hand, the rural poor have tried to be used by the state to support the reform as happened with president Carlos Lleras (1966-1967), who also belonged to the Liberal Party, and sought peasant support by establishing the ANUC (National Association of peasant users) but failed to empower them and rather used them as a State organization; this is further addressed in appendix 1.

Then again, history shows the importance of the relationship between the peasants and their land, as one of the most important factors to consider in any future reform. Hence, one of the great challenges is to work very close with the peasantry to allow them to understand and embrace the reform. In addition, strengthening their agency, may allow a shine of change in the overall agrarian structure.

After all, land more than a commodity is a reference source of identity. Therefore, authors like Quintana et al. (1998) consider that redistribution should be retained to meet the demands of peasant social identity, their autonomy and their strategies. Also is important to understand how for the peasantry, land goes far beyond generating cash income and transcends to other cultural spheres, other forms of production, consumption, relating with nature [...] despised by the logic and lifestyles of political elites networks, agribusiness entrepreneurs and capitalists (Tobón Quintero and Herrera-Jaramillo 2016:108). In the same way, is essential to recall how land value is not only related to food for self-consumption, income and financial rents, but how land is also responsible to “support housing, sustain cultural identities and provide political power in agrarian societies” (Bandeira and Sumpsi 2009 :39).

## **4.2 External Elements**

This section contains the external elements located in the third circle of figure 1. These elements are related to external forces or policies which constrains the reform, and influence the development of the internal elements.

### **4.2.1 Dominant Classes and rural power structures**

History has shown in the previous chapters the importance of the role played by the landowning class in Colombian agrarian reforms. This is why in this section we will go deeply in the relation land - political power to give insights toward a big challenge in a future implementation of land reform, regarding the importance of the landowning class.

So, as previously seen, Colombian 1936 and 1961 reforms “perceived [a] threat to the political and social hegemony of the ruling class posed by an insurgent labor movement. [...] Once the independent power of the labor movement was broken and its organizations effectively channeled into cooptation with the State and alliance with the Liberal Party, these reform policies were abandoned and then reversed” (Bergquist 1992:58). This helps to identify the role of ruling class and also de State Autonomy being imparted by the liberal party.

But, the World Bank explain this in a different way, for them, the hegemony is reflected in the sense of how

The favorable effects of policies that protect agricultural incomes through commodity-related policies are disproportionately captured by land owners or agro industries, and the welfare of the rural population or inequality are not very elastic to the performance of the agricultural sector (:500). [In addition,] interference from political interest groups at the regional and national levels impedes the application of transparent rules of the game and the implementation of policies and programs that can respond to the collective demand for wellbeing. (Giugale et al. 2003:502).

Consequently Machado (2005:69, 2008:70) explain how the State has not acted on the core of the structure and relationships of rural power generated by land ownership. Therefore, if the causes that lead to the concentration of land ownership and dispossession are not known, it is illusory to think any reform will remove the territorial domain and the use of land as a factor of social, political and military dominance. Hence, if the State does not try to solve the factors leading to this concentration, property will be again concentrated just around the corner of new reform. In addition, facts show how the State actions continues fragmenting the median property, while the largest is not transforming and little is impoverishing more.

Thereafter, for the future is imperative to assess the economic-political weight of the landowning class in any reform process; mainly the three most conservative groups that represent the interest of the cattle ranchers, agribusiness and large coffee growers, and high-ranking military officers who are part of the landed elite (see appendix 1). Moreover, these groups should be well-thought in any agrarian reform in order not to repeat the same mistakes of previous reform leaving this powerfully groups aside. Therefore State Capacity is determinant towards making this group do what the State needs them to do. Let’s not forget how, as López (2009:95) concludes, the political influence of the guilds and rural elites, left the redistributive intentions of Law 135 of 1961 on paper.

In addition, Fajardo (2002b:25) highlights the importance of eliminating the political power associated with the concentration of land ownership, while ensuring the territorialization of peasant communities, through an effective territorial and political social reorganization, aimed at restructuring occupation and use of space and respect for human rights. This suggest once more the State responsibility to change rural power structures through redistributive land reforms, in order to avoid power being exercise only by the landowning class.

Another solution to fight the power dominance of the landowner class, is proposed by Machado (2009:43) through promoting a social-productive pact between all actors involved in agrarian reform, arguing how this would require a participatory, negotiated and consensus at the local and the regional level, in which the State maintains some general principles to guide this consensus. This would ensure economic, social and political sustainability of rural societies.

Finally, is essential to recall how “the violence against peasants helped the landed elites to shape the rural political economy thereby enhancing its position within the dominant coalition” (Richani 2013:227). Identifying the challenge that big land owner poses to any agrarian reform, helps to neutralize their action in the future by including them in the process.

#### **4.2.2 Macroeconomic policies**

This section describes how historically, macroeconomic policies have affected land ownership and rural development, upsetting specially the rural poor. Firstly, is important to mention how scholars such as Herrera-Jaramillo et al. (2016:176) draw attention to the inherent contradiction between economic growth and social justice, which makes unviable the coexistence of agro industrial business model based on the concentration of land for monoculture and extractivism and peasant economy based on deconcentration of land and diversified production strategies. This is why the Colombian government should be very careful with rural macroeconomic policies that seek to benefit big business, national and foreign investors, while modifying the agricultural family unit, allowing in this way the accumulation of land through legalizing massive amounts of public lands (2016:178).

Besides, the liberalization model continue privileging modern commercial agriculture while excluding rural economies; this model has weakened the provision of basic productive services although it maintains protections for specific agribusiness sectors. At the same time, it has tried unsuccessfully to back up the operation of a land market, due to the market and state failures (Machado 2009:143), a prove of this is the failure of the 1994 market led agrarian reform.

To go deeper, Colombia’s Mining policy is a perfect example of how macroeconomic policies affect the rural dwellers, especially the poorest ones. According to PNUD (2011 :97), between 2000 and 2010 the Ministry of Mines granted 7,264 mining titles; while the surface being hired exceeded the 5.8 million hectares, more than extensions dedicated to agriculture area in the country. Moreover, “speculation and mining have expanded in the 2000s, increasingly encroaching on lands that were dedicated to food production and dispossessing hundreds of thousands of subsisting peasants and small producers” (Richani 2013 :220). As shown, any future land reform will have to fight a tough battle against the capitalist macroeconomic policies such as oil and mining who also need land for their implementation. Therefore, macroeconomic policies has affected the agrarian reforms and therefore poses a big challenge to land reforms because both dispute the same limited asset: land.

### 4.2.3 Counter reforms

As seen in previous chapters, against the 1936 agrarian reform emanated a counter reform after eight years in the form Law 100 of 1944 that aimed to neutralize the possible effects of the application of the previous law. Years later the reform of 1961 was contested by a counter reform designed after 11 years, in 1972, better known as ‘the Chicoral pact’. This section identifies the way counter-reforms have occurred repeatedly through history, undermining the implementation of reforms, posing this as a big challenge for any future reform. Hence table 1, list previous counter reform in Colombia, divided by years and the main author which sponsored/promoted it.

Table 1 Colombia’s reform and Counter – reform from 1936 to 2013.

Year	Reform	Counter-reform	sponsor or generator	Amount of land Ha	# of people benefited/affected
1936	X		Government		
1944		X	Government		
1961	X		Government		
1972		X	Government (pacto de chicoral)		
1980		X	Drug traffickers & paramilitaries group	4.4 million hectares 6.6 million hectares Richani :227)	
1990		X	Displaced people	4 million hectares	3.9 million people until 2013
1994	X		Government		

Source: Author with information described in the agrarian history chapter.

\*The 1990 counter reform is described in next chapter section 5.2.2

In a historical way, Palacios and Safford (2002:309-310) conclude how “redistributive policies, administered by INCORA, were neutralized by government policies favoring large land owners. The government encouraged increased productivity of large units by providing credits and machinery at subsidized prices and by undertaking costly irrigation projects”. In addition Machado (2005:72) concludes how until the mid-eighties, the country was walking towards an agrarian structure where land was acquired for production and where the median property was strengthening. Unfortunately as previously described, the drug traffickers counter reform reverse the process of land acquisition for production and it started to be for speculation increasing the concentration levels.

But counter reforms is an external element because is the way the landowning class used to stop any kind of reform implementation. This elements comes to place once this class has tried to coopt (constrain the lower circle in the diagram) public agrarian institutions, land taxes, expropriation and macroeconomic policies.



By Historicizing and defining identification of the elements that left aside the rural poor from the reforms, help to partly answers Tai's question, asked in the beginning of the chapter; why the gap between promise and reality? Hence, the malfunction of the identified elements, makes the difference between what was promised and what finally happened. Furthermore, this gap may also be due to, as mention in the introduction, an absence of "complete and systematic analysis about the historical development of policies related to land and land reform" identified by the National Centre for Historical Memory (2013:24). Therefore systematic historical analysis as the one done in this chapter may contribute to comprehend Tai's gap, by identifying common historical elements of failure and success which may improve future reforms, especially towards benefiting the rural poor.

Overall this chapter has evidence the degree to which each of historical elements allowed land reform not to benefit their principal and initial beneficiaries, the rural poor.

## **5. Colombian political economy**

Once the first part of the guiding question of the research has been addressed, to further answer the second part is important to ask how does the present agrarian political economy may influence the new agrarian reform? This will be answered by exploring Colombian political economy over the last two decades. So, this chapter will describe how structural changes in the context have affected national agrarian structures and reforms. Moreover it will refer as to how this changes, added to the malfunction of the State in terms of Autonomy and Capacity (a hook defined in the previous chapter), have resulted in an inability to resolve the multiple rural problems and how this inefficiency have benefited land concentration worsening the situation of the rural poor, challenging the future reform. After that, it will call upon how displacement of people due to the armed conflict, have affected Colombians rural dwellers and land policies.

### **5.1 State, context and structural changes**

As seen in previous chapters, the Colombian State has historically represented the interests of the better-off in society, its political elites, political parties, large economic groups, industrial or agro-industrial enterprises, companies and multinational corporations. Therefore, sector such as, workers, small and medium farmers, indigenous or Afro-descendant have been traditionally excluded sectors, dominated by the political regime (Tobón Quintero and Herrera-Jaramillo 2016:92). In this sense, today's problem of land property and rural development, is not a technical problem or just a lack of financial resources, but is rather a political problem due to the conception of macroeconomic and rural sector politics, which leave asides the influence of the different groups society is respect to power and relationships between them and with the state (Machado 2005:66). This connects to the external elements described in the chapter before as to the way macroeconomics policies defy the future reform and the power of the landowning class

Further more (Tobón Quintero and Herrera-Jaramillo 2016) agree with (Machado 2009:137) in the sense that the inability of public policy to solve rural problems is not a matter of ignorance of the situation by the State or the governments they represent rather than a conscious and deliberate strategy to exercise hegemonic political and economic powers by appropriating State power. This can be related to the previous chapter in the way the external influence of the landowning class affects the internal elements of the policy implementation of the reform.

Furthermore, according to Tobón Quintero and Herrera-Jaramillo, some features of the State building process in Colombia relates to:

- i) its inability to maintain the monopoly of force and violence; ii) its inability to guarantee all citizens the full exercise of their fundamental human rights, primarily the right to life and the land for the peasants; iii) its inability to solve or reduce the high rates of urban poverty and rural and social inequalities in terms of income and focus on ownership of rural land. iv) Finally the high levels of corruption and misappropriation of public funds (2016:90-91).

According to Berry (1999: 1-5), nowadays besides the State malfunction, drug trafficking is one of the culprits of the breakdown of rural society and rural problems in Colombia in the new century. Without the drug business, armed groups would not be as strong as they have become. In addition, Lavadenz and Deininger consider how “Colombia has a long history of speculative investment by drug lords who acquire land for nonagricultural purposes as a means to launder money” (2003:562). This historical and current problem related to drugs land lords poses a major challenge for the new reform, mainly in the way the State is willing to get the land from this class.

In addition, according to Fajardo (2002: 25), large landholders in rural areas are those who manipulate the structure of land in Colombia. Hence, manipulation is given by the need for labor for its industrial plantations, they contemplate the expansion of monopoly control over land as a way to force settlers, landless laborers and other small farmers to offer their workforce to large farms, to the extent that they are excluded from access to better quality land. Therefore the way the new reform contests the monopoly over the rural labor will help to defy Fajardo’s finding, which was also seen in the history of the reforms. Here is crucial the role of agrarians institutions in the future.

It is also important to recognize that beside previous State failures in land reforms, structural changes in recent decades must be taken into account for an analysis of the whole scenario in which an agrarian reform must be discussed today. Therefore, Machado offer some insights regarding the structural change which are important to recognize:

- i) Capitalism in the field has broken almost all the peasant and forms of production.
- ii) Economic globalization has penetrated the economy and society and is changing relationships and way of doing business.
- iii) Consumption patterns are changing rapidly and give a great power to consumers against the weak powers of producers.
- iv) The power centers of the food system have moved towards agro-industrial, financial and commercial sectors.
- v) The agricultural frontier has been exhausted and there are few vacant lots of the Nation for production and land distribution.
- vi) The land is appropriating through the market, and more generally through various violent methods (2009: 110-112).

Fairly certainly, evidence shows how this structural changes have affected mainly the rural poor, reflected on higher rates of land concentration. Besides, rural poor not only have been forced toward a capitalist way of production but toward a capitalist way of life, losing their lands and being forced to start selling their labor in the rural and urban areas. Hence, this section concludes in how these structural changes in the current political economy poses tangible challenges for the future reform in order to succeed in a capitalist economical system.

## **5.2 People and land in the last decades**

This section provides further evidence of how the main problems of the rural Colombia are reflected in the high levels of land concentration, evidencing the importance of reducing this concentration level in a future reform.

### **5.2.1 Land use and concentration**

Land struggle in Colombia can be analyzed by the size of the landholdings. Therefore, it can be seen how “the proportion of landholdings above 500 hectares increased from 35 percent of total land in 1994 to 45 percent in 1997” (Giugale et al. 2003:499). But the land struggle can also be analyzed from conflicts over land use. These type of conflicts consists in dedicating land whose vocation is for agricultural use to livestock or to natural resource extraction such as mining.

A potential use of Colombia’s land is calculated in about 14 million hectares. livestock: 77.5% of a potential maximum use of 19'000.000 of hectares, but currently devoted are 40'000.000 hectares, exceeding twice the use it should be given as stated in the study of the Geographic Institute Agustín Codazzi (IGAC) 2012. Therefore the new agrarian reform should have land use in the center of the discussion. Besides, soils with agricultural vocation cover a 22'077.625 hectares area, but just 5'315.705 are being grown, indicating a nearby waste 75% of the productive potential of the country food production (Tobón Quintero and Herrera-Jaramillo 2016 :97-98).

At this point is important to recall the hook related to conflict and development previously explain. This help to comprehend Castillo Ospina (2016:73) conclusion regarding, how Neoliberalism has strengthened the extraction of natural resources, while harming disadvantaged rural classes. Moreover, this is characterized by dispossession faced by rural communities which suffer the harassment of transnational corporations who go after arable land in the need of minerals, energy, gas, water, and finally, all that is likely to become merchandise. Besides, they are encouraged and supported by the government in its way toward the appropriation of these resources. This explains why “land dispossession is seen by some as the central political-economic issue of colonialism and as central to the creation of modern capitalism” (Fay and James 2008 :1)

Nowadays, there are big companies such as Cargill<sup>7</sup> who are acquiring huge extension of public land for their agroindustrial business going against article 64 of the national constitution<sup>8</sup> (Oxfam 2013), and affecting the distribution of land for the rural poor. Additionally Uribe Ramón and Cadavid Mesa (2016:20) confirm how the current government<sup>9</sup> allows the accumulation of public lands of the nation by national and international agribusiness, despite the complaints against domestic and foreign companies for their fraudulent accumulation.

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<sup>7</sup> According (Oxfam 2013 :1) is “the largest agricultural commodity trader in the world”

<sup>8</sup> See article 64 in section 1.7 of the Appendix 1.

<sup>9</sup> Juan Manuel Santos 2014-2018

Besides, according to the INCODER, twelve big firms had taken over more than 26,000 hectares in 2005 and more than 5,000 hectares of oil palm had been planted (Grajales 2013). Nowadays, the government created law 1776 of 2016 for the creation and promotion of the “Rural Areas of Interest and Economic Development”<sup>10</sup>. In practice, the law promotes and legalizes the appropriation of public lands by big enterprises, ending the priority of it for the rural poor, ignoring law 160 of 1994 which promotes the creation of Peasant reserve areas.

At this point, it is essential to acknowledge the land formation in Colombia. Hence, of the total rural land registered in National Cadaster, 22% is State owned, 52% is privately owned, 3% is held by Afro-Colombian communities, and 23% is held by indigenous communities. In other words, according to the Colombian geographic Institute IGAC, from the total area of rural land registered in cadaster, the State owns 28,590.815 ha, Private owners own 67,859.588, Black communities own 3,786.826 and Indigenous communities own 30,050.215. (IGAC 2003 :9).

### **5.2.2 People, war and development**

On the other hand, after year 2000, forced displacement was used more frequently as a war strategy to force the abandonment of the land (World Bank. 2004:28). Moreover this was previously framed as the encounter of conflict with development contrary to Collier et al. (2003) statements. Furthermore the possibility that land tenure increases the probability of displacement is based on how approximately 60% of households affected by this fact had access to land before being forced to leave their place of origin (World Bank. 2004:30). Hence, “the displaced population has been mainly rural, 43% households displaced during 1985-1994 were small and medium size farmers” (Arboleda and Correa 2003 :832). Furthermore, the World Bank (2004) and Arboleda and Correa (2003), consider that the household left abandoned plots were about around 20-22 hectares in size.

The displacement of rural dwellers has serious consequences for land policy. This forced displacement between 1999 and 2013 is estimated to be 3.9 million habitants, of which 55% had access to land and were rural poor or small farmers. It is estimated that the land abandoned by this people add up to 4 million hectares, almost three times the area redistributed by the government in its land reform programs since 1961 (Global IDP Project, 2003, World Bank. 2004:25)<sup>11</sup>. What’s more, Richani (2013 :224) goes deeper concluding that from mid 80s until 2012 almost 6 million of hectares were appropriated by illegal and violent means. In fact, Deininger et al. (2004:15) concludes that “displacement may be driving what is often described as an agrarian counter-reform of massive proportions”.

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<sup>10</sup> In Spanish Zidres - Zonas de Interés de Desarrollo Rural y Económico)

<sup>11</sup> For more information see also (Arias and Ibáñez 2014:61, UN Habitat 2005:30, USAID 2011).

Hence, displacement has launched a massive counter-agrarian reform of significant proportion which evidence shows favor unproductive land concentration in some regions, affecting the rural poor by reducing their plot size or making them landless. The econometric evidence of the World Bank (2004) suggests that “greater inequality in land tenure is one of several factors (along with the presence of mineral wealth, poor provision of public infrastructure and violence directed) which significantly increases the number of displaced population”.

Regarding the displaced individuals who want to go back to their initial living places, according to the World Bank (2004:9), only 11% of the total displaced households wish to return to their places of origin. In this sense the households should be able to return to their lands of origin or to have land rental policies on a relocation site to carry out a process of adaptability to the territory. The rental market provides access to land to younger households and with relatively low educational level (World Bank. 2004:45). In addition Machado (2009:129) argues that whatever happens to the ownership and agrarian structure, will depend heavily on certain possibilities of return of displaced to their places of origin. If this is not possible, land concentration will tend to increase because that is the dynamics of capitalist development where democracy lacks of spaces to reproduce.

Moreover, Colombian government issued law 1448 in 2011, were Government validate attention and comprehensive assistance to victims of the internal armed conflict and creates legal support for land restitution. But, after five years of implementation only 192.245 hectares have been redistributed by legal sentence, covering 24.149 beneficiaries (Unidad de Restitución de tierras. 2016), this is not even 5% of the 4 million hectares mention before left by displaced population; not even 1% of the total displaced dwellers have benefited. Certainly not all of the land left behind enters inside the restitution platform, neither all the people displaced are asking for land restitution but numbers are only use here to compare the dimensions of the situation.

A comparative numerical analysis of the law after five years can be described at how nowadays, 17097 applications have been registered and only 4292 have been solved around 25%, this means that if the *status quo* continues Colombia will need 15 years more to finish the restitution process. Therefore, this process seems to reproduce Fay and James (2008 :5) conclusion about how due to the “threats posed to dominant property regimes, restitution turns out in many – even most – cases to be unachievable”.

Furthermore, the United Nations in its annual human development report, concluded that the model of rural development in Colombia is profoundly unequal. Hence, the benefits of modernization have favored big producers at the expense of small and poor rural communities. Additionally it states how the peasantry is in the worst of situations among the rural classes because of the lack of political support for their welfare and their fragile representation schemes (PNUD 2011).

This section concludes how the current political economy poses challenges to the new reform mainly in aspects such as i) Land use to avoid land concentration in the hands of big land owners and international corporation, ii) Land for the displaced people and iii) the interaction of the reform with the restitution Law.

Overall this chapter define specific challenges that the future reform has to face due to the current agrarian political economy. Hence, challenges regarding macroeconomic and Land use policies, land for displaced population, and the interaction with other land related laws such as the land restitution one. Finally, Richani (2013 :227) helps to comprehend the overall chapter, when he states how “the landed elite in Colombia has been able to retain its economic and political power despite the changing in the country’s political economy”. In other words, landlords have taken advantage of the Colombian capitalist-war relationship to affect the rural poor and their assets.

## **6. Peace process and the new rural comprehensive reform**

This chapter uses the internal/external elements identified in chapter two added to the challenges posed by the current agrarian political economy, to unpack the future rural comprehensive reform negotiated in the peace settlement process.

Thus, on the 26<sup>th</sup> of May 2013, through a joint communication emitted in Cuba, Colombian Government delegates and the FARC-EP guerrilla, reached an agreement on the first item of the Peace Agenda (contained in the 'General Agreement for ending the conflict and building a stable and long lasting peace') call 'Towards a new Colombian countryside: Comprehensive rural reform'. The agreement has four main pillars related to i) access and use of the land, ii) development programs, iii) radical reduction of poverty iv) Food and Nutrition system. Hence, it is a call to achieve a real structural transformation of the countryside. It aims to achieve equitable distribution of land, ensuring progressive access to rural property of rural dwellers, particularly women and the most vulnerable population, regularizing and democratizing ownership and promoting de concentration of land, in fulfilment of its social function (Colombian Government - Farc-EP 2014).

At the same time, the chief Government peace negotiator, reiterated that in the process neither the development model, neither the democratic system were being negotiated, describing the process only as a work towards a joint vision of the end of the conflict with the FARC-EP (Caracol Radio 2012). Thus, is key to bear with this when unpacking the reform because this means that this reform will continue to be executed inside a capitalist model of production which, as seen before, have excluded the rural poor.

Furthermore, it means that these redistributive policies that have not been achieved before, will be contested again in the same economic model where they fail to reach the rural poor. Moreover, it will be implemented in complex current capitalist agrarian development explained in the previous chapter. This is not to say that this reform will miscarry but is to contextualize the challenges this reform faces within the neoliberal system and in the current agrarian political economy..

Notwithstanding the fact that the government position of no negotiation of the economic system of the country, is important to recall how the FARC-EP, do aim toward a transformation as a result of the peace agreement. Therefore, they state how, this transformation must contribute to solve the historical causes of the conflict, mainly the unresolved issue of land ownership and particularly its high concentration level, as the exclusion of the peasantry and backwardness of rural communities, which especially affects women and children (Colombian Government - Farc-EP 2016 :2). This statement goes along with the challenges found in previous chapters regarding the importance of targeting land concentration as a starting point of a redistributive reform.

Added analysis is centred in the first pillar of the rural agreement related to access and use of the land, which involves: the creation of a land bank for free land distribution to landless or land-poor peasant, accompanied with access to irrigation, credit, technical assistance and marketing support, among others. It



also promotes a massive formalization plan of the small and medium lots. The Government will define general land use guidelines that take into account their vocation and make up retraining programs (Colombian Government - Farc-EP 2013).

Furthermore, the mentioned land bank will provide i) Land from judicial forfeiture in favour of the Nation. ii) Land reclaimed for the Nation. iii) Lands from the update of delimitation and strengthening of natural reserves. iv) Unexploited lands recovered by applying the current administrative forfeiture procedure. v) Land acquired or expropriated for reasons of social interest or public utility and finally vi) land donated to the National Government (Colombian Government - Farc-EP 2016 :12).

Unfortunately in the agreement, the land bank has a redistribution goal of only 3.000.000 hectares in ten years. This represent only 75% of the land left by displaced people; less than 70% of the land occupied by the paramilitaries as seen in the previous chapter. Therefore the peace agreements fail to have as a starting volume, the amount of land that has been historically taken away from rural dwellers especially from the rural poor. But, is also important to recall how, recent history shows the difficult of offering land to the rural poor. Moreover, five years after the restitution law, as suggested in previous chapter, a very difficult and slow process to give back the land is evident. It is highly appreciated however, the efforts to achieve the massive formalization of 7 million hectares of Rural Property, aiming manly towards rural poor.

This analysis also leads to the challenge described in the previous chapter regarding the new reform and the restitution law. Once analyzed the new reform, there does not seem to be an articulated panorama between the Restitution Law already on the way and the new proposed land bank. Apparently those will be two separate processes, undertaken one limited asset: land. The importance of keeping them as different process relays on one hand that the restitution process will continue to benefit the dweller who lost the land, and on the other hand there will be a different process delivering new land to people who may or may not have lost the land, or are very afraid to report their lost or perhaps are under their 30's and were born landless due to the conflict and the land taken from their families.

But, is important to note that, despite the fact that these are different processes, they should be intertwined. Hence, “notice that land acquisition cannot safely proceed before the land restitution process because a particular parcel may become the focus of a subsequent restoration award. Land acquisition can only occur for those parcels whose provenance has been shown to be known and secure from subsequent claims” as advised by (Bromley 1995 :101) in South Africa, for more ‘double proprietorship’ see also (Verdery 1994 :1081,1099). For Colombia, this means that these two processes should be intertwined to avoid future acquisition/restitution problems over the same plot, otherwise land will start to ‘stretch’ or ‘shrink’ as happened in other countries, see (Verdery 1994).

Another interesting mechanism in the agreement is the combination of the two types of land reform in one rural reform. Bringing up the conceptual hooks from the first chapter is important to recall state redistributive reform and MLAR reform.

Furthermore the agreement include has in the one hand, the reform guided by the state which offers free land to beneficiaries of the reform, from the land bank. But, on the other hand it also involves a - market driven reform-, where subsidies are offered to buy land. In addition, the agreement opens a special subsidized long-term credit to purchase land by the beneficiaries with special measures for rural women (Colombian Government - Farc-EP 2016 :12).

Therefore this is a mix of the previous agrarian reforms in a new model never tried before. This bring a special attention because as previously described the market led reform, depend on land negotiation, which was concludes to be asymmetric within the willing buyer and the willing seller. Finally the mix of these two types of reform will play a big challenge in the future towards the way both types of reform may complement rather than oppose, and the way they are complemented by macroeconomic policies rather than contested.

### ***6.1 Unpacking the internal challenges in the reform***

At this point is necessary to reconsider the historical internal elements that have affected land reforms and how these are converted into challenges which will help to unpack the future reform.

#### ***6.1.1 Beneficiaries***

A key aspect of the new reform is who will be able to access the bank land. The agreement concludes that: the ***beneficiaries*** of the free land allocation plan, comprehensive subsidy and special credit, are workers with agricultural vocation landless or land-poor, giving priority to rural women, women heads of households and IDPs (Colombian Government - Farc-EP 2016 :12). This seems to be the same beneficiaries as defined in the three previous reforms, with a particular similarity to the reform of the 1960s. Unfortunately this description is still very vague and leaves many gaps that, as historically analyzed, have been used by landowner class to their advantage. It is very important to specifically define who they are, why and how they will be selected, especially before starting the process of land/subsidies allocation. In the end, the reform come in an ideal moment to comprehend Colombia's peasants and redefine their rights, responsibilities and political representation, but it fails to make a detailed definition of them as exclusive beneficiaries. Overall failing to restrict beneficiaries leaves an open door for landowners and big corporations to make their way into the agrarian reform policy as seen in the past and present political economy.

At the same time, the new reform should distinguish the capacities and needs of the different potential target populations and select specific tools for each one of them. This internal element was identified in previous chapter. Furthermore, is imperative that the new reform do not only consider rural poor as small producer in terms of a scale, or as family farmer in terms of an economy, but rather as a social and political actor. Similarly, Zamosc (1990 :46) concludes how "peasants as well as other popular sectors should be approach as actors who have their own stakes, and often their own agendas, in the process of political change". At last,

this will help to include peasant's agency into the reform in order to strengthen it rather than to destroy it. This is fundamental when thinking in a redistribution process of land and power. If the reform does not empower the rural poor the possibilities that they benefit from the reform is very reduced as historically seen.

### **6.1.2 Land Taxation**

Although in relation to land, the agreement of Havana provides many ordinary mechanisms of times and earlier laws, is key to recognize that it does include others topics that will significantly improve access to land, such as the formation of rural cadaster, environmental zones for protection of areas of special environmental interest, and finally strengthening the payment of rural property tax, especially to avoid land speculation in the hands of large landowners.

As for this last, history, as previously seen, has shown how lack of **land taxes** is one aspect that fuels land concentration. Furthermore historically the analysis showed a lack of state autonomy to design effective rural taxes strategies and a low capacity to make landowner class to effectively pay their taxes. In this sense it can be concluded how land taxation is a very important challenge to be faced in the future.

Therefore it is relevant to point out the fact that this element is considered in the new reform. Thus, knowing the history of previous attempts at land taxing evidence the necessity to search for new implementation strategies that are shielded from being coopted by the landowning class.

### **6.1.3 Public Agrarian institutions**

Another result, perhaps the most significant, of unpacking the agreement is the noticeable absence of a process to (re)define the role of public agrarian institutions. The agreement, at least in the rural section, does not consider deeply the future of the current **public agrarian institutions** neither their role. Despite the fact that it creates a land bank and a new high-level body in charge of formulating general land use guidelines (Colombian Government - Farc-EP 2016 :12), it does not cope with creation or modification of agrarian institutions in charge of implementing the reform. This leaves the implementation to the old institutions that even today (as seen in the political economy chapter) follow the path of corruption and political bureaucracy identified since 1936. Unfortunately, this suggest how the agreement fail to take into account historical lessons and how failure is in part due to institutional glitches that led the agrarian reforms to not benefit the rural poor.

Furthermore Hampson (1996 :10) concludes how “for peace settlement to be durable, institutions and support structures must be put in place so that the parties are discouraged from taking arms again”. Therefore, the agreement should involve (new) rural public institutions which will play a key role in the future of the implementation of the reform and have been in a way historically responsible for the failure of the previous reforms. Thus, “constructing a solid and representative set of institutions is often the primary objective” in peace settlement contexts (Toft 2009 :43).

#### **6.1.4 Expropriation**

A recurrent mechanism to obtain land, historically defined by reforms is **expropriation**. Therefore the failure to implement this strategy was identified as a recurrent element of failure of previous land reforms. Furthermore, as explained in previous chapters, the result of executing this strategy have been very disappointing for the rural poor. Anyway, expropriation continues to be a future strategy, included broadly in the new reform, as a mechanism to get land to feed the new land bank. But a fluent expropriation strategy, that can be offer big amount of land for redistribution purposes, has never been seen in Colombia before. Therefore, despite the fact that is not very named in the future reform, it is essential to emphasize the fact that it is included and that it remains a State strategy to acquire land that does not fulfil its social function.

Moreover, the State has to define the extent to which it wants to feed the land bank with expropriated land. Hence, as mentioned in previous chapters, this strategy is more political than logistical, and goes straight against landowner's interest. Consequently this may be the more contested strategy in the reform to get land and suffers a possible co-optation by the landowning class in order to avoid the risk of losing their land and with this, their power. Recapping that this Co-optation have historically happened since 1936

### **6.2 External challenges of the reform**

As seen in the previous chapter, the implementation of the reform is also shaped by external elements which are not included in the reform design and implementation process but that affect it in a crucial manner.

#### **6.2.2 Redistributing Landowning Power**

Another exogenous challenge which is related to history is the way the **landowning class** is contained within the land reform process, to avoid further counter reform. Therefore, regarding land owning class, Havana agreements fall short in providing solution to handle the political power associated with the concentration of land. This reduction of the political power to the landed elite should be a mandatory starting point of an effective redistributive reform, as this actually generates a change in the rural power relations that are attached to land. As a result. State should empower peasants and guaranty their rights as a fundamental process parallel to the land reform.

A real redistributive reform, as seen in the conceptual hooks, is achieved only when there is net transfer of power related to the land. Therefore, if a real redistribution of land is achieved it should go along with strategies that help to transfer also power to the new small landowners. This net redistribution of power, will avoid the big landowners from co-opting either the reforms or future rural (macroeconomic) policies.

### **6.2.1 Macroeconomic policies**

Parallel to the peace settlement process, the state must design and implement **macroeconomic policies** that support the future rural reform and its beneficiaries. As discussed in the previous chapters, macroeconomic policies have not only contributed in the failure of rural reforms to reach the rural poor but also shape the present political economy with laws that benefit the agro-industrial businesses and large plantations. Therefore, the way macroeconomic policies are coordinated with the land reform will be crucial, otherwise problems might be around the corner as happened in central America in the end of the 90s where the national and international “economic adjustment policies appear to be eroding the relative success of democratic reforms and undermining the prospects of a stable and lasting peace” (Paris 2002 :60)

### **6.2.3 Avoiding future agrarian counter reform**

Furthermore, history makes clear the importance of planning strategies to cope with future processes of **agrarian counter reform** that history has erupted in Colombia from time to time. Overall, the rural reform does not have shielding mechanisms to protect it against possible counter reform scenarios led by state or society actors. The way counter-reforms stop redistributive reforms is one of the most important results of the historical and current agrarian political economy analysis done in previous chapters, therefore an important element to acknowledge in the future reform.

## **6.3 Inverting hierarchic structures**

By using history and political economy as a framework of analysis, added to the unpacking of the new reform, the author suggests a new way of addressing land reform. This way, continues with the adaptation of the ecological systems theory used in chapter 3, to propose a shift in the way the hierarchical structure is conceived. This new way is visibly displayed in figure 2 and incorporates two key changes: first a shift in the hierarchies of internal – external elements and second a change of the individual placed in the centre of the reform.

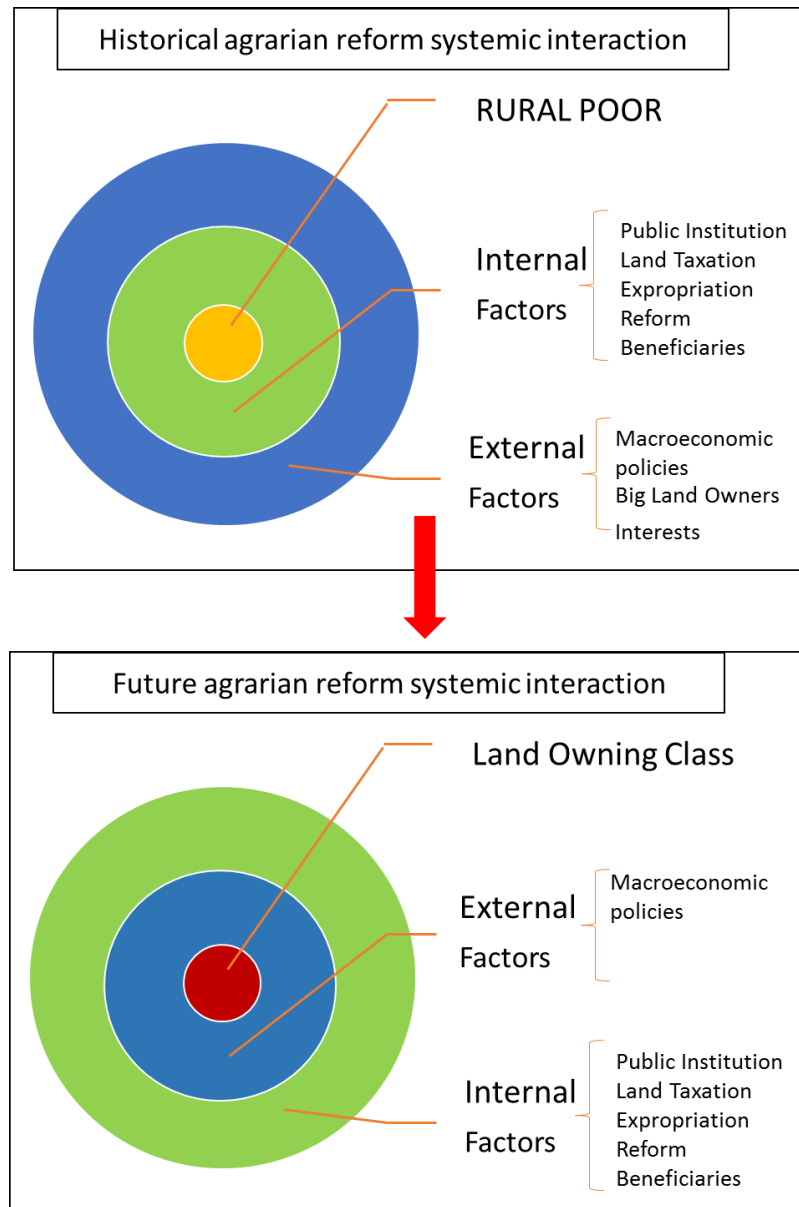
### **6.3.1 External elements constrained by internal elements**

So, what if the new reform does not put internal elements in the centre of the reform but rather in the periphery enclosing the external elements? How if the reform focuses in containing the landowning power and the macroeconomic policies as a main goal? How if we look the new reform in the way the figure 2 propose, by trying internal elements to control and restrict the manoeuvrability of external elements?

The author propose inverting the historical hierarchic way that land reform has developed until now, and which was presented in Figure 1, by surrounding the elements that the reform failed to control in the past, with internal elements that develop strategies to contain the external elements.

This, by neighbouring the landowning ability to co-opt policies using full state capacity to support the way land reform y designed and executed. Overall is a way to control the external elements through internal element by taking advantage of the redistribution of power due to the redistribution of land. Here is important to recall that internal/external elements continue to be used *vis-a-vis* the relation to the reform and not the way they are located in the system.

Figure 2 Change in the systemic interactions of the reform



Source: Author

### **6.3.2 A Land reform for the 'Landowners'**

Complementary to the new vision of the previous section, this new approach suggest to change the way actors have related through history by changing individual at the centre of the reform. Therefore this means a land reform that is not targeted for the rural poor but for the Landowning class. A reform which puts the landowning class in the centre of the reform in order to target their land for redistribution purposes. A reform which instead of aiming to give land to the poor, aims to first get land from the big landowners.

This will really result in a reduce rate of land concentration, reducing the size of the lands of the big landlords rather than just aiming to benefiting the poor with the same historical useless strategies, offering them mainly public land. Once the land is gained by the state, then it will be given the rural poor. Here is key to acknowledge the way the priorities of the reform changes, therefore the land owners become the principal actor and target of the reform rather than an external player as has historically being seen.

This, in Bronfenbrenner words is expressed as how  
the developmental importance of ecological transitions derives  
from the fact that they almost invariably involve a change in role,  
that is, in the expectations for behaviour associated with  
particular positions in society (1979: 6).

This overturn of the actors means not only that the landowners will be targeted in the centre of the reform but also that the rural poor will be located in the overall circle benefiting from the internal elements of the reform. This analogy still locating the individual in the centre of the system as the Ecological System Theory does, but changes the 'who' is in the centre, therefore a different class will be contained by the reform and this time will not be the rural poor.

Therefore eighty years after the first land reform, history offers the possibility to change the way the land reforms have been approached. Hence, considering a reform that is capable of controlling external factors through different public policy mechanisms and targeting another social group. Furthermore, is possible to look forward to a truly redistributive reform, pursuing a redistribution of power between rural classes, while encouraging the co-optation of the reform by the rural poor rather than by the landowning class.

Overall, for change to happen, it will have to make use of the neoliberal system to advance in a redistributive reform, while using the current economic system in a different way to reach the rural poor. Nevertheless, there still hope that identifying previous failure will help towards a better redistributive reform. In other words, as concluded by Holsti (1991 :353), the success of peace settlements depends to a large extend upon the ability to "anticipate and devise means to cope with the issues of the future".

Finally, this chapter has unpack the proposed rural reform through the main internal/external elements derived from previous chapters. Therefore it showed how the reform has a lot of challenges to face in order to achieve redistribution, because it still embedded in the neoliberal logics, such as the credit for buying land, which continues to reproduce the idea that the market will solve the land question in Colombia.

But an effective implementation of the peace agreement will ensure that violence, at least with FARC-EP rebels is eliminated, reshaping the rural political economy, hopefully achieving a redistribution of land and power in a never seen political change, which hopefully will end in a change of land ownership. Besides, as Linklater (2013 :388) points out “the very nature of exclusive ownership rewards those who can best defend it”, hoping to see a future where property is in the hands of the peasants, empowering them to defend it.



## **7 CONCLUSION**

The present study, used history and political economy frameworks, to evidence that after three agrarian reforms, Colombian Government has failed to benefit the rural poor. Consequently, it claimed that, this failure was a convergence of seven internal and external elements that persisted through history. So, these elements were used to unpack the new reform, helping to recognize how the reform include elements such as expropriation and land taxing but leave aside elements such as the future role of agrarian institutions. Finally, it suggested a shift in the hierarchy, placing the landowning class in the center of the reform rather than the rural poor.

As a result, this research also concludes that, internal elements of any reform are important, as occurs with policies such as restitution. Here, as Bohlin points out “the technical and administrative details of restitution have profound effects on its substantive outcome” (2004 :64). However, there are external elements that also have an effect on the results of the implementation. Hence, an understanding of internal/external elements, frames the reforms not only as a State center concern, but rather as state – society interactions.

After this analysis, it is possible to state that if Colombia does not reach a real redistribution of land and power in the countryside, it will continue to be within the countries with high Gini coefficient for land, along with all the social implications that came along, which have been discussed in the previous chapters.

After all, it is hoped that this study contributes to reinforce the importance of history in the study of agrarian policy. This, added to the analysis of the current political economy may be used as an input for future rural policy designs and implementations. Thus, the biggest challenge that Colombia faces, is to choose wisely the path to take in a future land reform. Therefore, is it going to take the same known path that have walked in previous reforms that haven’t benefited the poor? Or is it going to benefit the rural poor by considering landowners at the center of the reform, in order to redistribute better their land and power? Colombian society is facing a huge challenge that comes with a new agrarian reform and at the same time is facing a new opportunity of thinking and acting different, to expect different results.

Thus, as Griffin et al. (2002:283) conclude “the case for land reform rests not on the existence of defective tenure contracts but on the concentration of land ownership rights and the inefficiency, inequality and poverty which this creates”. Once land and power have been redistributed, the main cause of the counter reforms and the cooption of the public institutions and macroeconomic policies by the landowning class will have vanished, leaving the peasantry with enough power to decide their own future with an owned piece of land.

Finally, if there is hope in seeing a change in the current political economy through a redistributive rural reform, Chomsky’s ‘instinct for freedom’, mentioned in the opening quote, not only remains in force but fuels the construction of a better Colombia, especially for its rural poor.

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## ***Appendix 1: Colombian Agrarian political economy summary***

This appendix supports the historical analysis of the third chapter.

The law on property in Colombia derives from Spanish law and the Papal Bulls of Pope Alexander VI, which gave the Spanish possession of discovered lands. In addition, Spain began the division of these lands among the conquistadores established in America, together with the indigenous people necessary to work them. This policy, imposed by the crown, initiated the process of concentrating land ownership among a few, on one hand, and the growth of a working class without access to land on the other. (INCORA 1970:6)

By the end of 1920s, “the economic expansion was accompanied by growing social disparities that lead to the emergence of string class movements outside traditional boundaries of the two party system” (Sánchez and Meertens 2001:10). Furthermore, according to Absalom Machado, in the decades of 20’s and 30’s the agrarian problem was first considered as a national problem, “that deserved the attention of the state to the extent that it constituted an obstacle to the incipient process of industrialization and expansion Internal market” (Machado, 2009: 167).

### ***The 1936 Agrarian reform***

At 1936, during the Alfonso Lopez Pumarejos Presidential period, who belonged to the Liberal Party, new constitutional changes began to rise in a Period of policies called ‘Revolution on March’<sup>12</sup>. Moreover, Revolution on March can be historically analyzed by its role, mainly due to its basic goals for the rural areas:

establishing a new legitimacy for large agrarian landholdings, insofar as the peasant movement had clearly demonstrated the fragility of the existing order; imposing a minimum level of agricultural productivity by encouraging the formation of an agrarian bourgeoisie capable of more adequately responding to the demands of the growing domestic market; introducing rational relationships between capital and labor; and promoting policies to strengthen the State managerial role (Sánchez and Meertens 2001).

What’s more, “Lopez Pumarejo’s second term (1942-1945) made even clearer that the gap between expectations and achievements was due not to the deferment of the program proposed by the revolution on the march but on the inherent limits of the logic of capitalist development” (Sánchez and Meertens 2001:11). Unfortunately, political bipartisanship in those days was not interested to make a redistributive land reform, because it had to defend their own economic interests and defend the large landowners who had high rates of political representation in parliament (Tobón Quintero and Herrera-Jaramillo 2016:104) regardless of the needs of the rural poor.

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<sup>12</sup> For Revolution on march see also (Bergquist 1992:58), (Richani 2013:14)

As a result in the 1936 reform, the law created for the first time an Agrarian Jurisdiction, with specialized judges that were incorporated into settling land disputes (Richani 2013:18).

In those decades, the political economy of the rural areas was very influenced by the coffee sector. In addition some scholars conclude that the agrarian reform was pushed because of the “the pressure of the peasantry especially in the coffee sector” (Berry 2006:128-129) who wanted to have legal ownership of the land they harvest. The agrarian reform became a reality in the form of law 200 of 1936. Furthermore, for some scholars such as Fajardo (2002:47) and LeGrand (1992 :42), this law created the foundations for the concept of agrarian reform in contemporary Colombia.

Although the reform tried for the first time to organize the land in rural Colombia, it failed. Therefore the state was not able to organize it in a democratic way and was coopted by rural elites, leaving the rural poor to find new land in the agriculture frontier, not benefitting at all from the reform.

Furthermore, some scholars as Sánchez and Meertens (2001:11) concludes that the “meaning and the scope of Lopez Pumarejo’s modernization program, specially Law 200 of 1936 regulating land tenure, had been overestimated”, as for others, “law 200 did little or nothing to slow the continuing large-scale appropriation of public lands in the frontier regions, nor to deal with the underlying tensions between settlers and large entrepreneurs over public lands that were to remain a root cause of social conflict in the Colombian countryside (Berry 2006:130). In the same way, some conclude that “however that Law [200 of 1936] was useless. On one hand the government did not have the adequate means to enforce it, and on the other hand, the leading classes on the country influenced by and tied to the rural owners, did not show interest in having it enforced” (INCORA 1970:14).

### ***Agrarian Counter reform of 1944***

But soon after, a counter reform started in Colombia (Fajardo 2014, Fajardo 2002:47). The new President Eduardo Santos (1938-1942) “did not change the course of the reforms Lopez Pumarejo introduced, but he lessened their impact to satisfy the land lord’s opposition” (Richani 2013:19). But, once Lopez Pumarejo came back to the presidency (1942-1945) the political instability forced him to “introduce a series of proposed laws that favored large land owners and the industrial bourgeoisie. The result was Law 100” (Richani 2013:21)

Finally Law 100 reflected two main developments

First it showed the ability of the landlords to regroup and strike an alliance with the agroindustrial elite [...] second, interrelated factor was the weakness of the peasant movement, which was debilitated by internal fractures and lacked a unifying political force. Under such a balance of forces, the State relented to the wishes of the alliance of landlords and agroindustrial (Richani 2013:22)

Therefore the counter reform, not only benefited the rural elites giving more power to the Landlord process that took place at the expense of the rural poor, which continued to be pushed out towards the agricultural frontier or forced to sell their labor in the rural areas as well as the urban zones.

### ***'The Violence' Period***

After the resignation of Lopez Pumarejo in 1948, the leader of the radical faction of the liberal party, Jorge Elcer Gaitan, who aspired to win the presidential election in 1950 was killed. Despite the fact that the political violence in Colombia was increasing since 1940, it reached its highest peak after Gaitan assassination. This event is for some scholars such as Richani (2013 :25) the beginning of a historical period called 'La Violencia' (The Violence) see also (Sánchez and Meertens 2001, Palacios and Safford 2002), which turned out to be a civil war, fought mainly in the Colombian countryside between members of the Liberal Party against members of the Conservative Party, taken land away from the political enemy in violent ways.

As an interesting fact, due to the actual peace process, is important to acknowledge how, according to Fidel Castro, the leader of the Cuban revolution, when Gaitan was killed, Pedro Antonio Marín, a poor Colombian peasant who later took the alias of Manuel Marulanda joined the liberal guerrilla movement, he was only 18. Some years later he will be one of the FARC main founders and most important leader. (Castro Ruz 2008:5)

Rural terror in this period would have other visible consequences as studied by Sánchez and Meertens

The plunder of land and property whose owners had been killed or threatened into selling; the confiscation of harvests and livestock; the burning of houses, sugarcane crushers, and processing plants; the physical coercion of discontented rural workers, provoking massive migrations to the cities or removing peasants to areas controlled by the party which they were affiliated, until veredas (rural neighbourhood) and regions were politically homogeneous, [...]. Ultimately rural terror rearranged social classes in the countryside and relations of leadership and power in the different regions (2001:17)

As a consequence of 'La Violencia', "three trends synthesize this history of transactions under the new circumstances of the violence: first investment in land by people who had become wealthy through trade, second, the purchase of land at below-average prices from distressed sellers; and third, the dispossession of smallholders and their possible transition to another social group" (Ortiz 1992:142). It is possible that the period of The Violence has had a major impact on land tenure and distribution than the agrarian reform of 1936. It was a moment that "affected people all at once; it was not a gradual process" (Ortiz 1992:142), whole municipalities were inhabited by dwellers from a single political party who were the only ones allowed to have land and work it. But "the most obvious economic effect [... in La Violencia] was the transfer of property from the peasants of one party to those of the rival party, until the regions were politically homogeneous" (Sánchez and Meertens 2001:28).

In addition, “class struggle in The Violence (as before and after it) continually was obscured, distorted, and channeled by a political system that however dysfunctional in its capacity to contain civil violence was supremely functional in shielding the elite from the full social consequences of political conflict” (Bergquist et al. 1992:5). In this way, after this period, the same dominant class emerged in control, and their bipartisan system was revived. The large landowner and other factions of the dominant classes created a political alliance (National Front) to put once again the State under their political control and avoid “lapses of State Autonomy such as the one experimented under Lopez Pumarejo’s first government” (Richani 2013:24).

Furthermore, state capacity to rule and to make people do what it wanted to do fail in allowing rural dwellers to fight and kill each other taking the opposition lands in the process, without any state intervention to stop the conflict.

### ***Second agrarian reform in 1961***

Indeed, land reform in Latin America in the sixties emerged in part as a response to the Cuban revolution that threatened the stability of American dominance on the continent (Machado 2009: 15). Furthermore it is significant to acknowledge that Colombia was the first Latin American Country to create a broad scale land reform, after the Punta Del Este meeting in 1961. During the 1960-1970 decade “the country has been one of the three main recipients of U.S foreign assistance. Agriculture and ranching are often mentioned as leading potential sectors for development based on nation’s rich and varied natural resources, relatively small population and large land area” (Felstehausen 1970 :2-3).

Furthermore, Richani explains how:

Law 135 was also designed to assist the minifundios and colonization movements, improve productivity through technical assistance, increase income through promotion of peasant cooperatives, and provide better services. These lofty goal, which remained large unfulfilled, were intended to reestablish the authority of the dominant classes in rural areas, which was shaken during the civil war (2013 :27)

Besides, the reform of 1961 was harmless [Machado 1987, Binswanger et al 1993]. On the contrary. But, decisions concerning land reform, both at local and central level, were often politically motivated. As the World Bank found:

The implementation was subject to fluctuations in the budget availability, which were politically motivated that hindered long-term planning resources. Once availability of resources was available, they spent the money quickly to meet goals targets in terms of area transfer, not long-term success and the gradual development of the capacity of beneficiaries. The pressure for rapid execution was one of the main factors behind, not individual but collective ownership of land to beneficiaries decisions (2004:65).

On the other hand, “the 1960 census revealed that the dispossessed campesino population was larger than had been realized and that its economic and social situation, which had always been one of deprivation, was deterioration” (INCORA 1970:1). In addition, “Cadastral studies and the rural census, demonstrated the most serious social problem was the predominance of minifundios,, caused by the large number of landless families who were seeking land, through the system of renting, sharecropping, colonization and other forms of tenure” (INCORA 1970:2).

As regarding ANUC, it was used as “a quasigovernment organization in order to overcome landowner’s resistance by creating new social realities on the ground. This was another rehash of Lopez Pumarejo bourgeois reform faction alliance with the peasantry, but this time with an organizational base: the ANUC” (Richani 2013 :29). But unfortunately the state failed to incorporate the peasants into the reform process, as Zamosc (2006) explains how:

Even though ANUC seemed to be an independent peasant organization, ANUCs relationship with the State was one of complete dependence on both the formal and informal levels [...] in the strict sense, ANUC was not part of the State structure. Nevertheless, it had an undeniable semiofficial status. Coupled with the pattern of unilateral control, this semiofficial status defined ANUC as an extension of the State (:60).

Scholars such as Berry (2006:133) suggest that “as well as being too small to make a major difference to agrarian structure, the INCORA reform was badly designed and executed, [...] It is clear that the program was too small to have had any lasting impact on the inequality of land ownership”. Moreover, (Felstehausen 1970:2) concludes how “that the main effects have been to unify and strengthen the national political machinery but not necessarily to broaden the distribution of economic benefits to workers and peasants”. Once more, State’s low Autonomy and Capacity offered a reform that empower even more the rural landowning class by creating weak public institutions, offering massive public titles of good land to this elites, while keep pushing away the rural poor to the agriculture frontier.

Finally, in addition to the ANUCs formation, President “Carlos Lleras failure in gaining the peasantry, therefore, stemmed not only from land owners and peasants but also from the dynamics of class struggle and it’s gravitation toward an armed solution, given the inability of state institutions to contain conflicts” (Richani 2013 :29). Therefore, all this fueled the creation of liberal guerrillas. Consequently, “the official date of FARC formation was in 1966, when the second conference of the guerrilla groups was held to discuss military strategy and its political and agrarian plan” (Richani 2013).

### ***The 1971 Counter reform known as “Pacto de Chicoral”***

The land invasions of 1971 warned the landowner class of the difficulty of containing peasants getting land and in January 1972 Pastrana’s conservative government started a counter reform path supported by the industrial bourgeoisie, agribusiness, large landowners and cattlemen gathered for a meeting in the town of Chicoral.

The counter reform took the way of Law 4, 5, and 6 of 1975 putting an end to the possibility that sharecroppers could claim compensation for any improvements introduced during their tenancy, complemented by the creation of the agricultural financial fund to provide service to agribusiness (Richani 2013:31).

### ***Comprehensive Rural Development (Desarrollo Rural Integral DRI)***

The state with the support of International Banks implemented from 1977 a Rural Development comprehensive Program (DRI). The mistake was to assume that this program could improve the situation of poor peasants and small farmers without access to production factors, especially land. The DRI made significant contributions to the construction of regional infrastructure for rural societies, but failed to show consolidated an increase in income and quality of rural life, especially for the rural poor. What's more DRI was operating within a policy framework sector that favored commercial agriculture to promote development of capitalism in the countryside (Machado 2009 :91). See also (Galli 1981 : 27-91).

By DRI favoring specific sectors of the rural population and avoiding land tenure issues, fueled the process of concentration of ownership and increased gaps with unattended sectors of the population in which there was no social investment of the same magnitude (Machado 2009:18, Castillo Ospina 2016:70) affecting once more the rural poor access to land.

Finally, as seen in previous reforms, State capacity and autonomy were not able to provide enough political, financial and administrative conditions to reach the rural poor and improve their welfare.

### ***Paramilitary intervention as a counter reform process in the 1980s***

The eighties can be register as the years that dismantled the main oppositions of the agrarian reform erected in the early seventies during the Chicoral Pact. On the other hand, "It is also important to keep in mind that during the 1980s, major oil, coal and gold discoveries were made, leading to an increase in multinational corporation investments in rural areas. This factor along with the economic liberalization, led to significant changes in the social and economic function of land" (Richani 2013:34). Henceforward is important to complement the previous mentioned conceptual hooks with the ones related to conflict and development.

In this sense,

Oerhaps the most notable force behind counter reform was the new landed stratum who built their fortunes through narcotrafficking and emerald smuggling and who acquired immense amounts of fertile lands, mostly in contested areas [...]. Experts estimate that the narcobourgeoisie acquired in a few years more land than INCORA distributed in thirty years. In the 1980s and 1990s about 4.4 million hectares were acquired by narcotraffickers with estimated value of \$2.4 billion (Richani 2013:33)<sup>13</sup>.

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<sup>13</sup> See also (Rocha 2000:19, Elhawary 2007, Reyes 1997).



In the 1980s, unexpected outcomes occurred in the FARC-EP territorial expansion which “generated an unwanted political consequence: increased support for the paramilitaries by large land owners and cattle ranchers who feared that in the eventuality of a settlement a strengthened guerrilla force would impose land reform at their expense” (Richani 2013:77). This unexpected outcome which not only strengthened the Paramilitary groups also face a much higher danger to the FARC-EP because of the increase in the military opposition. But, this unexpected outcome not only strengthened the Paramilitary groups, but became in a much higher danger to the FARC because of the increase in the military opposition. In addition, another unintended outcome in this process came with the “Guerrillas’ support or indecisiveness in dealing with the colonos and small – landowning peasants shifting to drugs plantations which brought into the conflict new actors – narcotraffickers and again their paramilitary group” (Richani 2013:148)

After all, according to Machado (2009 :164), in the eighties the rural exodus continued and deepened in the nineties, as a result of the different types of violence. Farmers and medium producers not only left their lands due to the drug traffickers’ incursion in the rural areas but also by the continuous harassment they were subjected by the fighting between the guerrillas, the military and paramilitaries. This harassment and instability forced the peasants to sell their land to big landowners or to new owners supported by paramilitary groups; or simply they were evicted violently and dispossessed of their agricultural heritage. This counter reform is explained in the next section, explaining how the State capacity was coopted, blocking the redistributive policy affecting mainly the rural poor.

Even though, there was a change in the ownership, land concentration continue or increased. Furthermore “The process of land concentration, propelled by the narcotraffickers intertwined with the military counterinsurgency strategy, is transforming vast lands from agricultural production to speculation, consolidating the base of a rentier-capitalist development in which capital is mainly formed through land speculation” (Richani 2013:113). The armed conflict reconfigured regional rural elites, in a process that began with the purchase of land by drug traffickers, where the paramilitaries stripped control the guerrillas in the eighties, and consolidated themselves being subordinated to the warlords (López 2009:98).

In this sense, as another actor regarding land ownership, is important to recognize how since 1982, “some high-ranking military officers [...] started to have a stake in the economic returns of a successful counterinsurgency strategy, particularly by buying lands at a depreciated price specially when the guerrillas were present, and appreciating in value after the paramilitary-military alliance managed to liquidate its support base” (Richani 2013:103). This not only bring in another actor in the political economy of the land in the countryside, but shows how land ownership was affected by the counterinsurgency strategy, taking the land mainly from the rural poor. Accordingly, Paramilitaries has been neutralizing any attempt to affect the interests of the big land owners in well-defined geographical areas; peasant uprisings through land invasions to force redistribution are not possible under those conditions (Machado 2009 :50).

Thereafter, this is confirmed by Machado (1998:55-56) when he affirms that the basic feature of the 1984-1996 decade was the expansion of large property, the deterioration of the median and the continuous fragmentation of small, three phenomena accompanied by violence, displacement of rural dwellers and continuous massacres in which parastatal forces have shaped by blood and fire, territorial domains in a process of accumulation of institutional rents the style of a primitive accumulation. Actually, in this counter-reform the State capacity and autonomy was coopted by drug lords and paramilitary groups in order to protect their own interest disregarding the rural poor.

Moreover, according to Fajardo (2002: 48), Law 35 of 1982 revived the purchase of land by INCORA, marked by notorious phenomena of corruption and convenience. Available figures recorded that while in 1981 the Institute acquired 4,400 hectares, in 1985 the figure rose to 25,111. Two years later, it managed to obtain 54,704 hectares unsurpassed magnitude since 1971, when 73,183 hectares were acquired. In 1992, the number grew to 96,098 hectares.

Finally, between 1984 and 1996, small property lost 1.75 points on its surface, medium property lost 5.7 points and large won 7.5 over a decade. On the other hand, the Gini index that in 1984 was 0.839, increased to 0.880 in 1996 (Machado 2009:36). Furthermore regarding production levels, while farms under 5 hectares intended for agricultural uses 38.6% of its surface, the over 200 hectares allocated to this use only 2.5% (Fajardo 2002b:16). This evidence how this big landowning benefited from this counter reform, enlarging the territories of their property.

In 1992 a new constitution was introduced in Colombia after a peace process with other guerrilla groups different to FARC. In this, Article 64 mentions specifically how “it is the duty of the State to promote the progressive access to land ownership for agricultural workers, individually or in partnership, along with education services, health, housing, social security, recreation, credit, communications, marketing products, technical and management assistance in order to improve the income and quality of life of the peasants”<sup>14</sup> (Constitucion de Colombia 1991).

### ***Colombia's third agrarian reform in 1994***

The 1994 Colombian agrarian reform, came in the form of Law 160 of 1994. According to (Machado 2009:37, Fajardo 2002:49) , this Law is part of the neoliberal agenda promoted by the World Bank seeking for a reduction of the state function, leaving them to the market own way of functioning. But Scholars such as (Borras 2003:389) conclude that the MLAR is not the land reform type needed in the country. Of the main argument of this conclusion regards voluntary negotiation which is not happening in Colombia because “where there is asymmetry of class power and, therefore, of political power, it is inconceivable that a landless poor

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<sup>14</sup> Translated by author from the Colombian constitution, in Spanish is “Artículo 64. Es deber del Estado promover el acceso progresivo a la propiedad de la tierra de los trabajadores agrarios, en forma individual o asociativa, y a los servicios de educacion, salud, vivienda, seguridad social, recreación, crédito, comunicaciones, comercialización de los productos, asistencia técnica y empresarial, con el fin de mejorar el ingreso y calidad de vida de los campesinos” (de Colombia 1991)

peasant can have the same degree of bargaining power as a rich landlord in a negotiation for land purchase” (Borras 2003:389). This asymmetry plays mainly against the rural poor, being the most negative affected group in the reform. Furthermore, in this sense Machado (2009 :80) concludes how the land market in Colombia is segmented, because there are no transactions between small and large landowners, or between them and landless, transactions are made between small, medium and large, or between or among themselves.

Nevertheless, according to Deininger et al. (2004:10) a better access to land do not necessarily means:

An overall reduction in the concentration of land. This due to i) land market transactions is rarely between small and large producers. ii) due to dissimilar sizes of properties involved, when land of a large producer is purchased, it may affect the land concentration more than if there were numerous purchases involving small producers and iii) the armed conflict and consequently leaving the land may, create a dynamic of accumulation.

These are the main reasons of why land concentration in Colombia still so high, and how when the State allows a Market led reform its autonomy and capacity is neutralized and can't be use to benefit the rural poor.

Besides, this Law introduces the concept of Campesino Reserve Zone (ZRC) as border areas and very fragile agro-ecological systems, only for farmers to prevent the advance of colonization, or deterioration mishandling of fragile soils. The concept is related to sustainable agriculture and natural resource use. Finally the land negotiation and the ZRC make the difference between the previous and the current land reform. All other aspects, such as the degree of public lands, indigenous reserves, clarification of ownership, remain more or less in the tradition.

Finally, is key to recall how “the government liberalization process given the balance of forces produced an unexpected outcome: the shift of a segment of the peasantry to illicit plantations” (Richani 2013:69). But this represented more problems for the FARC-EP who, “by protecting its peasants base, was also compelled to accept the peasants’ shift to illicit crops as a supplementary income” (Richani 2013:69).

But, furthermore, Fajardo (2002b:46) concludes how, more than seven years after the Law 160 of 1994 was promulgated, it achieved very little in its application. Thereafter, the interests of the landowning class, along with corruption and intimidation evidence the enormous power this class had to coop the reform. In addition, Mondragón (2005:21) suggest how the 1994 reform implementation has suffered from a crossroads crisis between high interest rates, arrears in payments to be made by ‘beneficiaries’ and the shrinking INCORA budget<sup>15</sup>. This evidence the failure of the selection of the beneficiaries but even more the failure of the agrarian public institutions.

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<sup>15</sup> Information taken from the final essay of the ISS-4335 Course: politics of agrarian transformation.

All this, helps to comprehend why Machado (2009 :188) characterizes the current land policy as: i) scattered, fragmented and partial; ii) lack of guiding mechanisms and frameworks such as rural development; iii) almost unique development and rural growth route; iv) an authoritarian policy that cannot be disputed, v) based on a precarious, inefficient and centralized institutions.

Overall, Felstehausen conclusions allow to comprehend the history of Colombia's agrarian political economy:

under conditions of spreading unemployment, Colombian peasants again turned to demand land, the only secure source of subsistence within a system which historically has reserved political and economic opportunities for a small group at the top. Each time peasant demands for land have been strongly stated, they have been answered by a new promise agrarian reform (1970 :13).

## Appendix 2: Evolution of the structure of rural property in Colombia from 1960 to 2002

Table 2 Evolution of the structure of rural property in Colombia from 1960 to 2002

	1960		1970		1984		1997		2002	
	1000 Ha	# owners	1000 Ha	# owners	1000 Ha	# owners	1000 Ha	# owners	1000 Ha	# owners
Less than 5 ha	955,8	737,3	868,7	678,5	1.147,10	987,9	1.447,10	1.391,90	2.189,40	2.333,00
between 5 20 ha	1.885,90	225,4	1.835,30	219,3	2.558,50	336,8	3.232,80	444,5	4.480,20	651,3
Between 20 and 50	1.957,10	74,6	2.213,80	84,2	3.193,10	136	3.810,40	170,9	5.623,10	254,3
Between 50 and 200	3.815,50	52,3	4.363,20	60,2	6.430,30	96,6	6.758,90	117,3	10.360,50	170,2
Between 200 and 500	2.674,80	11,5	3.036,40	13,2	3.714,30	19	3.329,50	19,1	5.289,20	30,8
More than 500 ha	4.606,40	4,8	5.054,70	5,4	5.189,70	6,7	6.408,60	5,7	24.254,10	13,9
TOTAL	15.895,50	1.105,90	17.372,10	1.060,80	22.233,00	1.583,00	24.987,20	2.149,40	52.196,50	3.453,50
Percentage										
Less than 5 ha	6	66,7	5	64	5,2	62,4	5,8	64,8	4,2	67,6
between 5 20 ha	11,9	20,4	10,6	20,7	11,5	21,3	12,9	20,7	8,6	18,9
Between 20 and 50	12,3	6,7	12,7	7,9	14,4	8,6	15,2	8	10,8	7,4
Between 50 and 200	24	4,7	25,1	5,7	28,9	6,1	27	5,5	19,8	4,9
Between 200 and 500	16,8	1	17,5	1,2	16,7	1,2	13,3	0,9	10,1	0,9
More than 500 ha	29	0,4	29,1	0,5	23,3	0,4	25,6	0,3	46,5	0,4
TOTAL	100	100	100	100	100	100	100	100	100	100

Source: IGAC (2012 :73)