



Disentangling the paths of land grabbing in Colombia: The role of the state and legal mechanisms

Carolina Hurtado-Hurtado^{*,1}, Dionisio Ortiz-Miranda², Eladio Arnalte-Alegre

Department of Economics and Social Sciences (DECS) Universitat Politècnica de València, Spain

ARTICLE INFO

Keywords:

Land dispossession
Land grabbing mechanisms
Land grabbing patterns
Legal contention
Colombia

ABSTRACT

This article aims to reconstruct the progression of land grabbing in Colombia by identifying the sequence of mechanisms and strategies employed to dispossess and seize land through specific case studies. The analysis centres around 12 estates/farms with a history of violence, dispossession, and the utilisation of legal mechanisms, enabling the identification of certain historical patterns and how changes in the legal framework contribute significantly to these trajectories. The analysis was conducted through a systematic literature review, resulting in the reconstruction of multiple stages and modalities of this phenomenon. It also facilitated the identification of common patterns to gain a deeper understanding of the complexity and historical roots of land grabbing in the country. The findings demonstrate, despite some case-specific variations, consistent historical patterns in the land grabbing processes: i) informal land occupation and eviction of peasants, ii) land transfers by the grabbers to acquire legal title deeds, iii) legal disputes arising when peasants assert their land rights, and iv) a final struggle for land restitution. The analysis also highlights the dual role of the Colombian state in this process, whereby it has created political and legal instruments to facilitate the appropriation of land and other natural resources by capital. Simultaneously, certain official institutions have acted to prevent these actions and defend the rights of rural communities.

1. Introduction

Land concentration and land control have been persistent factors in the territorial configuration of Colombia, placing it among the most unequal countries in terms of land access in the Latin-American region (Fajardo, 2014; Oxfam, 2017). Land grabbing is also recognised as one of the underlying causes of the armed conflict, resulting in the dispossession of over eight million hectares of land and a substantial rural exodus. In the past three decades alone, more than seven million people have been forcibly displaced from their lands. Various strategies and mechanisms have been employed by different actors to seize control of these lands and their resources. Among these strategies, numerous studies have identified violence as a prevalent method of land grabbing, often linked to public policies and economic development projects such as the establishment of commercial plantations (Thomson, 2011; Ballvé, 2013; Grajales, 2013; Gómez et al., 2015; Hurtado et al., 2017). The implementation of the Land Restitution Law (Law 1448 of 2011), has

provided valuable insights into the trajectory of abandoned and dispossessed lands, including information about the original owners, the tenure system, local conditions, and subsequent transfers. Through an examination of court case files related to land restitution trials, it becomes evident how these contested lands changed hands and the process of dispossession that occurred. It was discovered that a majority of these lands were transferred through both legal and illegal means, with official institutions playing a significant role in facilitating the formalization of property rights for land grabbers, companies, or third parties. However, these transfers were illegal as the lands had previously been acquired through violent means (Grajales, 2016; Vargas and Uribe, 2017).

Despite significant progress in comprehending these processes, few studies have incorporated a historical perspective to grasp the local contexts of different land grab cases, particularly the preceding conditions of land tenure and how they facilitated land grabbing. Furthermore, existing reports and studies cover a limited number of individual cases, necessitating a more comprehensive approach to identify patterns

* Corresponding author at: Department of Economics and Social Sciences (Departamento de Economía y Ciencias Sociales, DECS), Universitat Politècnica de València, Camino de Vera s/n, 46022 Valencia, Spain.

E-mail address: churtado@upv.es (C. Hurtado-Hurtado).

¹ <https://orcid.org/0000-0003-2177-3734>

² <https://orcid.org/0000-0002-6884-8927>

or sequences followed by land grabbers and other involved parties.

This paper aims to reconstruct the trajectory of land grabbing in Colombia by examining the sequence of mechanisms and strategies employed to dispossess and seize land through case studies. Our analysis focuses on several estates/farms with a history of violence, dispossession, and the utilization of legal mechanisms, allowing us to identify historical patterns and explain the role of changes in the legal framework in these processes. In doing so, we address a persistent gap in land grabbing research in Colombia: the limited attention given to the social and political historical processes of the appropriated land (White et al., 2012; Edelman et al., 2013; Borrás and Franco, 2013), as well as the role of the state and local administration in enabling or preventing land dispossession.

This paper is organised as follows; the next section examines key aspects of the theoretical framework of the land grabbing process, highlighting remaining gaps in understanding this phenomenon in Colombia. Section 3 describes the research methodology employed. The results, presented in Section 4 explain the process of systematisation and reconstruction for each case study, outlining the main stages followed. These outcomes are then discussed in Section 5. The main findings summarized and further examined in Section 6, alongside concluding remarks.

2. Land grabbing and territorial contexts

The 2008 food and financial crisis encouraged interest in the phenomenon of land grabbing worldwide; several preliminary studies focused on explaining their causes in that setting and paid attention to their characterisation (magnitude of the phenomenon, area affected, profiles of both investors and target countries). From an economic perspective, Reydon and Fernandes (2017) conducted an analysis of the speculative nature of land acquisitions, focusing on the case study of Brazil. They observed that following the deregulation of the financial market and the ineffective implementation of legal and regulatory measures to control foreign access to land, investments in agribusiness have significantly increased, leading to large-scale land acquisitions since the mid-2000s. Drawing upon post-Keynesian theory on the formation of asset prices in the context of business-driven economies where monetary values govern decisions and the pursuit of profit maximization takes precedence, the authors emphasize the dual character of land itself, which serves as both a productive asset (generating income through productive use) and a liquid asset (subject to speculation due to its liquidity). This dual nature, encompassing both productive and speculative gains, makes land more attractive and perceived as a secure investment for economic agents.

The literature based on the political economy framework that prioritizes the analysis of power relationships and the politics underlying the control of land and other resources, has drawn attention to the structural causes, mechanisms, and effects of land grabbing. Specifically, there is a need to understand how recent land grabs were shaped by pre-existing social, political and agrarian structures in the respective contexts where these phenomena occur. These studies encompass various aspects, including the examination of drivers for global resource grabbing at the international and national levels (Cotula, 2012; White et al., 2012), the involvement of multiple actors such as national and international corporations, state and non-state entities, as well as formal and informal institutions, and the mechanisms employed to grab (Wolford et al., 2013; Borrás and Franco, 2013). Furthermore, these studies have highlighted the impact of land rushes on local communities and their livelihoods, as well as the reactions and outcomes experienced by the affected populations (Borrás and Franco, 2013; Hall et al., 2015). However, these studies have underscored the necessity of incorporating a historical perspective on land dispossession within national and local contexts, where the expulsion of rural populations and land concentration were processes that preceded the convergence of multiple crises in 2008. The areas where land grabbing occurs already possess pre-existing

agrarian structures and social formations (Edelman et al., 2013), along with a long history of land use and political conflicts. Gutierrez and García (2016) claim that land tenure patterns are linked to the political system and to the forms in which states are present in territories, which consequently affects peasants' land property rights and their relation with the state and local elites. In contexts of land grabbing, the formality of land tenure alone is insufficient to ensure property rights, especially within social contexts characterized by armed conflicts, weak or illegitimate state intervention, and political control exerted by local powers (Grajales, 2011).

The role played by national and local governments in facilitating and even creating land grabbing mechanisms is recognised by many authors. Levien (2012), in his analysis of the law on land concessions in India, argued that capital accumulation is a political process performed by states or by the actors exercising coercion to expropriate the means of production, subsistence and common social wealth for capitalists. In this context, land dispossession becomes a necessary step for capital accumulation. Levens' analysis draws on Harvey (2005) theory of accumulation by dispossession, which posits that wealth is not produced but rather is transferred from public and popular domains to private accumulation. Moreover, states implemented key instruments to carry out these transfers, such as taxes and legal measures to increase surveillance and police repression. Borrás et al. (2012) and Wolford et al. (2013) have similarly concluded that states often play an active role in creating diverse mechanisms to make land available to investors. This includes promoting large-scale land investments under the pretext of agricultural growth and employment as well as modifying legal frameworks to favour land deals that typically result in the transfer of land from peasants to investors. In some cases, states may resort to illegal means when different forms of power are at play within the state apparatus, ranging from legal to more covert powers. In historically marginalized areas of Colombia, such as territories of peasant colonization and communal lands of ethnic groups, the state often exercises its sovereignty through coercion using public forces like the army and police, as well as through alliances with local elites and paramilitary groups (Gómez et al., 2015; Grajales, 2013). However, simultaneously, certain institutions within the state, such as the General Comptroller's Office, Constitutional Court, and Judicial Courts, take action against land grabbing by enacting legal measures to block land deals and provide compensation to those affected by dispossession. The implementation of legal measures aimed to compensate people affected by violence and land dispossession has led to the legal disputes between the dispossessed, the land grabbers and the state. This dynamic showcases the ambiguous role of the state and its internal differences (Wolford et al., 2013). In this regard, Hurtado-Hurtado et al. (2023), conducted an analysis of the legal contention for public lands in the Colombian Altillanura region, drawing on Bolívar's (2010) deconstruction of state-centric theories that highlight the influence of everyday social and political relations on state actions. Through this study, they observed the dual role of the state, wherein it enacted a law to facilitate the grabbing of public lands while simultaneously implementing legal measures to protect the legal rights of peasants. This case exemplified the presence of multiple actors, factions, and interests within the state that constantly compete for political influence. It emphasized the importance of not separating society from the state in order to comprehend the complex and ambiguous relations between civil servants and citizens, as well as between agencies and communities.

In the Colombian case, Grajales (2013) has highlighted violence as a prevalent mechanism of land grabbing commonly linked to political action and economic development. The roots and causes of violence in Colombia involve historical, political, economic, and social dimensions extensively explored by various authors, which are beyond the scope of this analysis. However, a common consensus is reached regarding the extreme inequality in access to land and other resources. Numerous documented cases demonstrate the link between violence, forced displacement of rural populations, and the expansion of commercial

plantations for crops like palm oil, bananas, sugar cane, and illicit crops (Maher, 2014; Grajales, 2013; Gómez et al., 2015; Ballvé, 2013; Hurtado et al., 2017). Cramer and Wood (2017) emphasize that forcible displacement was a strategy employed in the recent armed conflict in Colombia to swiftly transfer land. Additionally, non-violent land grabbing mechanisms involving private actors and official institutions in alliances to legitimize land transfers from peasants to grabbers have been identified. Such strategies are commonly employed by private actors and entail issuing illegal title deeds to ineligible private citizens or legalizing land taken from evicted peasants through transactions involving fraudulent deeds (Centro Nacional de Memoria Historica, 2010; García and Vargas, 2014; Verdad Abierta, 2012a, 2012b, 2013a, 2013b, 2016a, 2016b). Public institutions responsible for agrarian reform and land tenure formalization have played a significant role in facilitating these transfers, leading Peña-Huertas et al. (2017) to label it as *the administrative mechanism of land dispossession*. It is important to note that there is no singular case or model of land accumulation preceding the recent wave of land grabbing. Different forms of accumulation, including coercive accumulation and alliances between state institutions and entrepreneurs through legal or illegal means, have occurred. This analysis shows that the precedent historical, economic, and social context of control and land accumulation has paved the way for the recent land rush.

3. Methodology

The analysis carried out is based on (i) a selection of case studies of land grabbing and dispossession in Colombia from a Systematic Literature Review, (ii) the reconstruction of the several stages and modalities adopted in each case and (iii) the identification of common patterns to gain insights into the complexity and historical roots of land grabbing in this country.

3.1. Systematic literature review

A systematic literature review is a comprehensive approach that allows for the identification, evaluation, and synthesis of all relevant studies on a specific issue (Petticrew and Roberts, 2008). Several researchers studying land grabbing have employed this approach. For instance, Oya (2013) examined the socioeconomic impact of land grabbing in Africa, while Dell'Angelo et al. (2017) identified cases of land grabbing associated to common-property regimes, legal pluralism, public land, small scale farming and coercion, which they called *grabbed commons*. Additionally, Oberlack et al. (2016) analysed the factors and processes that affect livelihoods when large-scale land acquisitions take place. By adopting the systematic review approach, this study ensures the reliability and validity of the results while mitigating the biases often associated with conventional literature reviews.

The data collection process began with an initial assessment of the literature in the Web of Science and Scopus databases, using keywords such as 'land grab', 'land transactions', 'land deal', 'large-scale investment in land', 'green grab', 'water grab', and 'Colombia'. Grey literature was also retrieved through Google Scholar. The search was limited to papers published between 1990 and 2019, as the 1990s marked a period of increasing violent events (murders and massacres) and a rise in the number of displaced rural populations. The search was conducted in both English and Spanish to ensure inclusiveness.

The initial search yielded 437 academic references, which were then reduced to 133 after removing duplicates. These articles were assessed for potential relevance based on the inclusion criteria, which focused on references to regions or specific cases of land grabbing, dispossession, restitution, and land conflicts related to ownership, green or agro-environmental projects, and infrastructure projects. Following the selection criteria process, a final set of 29 academic articles was included for analysis. These articles covered four regions (Montes de María, Bajo Atrato, Urabá, and Orinoquia) and seven departments (Sucre,

Magdalena, Bolívar, Meta, Valle del Cauca, Nariño, and Norte de Santander), which were examined as case studies. It is noteworthy that only seven articles specifically focused on individual estates.

3.2. Selection and reconstruction of case studies

The systematic review facilitated the identification and preliminary characterization of nine specific case studies (numbered 1–9, see Table 1). However, in order to reconstruct and systematize the processes of dispossession comprehensively and enable comparative analysis, supplementary sources were necessary. Therefore, three additional sources were utilized to augment and triangulate the available information. Firstly, official documents from public institutions involved in the legal and judicial processes related to the mentioned cases were collected and analysed. These sources encompassed land restitution trials conducted by the Land Unit Restitution (URT), the General Comptroller's Office (CGR), the Supreme Court of Justice, local courts, the Constitutional Court (CC), and the National Centre for Historical Memory (CNMH). These entities have extensively documented the armed conflict and the land dispossession process. Secondly, reports and investigations conducted by specialized non-governmental organizations (NGOs) and web portals played a crucial role in monitoring Colombia's violence and land dispossession processes. Notably, Verdad Abierta, an independent journalistic portal specializing in reconstructing and disseminating information on the Colombian armed conflict, was instrumental. The reliability of Verdad Abierta has been acknowledged by numerous academic authors who have employed it as a source for their research (as evidenced by some of the selected studies in our systematic review). Thirdly, national press sources, such as the Espectador newspaper, were consulted to reinforce the reconstruction of case study processes further and identify additional sources mentioned in news articles. Exploring these supplementary sources of information enabled the identification of three additional well-documented case

Table 1
Location, size and source of case studies.

Estate	Location (State-Municipality)	Size (ha)	Source
1 Déjala Quieta	Antioquia - Turbo	25	Ballvé (2013); García and Vargas (2014); Verdad (2012b).
2 Jiguamiandó & Curvaradó	Chocó - Riosucio & Carmen del Darién	100.457	Grajales (2015, 2011); Baquero (2015); Osorio (2015); Verdad (2014)
3 Las Pavas	Bolívar - El Peñón	3.000	Gómez et al. (2015); Verdad (2017)
4 La Alemania	Sucre - San Onofre	558	Centro Nacional de Memoria Historica (2010)
5 Parcela 4	Bolívar - El Carmen de Bolívar	17	Aparicio (2017); Bargent (2012); Tribunal civil de Cúcuta (2016); Verdad (2016b)
6 La Bellacruz	Cesar - La Gloria, Tamalameque & Pelaya	9.000	Uribe and Rodríguez (2012); Verdad (2011); CC (2016a)
7 El Porvenir	Meta - Puerto Gaitán	27.000	Rodríguez (2014); CC (2016b); Verdad (2016a); El Espectador (2016)
8 El Brasil	Meta - Puerto Gaitán	16.000	Rodríguez (2014); Verdad (2013a)
9 Macondo	Meta - Mapiripán	5.577	Verdad (2013b); Somo (2015); El Espectador (2017)
10 El Secreto	Meta - Mapiripán	4.656	Verdad (2012a); CGR (2014)
11 El Agrado	Meta - Mapiripán	4.300	Verdad (2012a); URT (2017)
12 Madreselva	Meta - Mapiripán	4.000	Verdad (2012a)

Source: Prepared by the authors.

studies (numbered 10–12, Table 1), which were subsequently included in the analysis.

By combining scientific articles, legal and judicial documents, and grey literature, we were able to reconstruct the trajectory of these land transfers and corroborate the accuracy of the facts reported solely by sources like the online and printed press, which may have inherent ideological biases. The triangulation of both academic and non-academic sources, including official documents, bolstered the reliability and credibility of the information utilized in our study.

Ultimately, a selection of 12 case studies was made, and their historical trajectories were reconstructed. A comparative analysis was then conducted, focusing on the identification of patterns or sequences of events and the utilization of instruments in the processes of dispossession and land grabbing. Similar stages were grouped using common labels to facilitate this analysis, and the synthesized information was presented in a single table. This comparative study allowed for visualizing the trajectories of dispossession and land grabbing and establishing patterns and similarities. The analysis was contextualized within the primary events of the political and legal landscape during different periods, as these undoubtedly influenced the trajectories. The technique employed, which involved case reconstruction and the application of labels or categories in a temporal framework, represents a creative and innovative contribution that can be applied to similar studies. Additionally, it contributes to a better understanding of the trajectories inherent in the land dispossession process.

4. Results: systematization of case studies

The findings presented in this study provide significant evidence regarding the trajectories of the 12 selected estates. The characteristics of each estate are detailed in Table 1, and their geographical locations are illustrated in Fig. 1. These estates are situated in 11 municipalities across six departments. For a comprehensive understanding of the historical processes associated with each case, please refer to Appendix A, which contains the detailed historical trajectories of the case studies.

After reconstructing the historical trajectory of each estate, we carefully examined the major events that took place in terms of changes in property ownership and land use. For the purpose of categorization, we assigned a specific label to each event, which is described in detail below.

4.1. Reconstructing the paths of land grabbing and dispossession

As previously mentioned, in order to systematize the trajectories of land grabbing and dispossession, it was necessary to categorize events and modalities into specific labels for comparative analysis. Table 2 provides a list of the labels utilized for this purpose.

Using the labels mentioned earlier, it becomes feasible to reconstruct the historical paths encompassing events, violence, and the use of legal and illegal instruments in each case study. Fig. 2 visually presents these paths for reference.

From this overall scheme it is possible to identify some historical patterns, but with variants in almost all the cases analysed. These patterns are explained in the following sections.

4.2. Phase 1: from peasant eviction to illegal title deeds

Most cases began with peasant occupation, since these estates were *baldíos* (waste lands) in which peasants could settle to cultivate the land with the expectation of gaining legal ownership. Some estates were allocated through agrarian reform processes by the official agrarian institution (INCORA/INCODER) to rural individuals who met the necessary selection criteria, while others were allocated without fulfilling these requirements. The emergence of paramilitary groups can be traced back to the 1980 s, but their consolidation occurred in the 1990 s when they were legalized by the government as self-defence groups in

1994 (indicated in dark pink colour in Fig. 2). Consequently, in the second half of the nineties, the violent incursions of these groups soared, with massacres, selective murders and constant attacks on the rural population to expel them from their lands. This wave of violence persisted until the latter part of 2000s³ In six of the cases (*Déjala Quieta, La Alemania, La Bellacruz, El Brasil, El Agrado* and *Madreselva*), paramilitary groups took control of the estates and in four out of the six they set up their criminal operations centre and in two they established palm oil plantations. The escalation of paramilitary violence is reflected in the substantial increase in the number of forcibly displaced people, which rose to over 3.5 million between 1996 and 2005, compared to 388.089 between 1985 and 1995.

The geographical location of these lands is a significant factor. They were typically situated in agricultural frontier areas, where peasants, black communities, and indigenous groups resided. These areas were often isolated from urban development centres but possessed valuable natural resources, making them targets for paramilitary actions. It is worth noting that in two cases (*Las Pavas* and *La Bellacruz*), there was no guerrilla presence, and the paramilitary actions were driven by alliances among landowners to expel the local population and seize their lands. In 1991, the new national Constitution of Colombia included the recognition of the rights of ethnic minorities. Law 70/1993 acknowledged the territorial, cultural, economic, and social rights of black communities that have historically inhabited the Pacific Region's lands, granting them collective titling. However, during this decade, these communities faced extreme violence from armed groups seeking to dispossess them of their land.

In ten of the case studies, multiple land transfers occurred after the dispossession or abandonment of the estates aiming to obtain legal ownership of the dispossessed land. In this process, estates such as *El Secreto, El Agrado, El Porvenir* and the *Bajo Atrato*, were unlawfully transferred through using intermediaries and fraudulent settlers. However, in the estates for which legal ownership had been obtained (*Déjala Quieta* and *Parcela 4*), coercion, threats and forged documents were employed to facilitate the transfer of ownership.

In some cases, paramilitary organisations set up their own agribusiness (such as *El Secreto, Madreselva, Jiguamiandó* and *Curvaradó*). When intermediaries were involved, they divided the estates to sell them legally to companies. Some companies employed sophisticated strategies, utilising a trustee to accumulate Agricultural Family Units (UAF),⁴ and blurring the land ownership rights by transferring them to the trustee allowing the buyer to evade legal repercussions. In *Jiguamiandó* and *Curvaradó*, paramilitary groups, after expel the local communities, formed businesses and cooperatives to secure land lease contracts, legal property rights and state subsidies. When the estates lacked official title deeds (*Parcela 4, La Bellacruz* and *El Brasil*), transfers and appropriation were facilitated, as complex strategies were needed for the estates to be transferred to large corporate entities.

The official authorities responsible for agrarian reform (INCORA/INCODER), as well as notaries and public registry offices played crucial roles in authorising and legitimising these transfers. This occurred even in cases where the land was protected and its sale was prohibited due to the high levels of violence and displacement in those regions. These

³ 1982 massacres were committed between 1990 and 2012, 80 % of them (1598) between 1990 and 2005, 60 % of them by paramilitaries.

⁴ The Unit Agricultural Family (UAF) refers to the land size necessary for a rural family to obtain their livelihood within land reform processes. It is also the measurement used to assign *baldíos* (public lands). The Law forbade the accumulation of these lands beyond the UAF limit. Furthermore, no individual or legal entity could accumulate more than one UAF if these lands were previously classified as *baldíos*. However, this law was revoked in 2016 allowing the *baldíos* and lands from agrarian reform processes to be accumulated in the official Areas of Interest of Rural, Economic and Social Development (ZIDRES in Spanish).

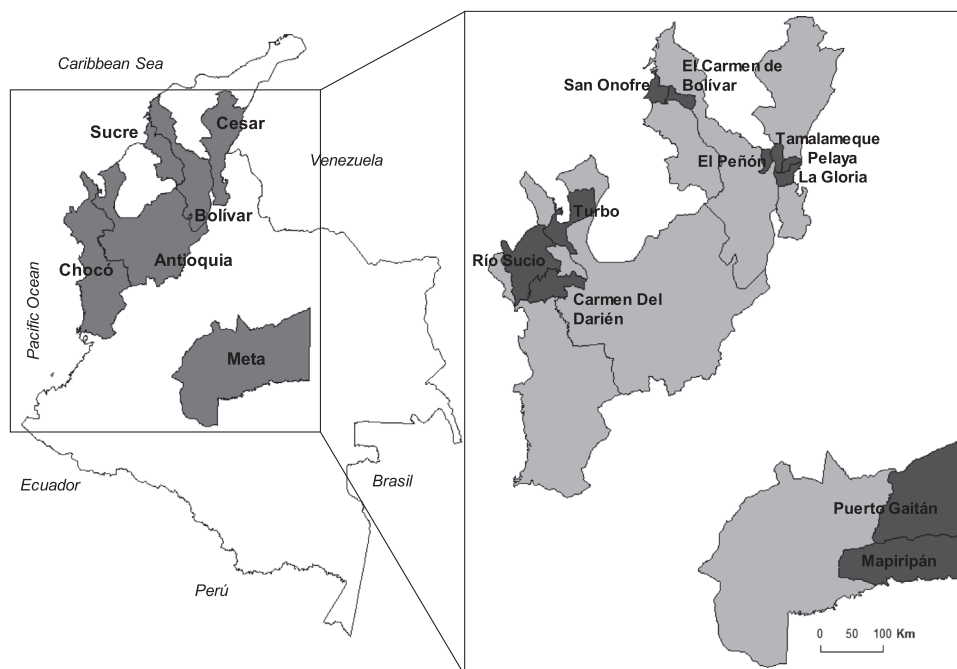


Fig. 1. Location of case studies.

Source: Prepared by the authors.

transfers coincided with two other events: the promotion of palm oil plantations through tax incentives and subsidies, and the disbandment of paramilitary groups by the new government that came into power in 2002. Nonetheless, some paramilitary leaders devised a plan to maintain control over the previously dispossessed land and continue their agribusinesses (Ballvé, 2013).

4.3. Phase 2: from illegal possession to legal contention

The Law 975 of 2005, known as the Justice and Peace Law, aimed to dissolve the paramilitary groups, included the return of the lands held by these paramilitaries brought to be used as compensation to the victims. This was a crucial opportunity for displaced and dispossessed people to claim their rights from the state. Analysing the sequences of the processes, in some of the cases the dispossessed carried out legal actions to recover their estates following the implementation of this law. Examples of such cases included *Las Pavas*, *Jiguamiandó* y *Curvaradó* and *La Alemania*.

However, there was a notable increase in legal actions after the implementation of Law 1148 de 2011, known as the Law of Land Restitution. In the *Bajo Atrato* region, particularly in *Jiguamiandó* and *Curvaradó*, various companies were condemned for establishing alliances with paramilitaries to cultivate palm oil. Official institutions such as The General Comptroller, Agricultural Ministry and INCODER conducted these dispossession cases, which were useful in supporting the land claims of the affected people. These investigations found cases such as *El Brasil* with no restitution claims, but which was proved to have violent dispossession backgrounds and then bought by an agribusiness company. The paramilitaries returned the estates of *Mapiripán* (*Madreselva*, *El Agrado*, and *El Secreto*) to the state to compensate the victims without any legal disputes arising.

4.4. Phase 3: four inconclusive endings

In conclusion, the historical paths of these case studies have revealed four different outcomes. Firstly, in two cases, the land was restored to their original owners. Judicial decisions were supported by evidence of paramilitary appropriation (*Déjala Quieta*), and the concentration of

land in violence-affected areas (*Parcela 4*). These lands had been abandoned due to the violence following illegal transactions of the estates. Secondly, despite having a judicial restitution order, some estates were not returned to the rightful owners. This was the case in *La Alemania*, where the affected people have returned but still face threats of armed groups. Similarly, in *Las Pavas*, the state has been unable to enforce the law regarding ownership and extinction of ownership, allowing a palm oil producer to maintain control over the estate. In these cases, although the law ruled in favour of the dispossessed people, they cannot live in their lands. Thirdly, we found four cases where the estates were under state control. Three cases in the municipality of *Mapiripán*, where palm oil plantations established by paramilitaries are managed by a government fund created to compensate victims of the conflict. In the case of *El Porvenir*, where illegal possession was proven, the estate was returned to the state, despite the claims claimed of peasants who had been living and working on these lands for years.

Finally, in three cases (*El Brasil*, *Macondo* and *La Bellacruz*) the agribusinesses won the legal contention. The *La Fazenda* Company in *El Brasil* and the Poligrow palm oil plantation in *Macondo* have gone unpunished after legal investigations into dispossession, land concentration and pollution of water and the environment. In *La Bellacruz*, the lengthy legal proceedings were resolved through productive alliances between the land grabbers and the peasants who were employed on the land they once owned.

5. Discussion

Our findings support previous analysis that highlight how informal land ownership has facilitated land dispossession (Sanín, 2014; Peña-Huertas and Zuleta, 2018; García and Vargas, 2014; Vargas and Uribe, 2017). We observed that the majority of case studies started with informal ownership or were lands awarded in land reform processes, commonly located in marginal and isolated regions or *agricultural frontier areas*. In such territories, land appropriation was facilitated by the absence of state institutions or their co-optation by local powers. The lack of official land titles to the land blocked many restitution processes. Although in some cases, even having a legal title was insufficient to secure land ownership.

Table 2
Labels used for the reconstruction of pathways of land grabbing.

	Label -process-	Definition
Initial phase of the estate	Peasant occupation*	Occupying lands considered <i>baldíos</i> (wasteland), usually by peasant colonisation with expectations of becoming the legal owners according to agrarian law ^a .
	Legal Titling*	Land ownership recognition by official institutions to individuals who meet the legal criteria for being beneficiaries of land reform processes
	Informal sale	Sales through informal transfer of letters or documents
	Violent evictions	Peasant (occupants) evictions by public forces (policy and/or army) requested by landowners.
Increasing violence by paramilitary action	Violence/displacement	Violent actions to displace people by paramilitaries or public force causing them to abandon their lands.
	Paramilitary appropriation	Paramilitaries took the land and set up their criminal operation centre and/or established palm oil and cattle farms.
Multiple land transfers forms	Irregular sale	Forced sales through coercion or made by false documents or false owner
	Illegal Titling	Land allocation by state agency to people who did not meet the selection criteria to be awarded
	Collective titling*	Recognition of ancestral ownership to ethnic community (indigenous or blacks)
	Estate encompasses	Includes one or more estates with or without change of ownership.
	Estate fractionation	Splitting up an estate to sell the parts separately. Strategy used to avoid UAF accumulation.
	Alliances to grab	Arrangements among landowners, entrepreneurs and paramilitaries to dispossess lands
	Fiduciary (trust) agreement	Legal contract in which an owner transfers land to a trustee, who manages it or make investments with it. In this figure the property rights disappear due to the trustee giving the land exploitation rights to a third party.
Legal dispute	Agribusiness consolidation	Establishment of large-scale agricultural projects (forestry, crops and/or cattle).
	Restitution claim*	Make land restitution request
	Legal contention	Legal actions undertaking by state, landowners, entrepreneurs, peasants or indigenous in order to gain land ownership rights. Guilty verdict to perpetrators of dispossession by courts
Final/current condition	Judicialization of dispossession*	State recovery of the land ownership through an agrarian process and keeping the land in its domain without allocating it to anyone.
	State appropriation	Once the estate has been returned to its legal owners, these are not able to return due to the persistent actions of armed groups
	Violence to block restitution	Linking (associating) small producers with agribusinesses through the contribution of their land, labour, or crop sale.
	Alliances between peasants and companies	Non-execution of the state agency's order for the agrarian
	Non-execution of agrarian processes ^b	

Table 2 (continued)

	Label -process-	Definition
	Restitution*	process, and the lands involved are still illegally allocated Return of dispossessed land to the original owner (Enforcement of Law 1448/2011)

* These processes are not considered grabbing strategies, but it was necessary to label them since they are part of the transfer processes used in some estates.

^a The ownership of this land may only be transferred by the state through the official institution in charge of the Agrarian Reform process. The occupants do not have the status of holders, but only an expectation of allocation if they meet the legal requirements: area no larger than one Family Agricultural Unit (considered as the amount of land that allows a rural family to obtain their livelihood and a surplus capital), with two-thirds of the land under cultivation, must be occupied for more than five years, income equal or less than 1000 minimum wages and no additional rural land ownership (Law 160/1994).

^b Agrarian processes are administrative actions to correct irregularities in the exercise of property: i) *clarification of the property* which identify lands belonging to the State, ii) *demarcation* shows the division between state and private lands, iii) *extinction of domain* when the property rights are revoked, iv) *Recovering baldíos (public lands)* when it is necessary to recover or restore to the state vacant lands unduly occupied by individuals.

The sequential analysis clearly shows that violence was often employed as mechanism to perpetrate dispossession and served as a precursor to the current land grabbing processes. Borrás et al. (2012) argued that formalisation of ownership was imperative to secure large-scale capital investments, as was evident in most cases studied. Following the land takeover, multiple transfers were conducted to erase the history of original owners, obtain legal deeds, and ensure future investments. The involvement of certain state institutions in legalising these transfers was crucial, showing the weak enforcement of the law by the state, in contrast with the influential role of local powers in accessing territorial resources.

In the legal contentions, we observed the contradictory role of the state institutions in facilitating land grabbing, as analysed by Borrás et al. (2012). The state promoted large investments and extractive activities and opened legal windows to enable people affected to claim their rights. It also implemented political and fiscal incentives to attract large agricultural investments while extractive projects employed coercion in the name of development (Grajales, 2013, 2016). This was particularly evident in regions where military operations and forced displacement were prevalent, followed by the initiation of mining and agribusiness projects on lands abandoned by their original owners. Conversely, legal measures for compensating the victims of violence were enacted in response to the extensive reporting by national and international organisations on the scale of displacement, massacres, and human rights violations, thus questioning the state's legitimacy.

Upon analysing the endings of the cases, we also observed the contradictory role of the state. On one hand, legal institutions ruled in favour of the restitution process, but the state failed to ensure the security of the returned land as armed groups still maintained control over of the area. The absence of state presence leaves the law at the mercy of shadowy powers and local elites who oppose land restitution. On the other hand, the state itself acts as a land grabber in recovering dispossessed or illegally occupied lands but retaining control over them without redistributing them to the rightful claimants. It is also evident that companies were able to continue their agribusinesses operations despite being implicated in illegal land appropriation, as seen in the cases of *La Bellacruz* and *El Brasil*. In the first, the legal contention lasted decades without a ruling in favour of land restitution and some of the original owners were forced to work as laborers in the grabber's business. In the second case, the state had to recover the land after confirming its illegal dispossession, but these lands remain in the hands of the grabber, underscoring the influence of the economic elites over the state.

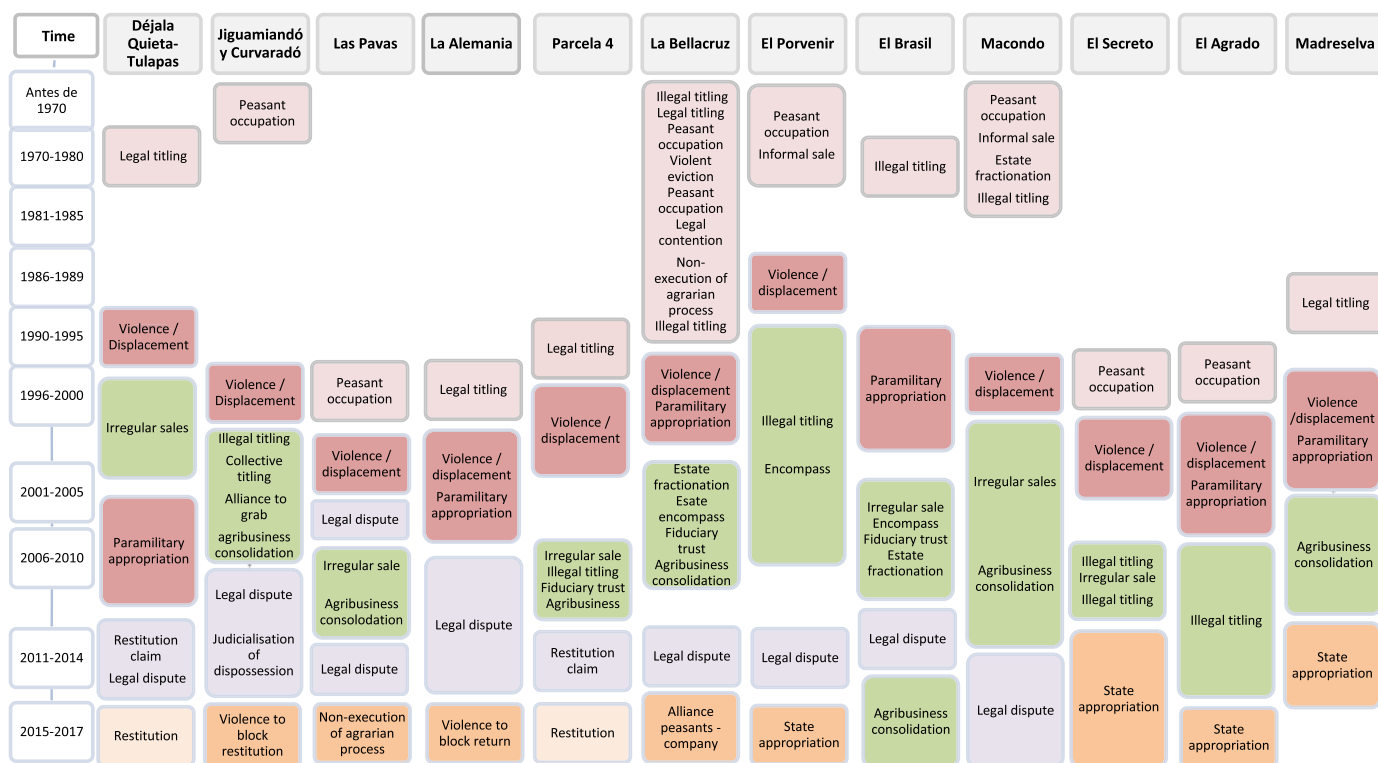


Fig. 2. Temporal trajectories of land grabbing case studies.

Within the state’s *direct* mechanisms to facilitate land dispossession and land deals, we identified the use of legal and political measures. One such measure is the establishment of special economic zones (See [Hurtado-Hurtado et al., 2023](#)) or areas with development projects, including large-scale agriculture and mining in *baldíos*, areas of peasant economy or ancestral lands of ethnic groups. Coercion was another strategy employed by the state to facilitate land appropriation by private capital ([Grajales, 2011, 2013, 2015](#); [Ballvé, 2012](#); [Gómez et al., 2015](#); [Centro Nacional de Memoria Historica, 2010](#)). Peasants’ access to these projects was through programmes such strategic productive alliances where peasants work on their own land but under the control of and direction of large investors. In this arrangement, the state provides both labour and land to these investors.

6. Conclusions

These results contribute to a deeper understanding of the mechanisms employed to grab land in Colombia and shed light on the strategies utilised. By examining the complete historical sequence of the cases, this study offers valuable insights. In addition to analysing temporal patterns, we have identified the mechanisms through which certain state institutions have intervened in the process of dispossession and ongoing land grabbing. While it is evident that in many cases the state has facilitated capital’s encroachment on land and natural resources through political and legal instruments, we have also observed instances where official institutions have acted to prevent such actions. These findings support approaches such as the advocated by [Bolívar \(2010\)](#) that emphasizes the need to analyse the complex relations between the state and society. Furthermore, they align with the perspective put forth by [Wolford \(2013\)](#) that highlights the existence of different actors, factions and interests within the state, challenging the notion that states act cohesively and follow a common objective.

Regarding the mechanisms facilitating land grabbing, our study identified *indirect actions or omissions* such as the historical neglect and abandonment of the colonised peasant areas (agricultural frontier

lands). Their remote location and poverty made these lands attractive to drug traffickers and armed groups, and in the absence of land rights regulations, land conflict and the exclusion of the development opportunities were prevalent. In addition, the inertia of the state in resolving legal contention cases, which often spanned decades while the grabbers exploited the land without repercussions. Furthermore, even when the land was returned to its original owners, the state failed to ensure their security.

We also found mechanisms of the *legitimacy* of the state involving a legal framework to protect and compensate victims of violence and dispossession. Measures such as assisting displaced people, the registering and safeguarding land abandoned by peasants due to violence, and implementing the land restitution law were introduced under pressure from victims supported by many national and international NGOs, questioning the state’s legitimacy. However, it is crucial to acknowledge that the state and its institutions did not form a single consistent entity as regards land-grabbing. While some bodies openly supported large investments, others, such as the General Comptroller, the Constitutional Court, some judicial institutions, and members of Congress actively defended the rural people’s rights.

Funding

This research was possible thanks to the founding provided by European Union -Action 2- Erasmus Mundus Partnerships, GRANT AGREEMENT NUMBER – 2014-0870/001-001. Funding for open access charge: CRUE-Universitat Politècnica de València.

CRedit authorship contribution statement

Carolina Hurtado-Hurtado: Investigation, Writing – Original Draft, Methodology. Dionisio Ortiz-Miranda: Conceptualization, Methodology, writing -review and editing. Eladio Arnalte-Alegre: Conceptualization, Review.

Declaration of Competing Interest

None.

Data availability

No data was used for the research described in the article.

Appendix A. Supporting information

Supplementary data associated with this article can be found in the online version at [doi:10.1016/j.landusepol.2023.106998](https://doi.org/10.1016/j.landusepol.2023.106998).

References

- Aparicio, J.R., 2017. Affective capitalism, humanitarianism and extractivism in Colombia: old and new borders for future times. *Cult. Stud.* 31, 331–352. <https://doi.org/10.1080/09502386.2017.1303431>.
- Ballvé, T., 2012. Everyday state formation: territory, decentralization, and the narco landgrab in Colombia. *Environ. Plan. D. Soc. Sp.* 30, 603–622. <https://doi.org/10.1068/d4611>.
- Ballvé, T., 2013. Grassroots masquerades: development, paramilitaries, and land laundering in Colombia. *Geoforum* 50, 62–75. <https://doi.org/10.1016/j.geoforum.2013.08.001>.
- Baquero, J., 2015. Regional challenges to land restitution and peace in Colombia: the case of the lower atrato. *J. Peace Dev.* 10, 36–51. <https://doi.org/10.1080/15423166.2015.1056057>.
- Bargent, J., 2012. Montes de María: Who inherited the AUC's bloodstained wealth? Montes de María: ¿Quién heredó la riqueza manchada de sangre de las AUC? *Kavilando* 3, 85–89.
- Bolívar, I.J., 2010. Políticas de reconocimiento. *Nómadas* 33, 93–107.
- Borras, S.M., Franco, J.C., Gomez, S., Kay, C., Spoor, M., 2012. Land grabbing in Latin America and the Caribbean. *J. Peasant Stud.* 39, 845–872. <https://doi.org/10.1080/03066150.2012.679931>.
- Borras, S.M.J., Franco, J.C., 2013. Global Land Grabbing and Political Reactions 'From Below. *Third World Q* 34, 1723–1747. <https://doi.org/10.1080/01436597.2013.843845>.
- CC, 2016a. Sentencia SU-426/16 [WWW Document]. URL <https://www.corteconstitucional.gov.co/relatoria/2016/SU426-16.htm> (accessed 3.17.17).
- CC, 2016b. Sentencia SU235/16 [WWW Document]. URL <https://www.corteconstitucional.gov.co/relatoria/2016/SU235-16.htm> (accessed 3.23.17).
- Centro Nacional de Memoria Historica, 2010. La tierra en disputa. Memorias del despojo y resistencias campesinas en la Costa Caribe 1960–2010. Semana, Bogotá.
- CGR, 2014. Informe de Actuación Especial sobre acumulación irregular de predios baldíos en la Altillanura Colombiana.
- Cotula, L., 2012. The international political economy of the global land rush: a critical appraisal of trends, scale, geography and drivers. *J. Peasant Stud.* 39, 649–680. <https://doi.org/10.1080/03066150.2012.674940>.
- Cramer, C., Wood, E.J., 2017. Introduction: land rights, restitution, politics, and war in Colombia. *J. Agrar. Chang.* 17, 733–738. <https://doi.org/10.1111/joac.12239>.
- Dell'Angelo, J., D'Odorico, P., Rulli, M.C., Marchand, P., 2017. The tragedy of the grabbed commons: coercion and dispossession in the global land rush. *World Dev.* 92, 1–12. <https://doi.org/10.1016/j.worlddev.2016.11.005>.
- Edelman, M., Oya, C., Borras, S.M., 2013. Global land grabs: historical processes, theoretical and methodological implications and current trajectories. *Third World Q* 34, 1517–1531. <https://doi.org/10.1080/01436597.2013.850190>.
- El Espectador, 2016. Se cocina la primera zidres [WWW Document]. URL <https://www.elespectador.com/economia/se-cocina-la-primer-zidres-articulo-613675/> (accessed 3.20.17).
- El Espectador, 2017. Contraloría pide que se investigue a Poligrow por acumulación de baldíos [WWW Document]. URL <https://www.elespectador.com/noticias/judicial/contraloria-pide-que-se-investigue-poligrow-por-acumulacion-de-baldios-articulo-693002> (accessed 7.5.17).
- Fajardo, D., 2014. Las guerras de la agricultura Colombiana 1980–2010. ILSA, Bogotá.
- García, P.R., Vargas, J.R., 2014. Land transactions and violent conflict, a review of the cases of Turbo, Antioquia and El Carmen de Bolívar. *Análisis Político* 22–44. <https://doi.org/10.15446/anpol.v27n82.49282>.
- Gómez, C.J.L., Sánchez - Ayala, L., Vargas, G.A., 2015. Armed conflict, land grabs and primitive accumulation in Colombia: micro processes, macro trends and the puzzles in between. *J. Peasant Stud.* 42, 255–274. <https://doi.org/10.1080/03066150.2014.990893>.
- Grajales, J., 2011. The rifle and the title: paramilitary violence, land grab and land control in Colombia. *J. Peasant Stud.* 38, 771–792. <https://doi.org/10.1080/03066150.2011.607701>.
- Grajales, J., 2013. State involvement, land grabbing and counter-insurgency in Colombia. *Dev. Change* 44, 211–232. <https://doi.org/10.1111/dech.12019>.
- Grajales, J., 2015. Land grabbing, legal contention and institutional change in Colombia. *J. Peasant Stud.* 42, 541–560. <https://doi.org/10.1080/03066150.2014.992883>.
- Grajales, J., 2016. Violence Entrepreneurs, Law and Authority in Colombia. *Dev. Change* 47, 1294–1315. <https://doi.org/10.1111/dech.12278>.
- Gutiérrez, F.S., García, P.R., 2016. Acceso a la tierra y derechos de propiedad campesinos: Recorriendo los laberintos. *Rev. Colomb. Antropol.* 52, 91–116. <https://doi.org/10.22380/2539472x4>.
- Hall, R., Edelman, M., Borras, S.M., Scoones, I., White, B., Wolford, W., 2015. Resistance, acquiescence or incorporation? An introduction to land grabbing and political reactions 'from below. *J. Peasant Stud.* 42, 467–488. <https://doi.org/10.1080/03066150.2015.1036746>.
- Harvey, D., 2005. *A brief history of neoliberalism*. Oxford University Press, Oxford.
- Hurtado, M., Pereira-Villa, C., Villa, E., 2017. Oil palm development and forced displacement in Colombia: Causal or spurious? *Cuad. Econ.* 36, 441–468. <https://doi.org/10.15446/cuad.econ.v36n71.52554>.
- Hurtado-Hurtado, C., Ortiz-Miranda, D., Arnalte-Alegre, E., 2023. The Legal Contention for Baldíos Land in the Colombian Altillanura. *Lat. Am. Polit. Soc.* 1. <https://doi.org/10.1017/lap.2022.38>.
- Levien, M., 2012. The land question: special economic zones and the political economy of dispossession in India. *J. Peasant Stud.* 39, 933–969. <https://doi.org/10.1080/03066150.2012.656268>.
- Maher, D., 2014. Rooted in Violence: Civil War, International Trade and the Expansion of Palm Oil in Colombia. *N. Polit. Econ.* 20, 299–330. <https://doi.org/10.1080/13563467.2014.923825>.
- Oberlack, C., Tejada, L., Messerli, P., Rist, S., Giger, M., 2016. Sustainable livelihoods in the global land rush? Archetypes of livelihood vulnerability and sustainability potentials. *Glob. Environ. Chang.* 41, 153–171. <https://doi.org/10.1016/j.gloenvcha.2016.10.001>.
- Osoño, F.E.P., 2015. Tramas entre paramilitarismo y palmicultura en Colombia. *Mem. Y. Soc.* 19, 11. <https://doi.org/10.11144/Javeriana.mys19-39.tppc>.
- Oxfam, 2017. A Snapshot of Inequality. What the latest agricultural census reveals about land distribution in Colombia.
- Oya, C., 2013. The Land Rush and Classic Agrarian Questions of Capital and Labour: a systematic scoping review of the socioeconomic impact of land grabs in Africa. *Third World Q* 34, 1532–1557. <https://doi.org/10.1080/01436597.2013.843855>.
- Peña-Huertas, R. del P., Zuleta, S., 2018. El derecho al despojo en Colombia: Un análisis de la regulación de adjudicación de baldíos desde abajo. *Análisis Político* 31, 3–17. <https://doi.org/10.15446/anpol.v31n92.71094>.
- Peña-Huertas, R. del P., Ruiz, L., Parada, M., Zuleta, S., Álvarez, R., 2017. Legal dispossession and civil war in Colombia. *J. Agrar. Chang.* 17, 759–769. <https://doi.org/10.1111/joac.12233>.
- Petticrew, M., Roberts, H., 2008. *Systematic Reviews in the Social Sciences: A practical guide*. Blackwell Publishing.
- Reydon, B.P., Fernandes, V.B., 2017. Financialization, land prices and land grab: a study based on the Brazilian reality. *Econ. e Soc.* 26, 1149–1179. <https://doi.org/10.1590/1982-3533.2017v26n4art12>.
- Rodríguez, G.L., 2014. Despojo, baldíos y conflicto armado en Puerto Gaitán y Mapiripán (Meta, Colombia) entre 1980 y 2010. *Estud. Socio-Juríd.* 16, 285–338. <https://doi.org/10.12804/esj16.1.2014.08>.
- Sanín, F.G., 2014. Estructura organizacional de los paramilitares y derechos de propiedad en el campo (1982-2007). *Análisis Político* 27, 3–21. <https://doi.org/10.15446/anpol.v27n82.49281>.
- Somo, Indepaz, 2015. Reconquista y despojo en la Altillanura. Amsterdam & Bogotá.
- Thomson, F., 2011. The Agrarian Question and Violence in Colombia: Conflict and Development. *J. Agrar. Chang.* 11, 321–356. <https://doi.org/10.1111/j.1471-0366.2011.00314.x>.
- Tribunal civil de Cúcuta, 2016. Sentencia Acta No. 16. Caso Argos.
- Uribe, D.A.L., Rodríguez, M.G., 2012. Semilleros de investigación 2012 (No. 27). Universidad Nacional de Colombia.
- URT, 2017. Solicitud de restitución. ID 119917.
- Vargas, J., Uribe, S., 2017. State, war, and land dispossession: the multiple paths to land concentration. *J. Agrar. Chang.* 17, 749–758. <https://doi.org/10.1111/joac.12237>.
- Verdad Abierta, 2012b. Tulapas: el laboratorio del despojo [WWW Document]. URL <https://verdadabierta.com/tulapas-el-laboratorio-del-despojo/> (accessed 5.15.17).
- Verdad Abierta, 2013b. El Macondo de Mapiripán [WWW Document]. Verdad Abierta. URL <https://verdadabierta.com/el-macondo-de-mapiripan/> (accessed 6.8.16).
- Verdad Abierta, 2012a. El Secreto de Mapiripán [WWW Document]. Verdad Abierta. URL <https://verdadabierta.com/el-secreto-de-mapiripan/>.
- Verdad Abierta, 2013a. La metamorfosis del Brasil [WWW Document]. Verdad Abierta. URL <https://verdadabierta.com/la-metamorfosis-de-el-brasil/> (accessed 6.8.16).
- Verdad Abierta, 2016a. Corte les da la razón a campesinos de El Porvenir [WWW Document]. Verdad Abierta. URL <https://verdadabierta.com/corte-les-da-la-razon-a-campesinos-de-el-porvenir/>.
- Verdad Abierta, 2016b. A Argos le faltó mayor diligencia en compra de tierras [WWW Document]. Verdad Abierta. URL <https://verdadabierta.com/a-argos-le-falto-mayor-diligencia-en-compra-de-tierras/> (accessed 5.20.17).
- Verdad Abierta, 2011. Incoder recuperará los baldíos de la Bellacruz [WWW Document]. URL <https://verdadabierta.com/incoder-recuperara-los-baldios-de-la-bellacruz/> (accessed 5.8.17).
- Verdad Abierta, 2014. A la cárcel 16 empresarios de palma de Chocó [WWW Document]. Verdad Abierta. URL <https://verdadabierta.com/a-la-carcel-16-empresarios-de-palma-de-choco/> (accessed 4.4.17).

- Verdad Abierta , 2017. Consejo de Estado exige proteger a campesinos de Las Pavas [WWW Document]. Verdad Abierta. URL <https://verdadabierta.com/consejo-de-estado-exige-proteger-a-campesinos-de-las-pavas/> (accessed 4.11.18).
- White, B., Borras Jr, S.M., Hall, R., Scoones, I., Wolford, W., 2012. The new enclosures. Critical perspectives on corporate land deals. *J. Peasant Stud.* 39, 619–647. <https://doi.org/10.1080/03066150.2012.691879>.
- Wolford, W., Borras, S.M.J., Hall, R., Scoones, I., White, B., 2013. Governing global land deals: the role of the state in the rush for land. *Dev. Change* 44, 189–210. <https://doi.org/10.1111/dech.12017>.