



↑ José Cidelio Quevedo lives in the village of La Española (Quindío), where he grows blackberries and breeds chickens





↑ Octavio Ballesteros lives in Susa (Boyacá) where he grows corn. His eldest son, Rodrigo, works in nearby farms.

CHAPTER 7

LAND MARKETS AND LAND TENURE IN RURAL AREAS

JULIANA HELO
ANA MARÍA IBÁÑEZ



↑ Carlos Garcia and Delfina Segura selling fruit in the wholesale market Corabastos in Bogotá. They live in the Patio Bonito neighborhood.

7.1. INTRODUCTION

→ Access to land, the main productive asset for the rural population, is an important determinant of households' income and welfare. Rural land concentration and informality of property rights played a dominant role in conflicts at the beginning of the 20th century, and much of the current violence has been triggered by illegal land seizure. Although high land concentration, informality of property rights, and the role of land in Colombia's conflict have been recurrently mentioned in academic research, available statistical information is scarce. The Colombian Longitudinal Survey by Universidad de los Andes, (ELCA, acronym for its name in Spanish) collects information on land tenure, land markets and agricultural and livestock production. The purpose of collecting this information is to offer rigorous empirical evidence that will contribute to public policy debates, which will contribute to design sound public policies. This chapter explores the main results from the ELCA baseline for land markets and property rights of rural land.

This chapter analyzes the dynamics of rural land markets and land tenure in rural areas. A dynamic rural land market is essential for increasing agricultural efficiency. Dynamic land markets with low transactional costs are necessary for transferring lands from owners with few agricultural skills, or no interest in exploiting the land, to more efficient people. However, market imperfections prevent land from being effectively allocated to more efficient producers. Specifically, the price of land is higher than its production value, given that its value reflects more than the return of agricultural production. Tax evasion, protection against inflation and speculation, and its use as collateral in credit applications are some of the additional roles played by land. Given that the price of land is higher than its production value, access to the land is difficult for the low-income rural population.

The chapter also explores the magnitude of informal property of rural land and its possible economic consequences. Informal property rights may generate inefficiencies since they may imply future land expropriation or seizure. First, informality generates uncertainty on whether households will reap up the returns over their investments. Therefore, households reduce investment in productive activities or invest in lower-risk activities that generate a lower return. Second, households may redirect

productive investments towards the protection of their property rights, expecting to avoid future land seizure. Third, insecure property rights, and the ensuing lack of collateral, limits the

access to formal financial markets (Besley and Ghatak, 2010). Finally, insecure property rights increase land disputes and facilitate land seizure by armed groups.

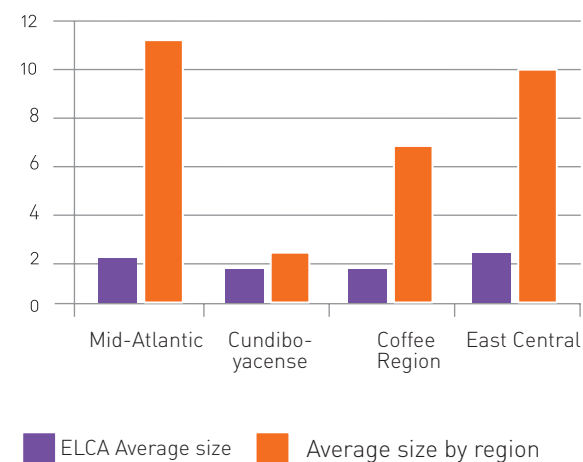


7.2. LAND MARKETS AND THE PRODUCTIVE USE OF LAND

Before examining land markets and land tenure in the rural ELCA regions, we provide a short description of the national context. In 2010, the number of hectares under private property and dedicated for agricultural production in Colombia reached 39.2 million hectares, which represents 31% of the national territory. Property structure is concentrated in large and mid-size properties: 42% of this area corresponds to properties of more than 200 hectares, 40% to mid-size properties ranging between 20 and 200 hectares, while 18% corresponds to properties under 20 hectares. Regardless of the fact that land distribution is concentrated in large and mid-size properties, the bulk of landowners are small landowners. The mean land plot in Colombia is 16.11 hectares, and in 2009 the Gini index of land concentration reached 0.863. The high concentration of land adds to property right uncertainty in

some regions of the country. An approximate measure of informality of rural property rights, based on cadastral data, indicates that 18.3% of rural plots seem to be under informal property agreements¹. ELCA is applied to small rural landowners who live on their land plot. Graph 7.1 compares the mean size of land plots for ELCA households with the mean size for ELCA regions. In the Mid-Atlantic, Coffee and East Central regions, both small and large properties exist. The mean size of plots belonging to ELCA households ranges between 1.84 (Cundiboyacense) and 2.13 hectares (Mid-Atlantic), while the mean size for those regions ranges between 11.1 (Mid-Atlantic) and 7.1 hectares (Coffee Region). The coincidence in average size for the ELCA properties and the Cundiboyacense region indicates a predominance of small farmers in this region.

GRAPH 7.1.
AVERAGE PLOT SIZE BY REGION AND ELCA



Source: Own calculations based on the Great Rural Property Atlas (2011) and ELCA.

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1. Property informality is calculated based on property value information from the Agustín Codazzi Geographic Institute (IGAC, for its acronym in Spanish). The IGAC collects information from the land title registration number for each plot. It is assumed that any plot without a land title registration number has informal property rights.

Table 7.1 depicts concentration and informal land tenure. Although land concentration in the four regions is lower than in the rest of the country, Gini indexes are high except for the Cundiboyacense region, which exhibits a relatively equal distribution in contrast with the rest of the country. Informal property percentages are below the national level for three of the regions, and above in the East Central region, where it reaches 19.2%.



↑ María Abigail Solano and granddaughter Mayerli Simijaca (Cundinamarca).

TABLE 7.1.
PLOT SIZE, CONCENTRATION AND INFORMALITY

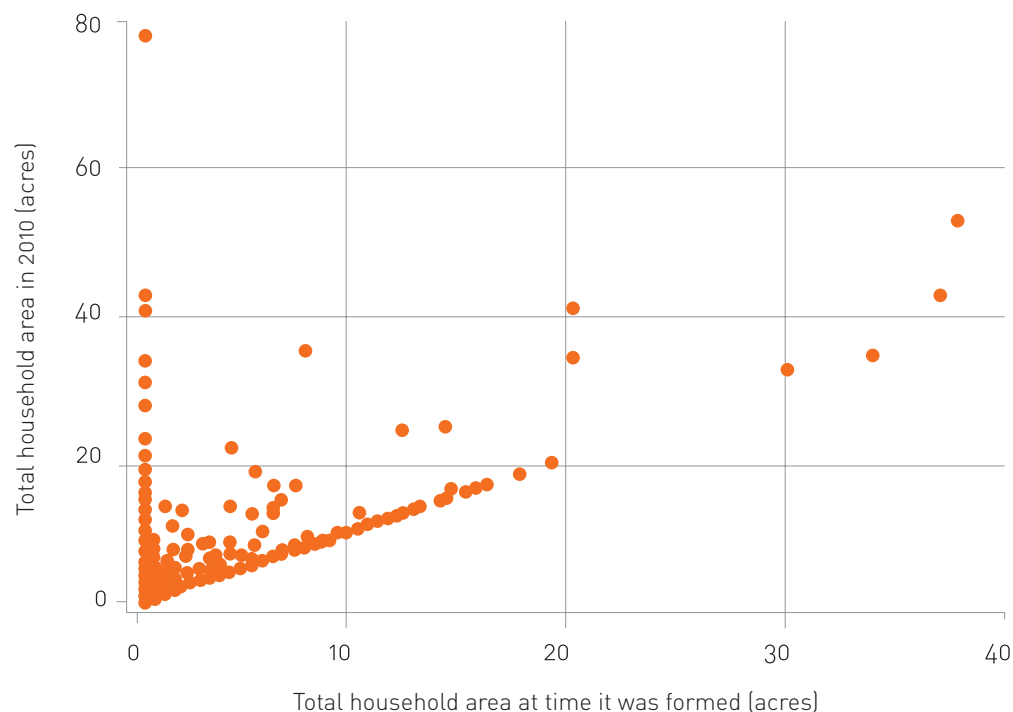
Variable	Mid-Atlantic	Cundiboyacense	Coffee Region	East-Central
Mean plot size (hectares)	11.1	2.49	7.09	10.1
Gini Index	0.72	0.55	0.67	0.74
Informality index - % of rural plots	7.9%	4.3%	6.1%	19.2%

Source: Own calculations based on the Rural Property Atlas (2011).

High concentration and informality of land tenure does not appear to be a large obstacle for dynamic land markets in ELCA regions. In order to measure household mobility and access to land markets, the survey collects information on land tenure of the household at the time of its formation and in the year 2010. The acquisition and expansion of plots is depicted in Graph 7.2. The graph illustrates the dynamics of land markets in rural areas: 72.1% of households acquired lands after their formation, while 27.9% al-

ready had land at the time the household was formed. Of the latter, 77.8% increased their amount of land after the household was formed, 22% remained with the same amount of land, and none reduced their amount of land. However, very few households gained access to mid-size properties, those between 20 and 200 hectares. The acquisition of land mostly refers to plots of less than 20 hectares. Other households with mid-size properties already had them by the time the household was formed.

GRAPH 7.2.
EVOLUTION OF HOUSEHOLD PLOT SIZE



Source: Own calculations based on ELCA

Land was mainly acquired through a direct sale (46.3%) or through inheritance (45.3%). Agrarian reform programs or other land allocation programs in ELCA regions are limited: only 3.4% of households had access to land through these mechanisms. The dynamics of land markets vary from

one region to another. Direct sales are more frequent in the Cundiboyacense region, where 61.2% of the households bought their land directly, while the Mid-Atlantic region is less dynamic, with one of every two households acquiring their land through an inheritance.

Table 7.2 shows land market dynamics for the ELCA rural districts (veredas). In all four ELCA regions, we observe that land is becoming smaller due to divisions and inheritance processes. In slightly more than 56.1% of the districts, the plot size is smaller compared to the situation ten years ago. This reduction is more frequently reported in districts in the Coffee Region (68.8%).

As in the case of household data, responses to the community survey indicate that rural land markets are dynamic. More than half of the districts report that the sale of lands is equal to or greater than what it was ten years ago. The Coffee Region is particularly dynamic: 43.9% of rural districts report a higher level of sales than ten years ago. The East Central region exhibits a relatively static land market structure: 15.9% of districts consider that more lands are sold today than ten years ago. Although markets are dynamic, they seem to be segmented; that is, transactions are performed between small landowners or large landowners, but few transactions are carried out between both groups. Close to 65% of the sales are carried out between small landowners, either between residents of the same district or from other places. However, this pattern is not perceived in the Mid-Atlantic region, where large landowners from other districts are the main buyers in 75% of rural districts.

TABLE 7.2.
DISTRICT LAND MARKET DYNAMICS

Variable	Total	Mid-Atlantic	Cundiboyacense	Coffee Region	East-Central
Land plot size today and 10 years ago					
Larger today	9.8%	16.1%	4.2%	10.5%	6.8%
Smaller today	56.1%	48.2%	68.8%	50.9%	59.1%
Same as today	34.2%	35.7%	27.1%	38.6%	34.1%
Land sale today and 10 years ago					
More sales	26.8%	26.8%	16.7%	43.9%	15.9%
Same	27.8%	16.1%	31.3%	14.0%	56.8%
Less sales	45.4%	57.1%	52.1%	42.1%	27.3%
Land buyers					
Small landowners – District	31.7%	5.4%	37.5%	14.0%	81.8%
Large landowners – District	6.8%	3.6%	2.1%	15.8%	4.6%
Small landowners – other districts	32.7%	16.1%	37.5%	59.7%	13.6%
Large landowners – other districts	28.8%	75.0%	22.9%	10.5%	0.0%

Source: Own calculations based on ELCA



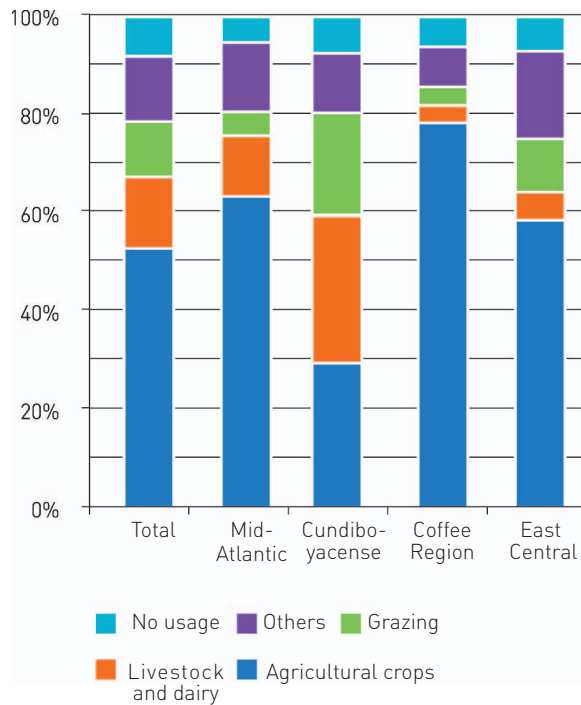
↑ Wholesale Market Armenia (Quindío)

The different uses of land in productive activities are depicted in Graph 7.3. Producers from the ELCA regions mainly dedicate land to agricultural and livestock production, 53.7% of the plot is assigned to agricultural activities, 13.1% to livestock or dairy production, 10.7%

to grazing and 7% remains unexploited. Livestock or dairy production is more common in the Cundiboyacense region due to the recent transition of producers from agricultural activities to that sort of production. Price variations of agricultural products, declining land

quality, and the high cost of agricultural inputs have reduced returns from agricultural production in the region, while the option of receiving a daily and steady income increased the attractiveness of livestock and dairy production (Arias et al, 2010).

GRAPH 7.3.
USE OF THE LAND ACCORDING TO PRO-
DUCTIVE ACTIVITIES



Source: Own calculations based on ELCA

7.3. LAND TENURE: OWNERSHIP STRUCTURE

The informality of property rights in Colombia has been widely discussed, yet statistical evidence has been scarce. ELCA designed a new module with the objective of measuring informality of property rights, understanding some of its causes and identifying its economic impact. The module also collects information on rent contracts. This section describes baseline results and explores some possible economic consequences.

We can construct two informality measures from the survey. First, one measure uses information on informality elicited directly from landowners. Second, a detailed set of questions is included that allows us to identify if in fact landowners are governed by formal agreements. In order to do this, we inquire if households comply with the necessary requirements to hold a formal property title: 1) a document of public record, a court decision on land allocation or a state resolution in case the individual is a beneficiary of an allocation of lands public program; and 2) a certificate issued by the Public Instruments Record Office.

Results indicate that a large percentage of households ignore the fact that informal property rights govern their lands (Table 7.3). Close to 65.8% of the households identify themselves as the formal owners of their land, while only 39.9% are indeed formal owners. This implies that one fourth of the households hold informal property rights over their lands and ignore this fact. To-

tal informality ascends to 32.8%. Slightly more than one fourth of the households are tenants², of which half are beneficial owners or hold the land under pawn, antichresis or loan of use, and 28.2% are renters or sharecroppers. Informality is not limited to ownership. Since 92.8% of households renting land lack a formal contract, returns and investments for renters and sharecroppers is highly uncertain.

Access to land is heterogeneous across regions. The Mid-Atlantic region reports the higher informality measures, while in the Cundiboyacense region formal ownership is very common (64.4%). There is a high degree of unaware informality in the Mid-Atlantic and East-Central regions: 30.6 and 37.8% respectively. Although a large percentage of households are unaware of being governed by informal property rights, the survey explores, from households aware of their informality, the reasons for not formalizing property rights. Lack of resources (40.7%), perception that formal property rights are not relevant (21.5%) and lack of knowledge or information (10.3%) are the main reasons mentioned. The reasons for informality vary across regions. In the Mid-Atlantic region owning formal property rights is not perceived as important. This is surprising given the region's violent past and its history of illegal land seizures. On the other hand, in the East-Central region, one of every two households mentions lack of resources needed for the formalization of property titles.

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2. Tenants include households with access to the land but without an informal or formal property right that proves ownership; for example lessees, sharecroppers, beneficial owners, etcetera.

TABLE 7.3.
ACCESS TO LAND AND PROPERTY RIGHTS

Variable	Total	Mid-Atlantic	Cundiboyacense	Coffee Region	East-Central
Type of possession					
Formal ownership	39.9%	27.0%	64.4%	48.0%	32.0%
Informal ownership (unaware)	25.9%	30.6%	8.7%	14.8%	37.8%
Informal ownership (self-reported)	6.9%	6.6%	7.9%	5.0%	7.0%
Landholders	27.3%	35.8%	19.0%	32.1%	23.2%
Type of access for landholders					
Rent	20.9%	16.4%	26.5%	12.6%	27.2%
Sharecrop	7.2%	8.2%	4.2%	10.2%	6.7%
Beneficial owners, pawn, antichresis or loan of use	51.7%	59.8%	39.9%	63.7%	42.8%
Possession/Occupation	1.5%	1.2%	1.3%	0.9%	2.4%
Non legalized inheritance	15.5%	10.8%	26.3%	6.0%	19.0%
Others	3.1%	3.6%	1.8%	6.7%	1.9%
Type of contract for landholders					
Formal	7.2%	3.3%	14.0%	9.3%	8.1%
Informal	92.8%	96.7%	86.0%	90.7%	91.9%

Source: Own calculations based on ELCA.



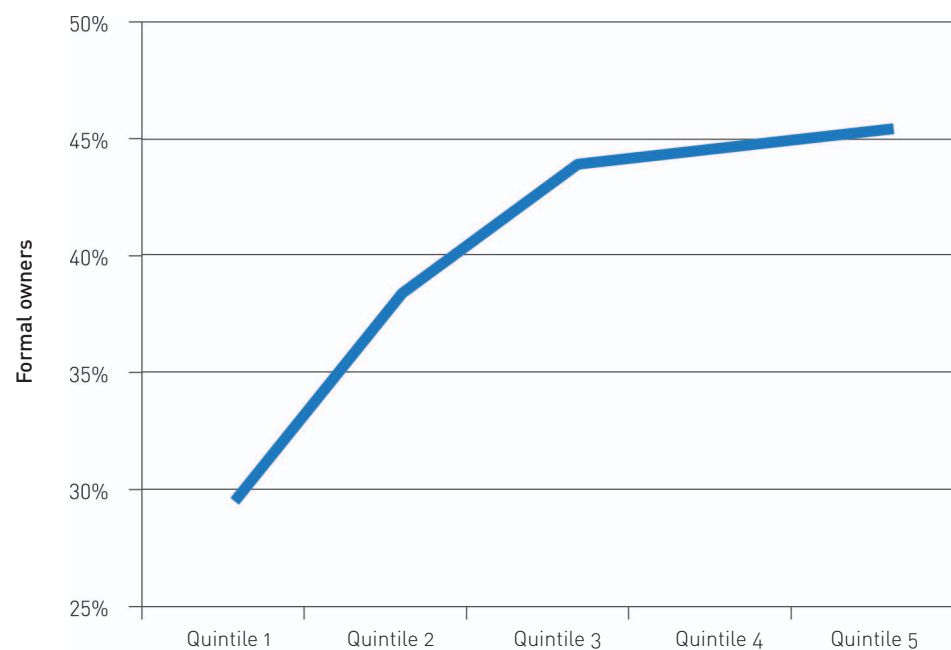
↑ Agricultural production in rural Colombia

Institutional weakness, historical dynamics, armed conflict and high transaction costs are local and national factors that determine high informality of property rights. Nonetheless, budget constraints, preferences and asset ownership may also influence a household's decision to remain with informal property rights.

An initial approach to understanding the characteristics of formal landowners is depicted in Graph 7.4, which illustrates the percentage of formal owners by wealth quintile. As expected, formal ownership increases in the higher quintiles. The percentage of households with formal ownership is slightly less than 30% in the first quintile, while for the

fifth quintile this percentage increases to 46.4%. A word of caution is important. This graph does not pretend to establish a causal relationship between wealth and formality. It might well be the case that wealthier households formalize property rights more frequently or that the formalization of property could contribute to an increase in wealth.

GRAPH 7.4.
LAND FORMALITY AND WEALTH QUINTILES



Source: Own calculations based on ELCA

7.4. POSSIBLE CONSEQUENCES OF INFORMALITY: CREDIT, INVESTMENT, LAND PRODUCTION, AND DISPUTES

This section explores the differences in the amount of time dedicated to agricultural and livestock production, access to financial markets and investment for formal and informal owners. This first exploration allows us to understand the potential impact of informality on households' agricultural production. The analysis concentrates on aware informal owners, since a high percentage of households ignore the fact that they are informal owners and do not modify their behavior in order to reduce the risks associated with informality of property rights.

Time use and access to formal labor market of household heads are presented in Table 7.4. Household heads that formally own their land, invest more time cultivating their lands than informal owners or landholders. For example, household heads that formally own their land spend 26.1% of their time carrying out farming activities, while informal owners and tenants dedicate 18.3% and 18.4% respectively. Furthermore, tenants and informal owners spend a greater portion of their time working other people's lands. Informal owners and tenants tend to work outside the household as day laborers for other farmers in the region. Close to one third of informal owners and tenants are formally employed.

TABLE 7.4.**TIME USE AND FORMAL LABOR MARKETS: FORMAL OWNERS, INFORMAL SELF-REPORTED OWNERS AND LANDHOLDERS**

Variables	Legal owners	Informal self-reported owners	Tenants
% Of time spent by head of household in			
Agricultural on-farm activities	26.1% (26.2%)	18.3% (23.3%)	18.4% (24.1%)
Non agricultural on-farm activities	3.0% (11.0%)	3.5% (11.8%)	2.6% (10.6%)
Agricultural off-farm activities	9.1% (19.3%)	16.5% (23.7%)	21.6% (26.1%)
Non agricultural off-farm activities	3.2% (12.5%)	3.7% (13.2%)	3.7% (13.5%)
Formal labor markets			
Wage-earning job in the last 12 months	19.9%	34.8%	33.6%
Worked as a day laborer in the last 12 months	34.3%	51.4%	51.9%
Searched for a job in the last 12 months	15.9%	19.6%	21.5%

Source: Own calculations based on ELCA.

Aside from allocating more time to working their lands, formal owners have better access to formal credits markets and invest more in their land plots. ELCA data indicates that potential and real access to credit for productive activities differs between the three groups of households. Formal owners frequently apply for loans (23.9%), and their approval rate is relatively high (92.9%). Credit applications for informal owners and tenants are 14% and 11% respectively, while the approval rate is 74.1% and 82%.

Investment in land plots is low for rural households in the ELCA regions. In addition, investment is even lower for households with informal property rights. Table 7.5 shows investment levels and the reasons for not investing for all three groups of households. Slightly less than 30% of the households that formally own their land invest in their plots of land, while the percentage ranges between 15% and 20% for tenants and informal owners. Because informality of property rights increases the uncertainty on the short and long-term returns on investment, informal owners and tenants may invest less. However, it seems paradoxical that formal owners are more unsatisfied with the amount invested in their

lands. Therefore, regardless of the fact that there is a greater proportion of investment by formal owners, the budget constraints, the lack of resources, and the limited access to credit prevent them from investing the optimum amount. The

lack of resources is also the main cause why informal owners and tenants invest less, yet the second cause is the uncertainty on property rights (7.8%) for informal owners, and for tenants, the restrictions imposed by landowners.

TABLE 7.5.
INVESTMENT IN LAND: LEGAL OWNERS, SELF-REPORTED INFORMAL OWNERS AND LANDHOLDERS

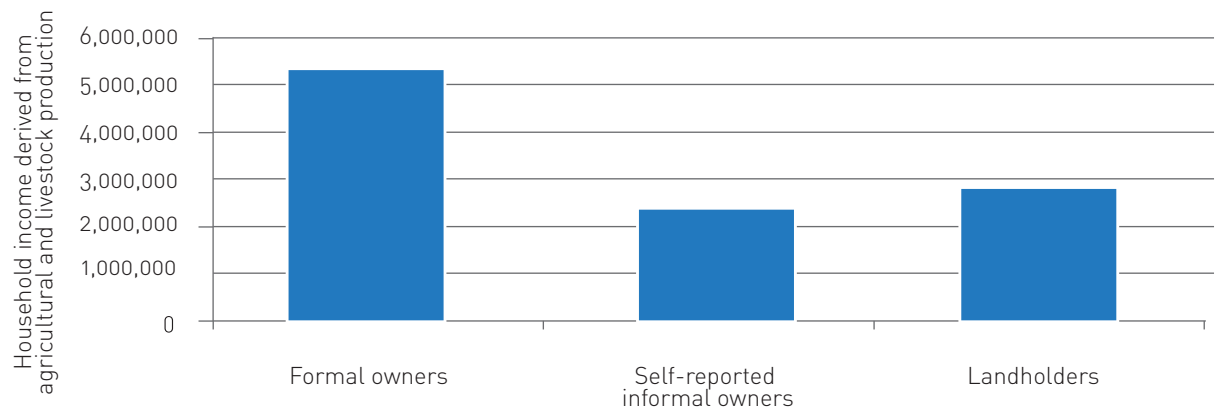
Variables	Legal owners	Self-reported informal owners	Tenants
Did not invest	71.6%	81.4%	85.2%
Considers investment to be enough	59.9%	68.2%	80.4%
Reasons not to invest more			
Lack of resources	96.9%	93.8%	92.2%
Uncertainty about land property	0.4%	7.8%	4.9%
Bad land quality and/or water shortages	3.3%	0.0%	2.5%
Restricted access to credits	9.4%	6.9%	1.2%
Investments are restricted by the owners	0.2%	3.2%	5.8%
Other reasons	2.5%	1.6%	2.2%

Source: Own calculations based on ELCA



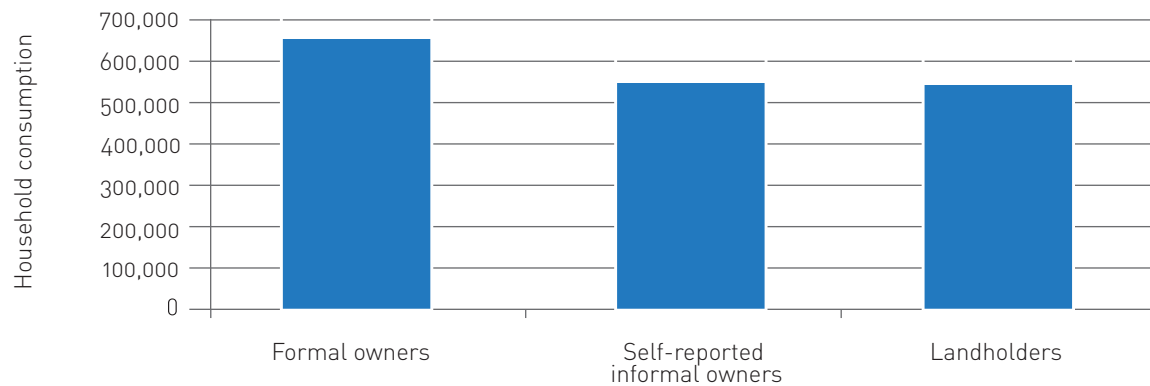
The results presented above indicate that, in contrast with informal owners and landholders, formal owners dedicate more time to working their land, applying for and receiving more credit, and proportionately investing more in their land. This may imply that formal owners earn a higher agricultural and livestock income, and therefore have a slightly higher level of consumption. Graph 7.5 and Graph 7.6 compare annual agricultural and livestock incomes for the three types of households. Formal owners earn income from agricultural and livestock production at a rate of 2.1 and 1.9 times more than that of informal owners or tenants respectively. Higher income translates into higher household consumption. Graph 7.6 shows that annual consumption of formal landowners is 1.2 times greater than that of informal or tenant households. However, we cannot infer from these graphs a causal relation. ELCA data suggests a correlation between formal property rights and a better economic performance, but this is not sufficient to determine if formal land ownership is the source of higher incomes or if higher incomes are source of formal land ownership.

GRAPH 7.5.
AGRICULTURAL AND LIVESTOCK INCOME: LEGAL OWNERS,
SELF-REPORTED INFORMAL OWNERS AND TENANTS (COP\$)



Source: Own calculations based on ELCA.

GRAPH 7.6.
HOUSEHOLD CONSUMPTION: LEGAL OWNERS,
SELF-REPORTED INFORMAL OWNERS AND TENANTS (COP\$)



Source: Own calculations based on ELCA.

The incidence of disputes and conflicts regarding land ownership is also a consequence of informal property rights. With the objective of exploring the incidence of land disputes and the resolution mechanisms adopted by communities, ELCA includes a land dispute module on the community and household questionnaires.

Table 7.6 presents the type, duration, and resolution of land disputes. Land disputes in ELCA communities are not frequent: on average 1.23 disputes occurred in the last five years. The main causes for these disputes were uncertainty over property rights and debt defaults. This pattern is repeated in all four regions covered by the survey, however two interesting issues arise. First, issues related

to land leases in the Coffee and the East-Central regions frequently caused land disputes. Second, illegal land seizure is frequently reported in the Coffee Region, while the Mid-Atlantic and East Central regions do not report any incidents of land seizure. This result is surprising, as during the last two decades both regions have suffered from forced displacement and illegal land seizure. It is however possible that in the last few years no incidents of land seizure have occurred, or that the population is afraid to report these types of incidents.

The duration of land disputes and the type of solution adopted seem to be directly related to state's presence in the region. Although a high percentage of disputes are not resolved, more than a third

was settled in less than a year. In slightly more than half of the cases, the affected households relied on state authorities to solve these disputes, either through the judicial or the executive branches of power. This behavior is replicated in the Mid-Atlantic, Cundiboyacense, and Coffee regions. However, solution of land disputes in the East-Central region take years, and this solution is predominantly reached through the mediation of state institutions, more than through judicial mechanisms. This may be related to the fact that the disputes reported in this region mainly correspond to the uncertainty of property rights. Solving these disputes generally tends to last several years while property titles are requested and cleared, or land ownership can be demonstrated.

TABLE 7.6.
INCIDENCE OF DISPUTES, TYPE, DURATION AND
RESOLUTION OF DISPUTES IN THE DISTRICTS

Variable	Total	Mid-Atlantic	Cundiboyacense	Coffee Region	East-Central
Number of disputes in the last five years	1.23 (1.21)	0.71 (0.99)	1.73 (1.30)	1.55 (1.20)	0.94 (1.06)
Type of dispute					
Lease: return of lands or lease payments	7.6%	5.4%	2.1%	12.1%	10.4%
Uncertainty over property rights	26.2%	17.9%	35.4%	19.0%	35.4%
Use of land: natural resources and boundaries	3.8%	1.8%	6.3%	3.5%	4.2%
Land seizure	4.3%	0.0%	4.2%	12.1%	0.0%
Failure to pay off credit	17.1%	12.5%	29.2%	20.7%	6.3%
Other	1.9%	0.0%	2.1%	3.5%	2.7%
Duration of disputes - percentage of disputes that					
Were resolved in less than a year	39.1%	47.5%	41.0%	45.6%	15.6%
Were resolved over the course of several years	17.1%	2.5%	25.3%	8.9%	31.1%
Were not resolved	43.8%	50.0%	33.7%	45.6%	53.3%
Disputes resolution – percentage of disputes that					
Were resolved with the help of community leaders or committees	7.6%	10.0%	1.8%	6.1%	23.8%
Were settled in court	22.8%	35.0%	21.8%	24.5%	9.5%
Resolved with the help of institutions attached to the executive power	31.7%	25.0%	47.3%	12.2%	42.9%
Resolved by means of informal mechanisms	6.2%	0.0%	9.1%	8.2%	0.0%
Directly resolved between the parties	31.7%	30.0%	20.0%	49.0%	23.8%

Source: Own calculations based on ELCA.

Although there is a low incidence of land disputes among the community, the number of affected households is still significant. Table 7.7 shows that the percentage of households that have been affected by land conflict is close to 12.5%, and in the Cundiboyacense region it reaches 19.8%. The main causes for the disputes are estate and inheritance issues, and problems with property titles. As in the case of communities, the causes of land disputes reported by households offer a similar pattern in each region. Problems regarding property titles are the main reason for conflict in the Mid-Atlantic region, while estate and inheritance issues are particularly troublesome in the Cundiboyacense region.

TABLE 7.7.
INCIDENCE OF DISPUTES AND TYPE OF DISPUTES

Variable	Total	Mid-Atlantic	Cundiboyacense	Coffee Region	East-Central
Some type of conflict exists	12.5%	5.3%	19.8%	8.8%	15.6%
Type of conflict					
Estate and inheritance issues	62.1%	58.1%	72.9%	67.9%	51.9%
Problems with property titles	27.9%	35.1%	18.2%	17.9%	36.6%
Someone is claiming the land	5.8%	2.5%	4.6%	7.3%	7.8%
Boundaries and easements	5.6%	1.1%	5.1%	10.2%	6.8%
Other	7.5%	9.6%	10.6%	10.7%	3.1%

Source: Own calculations based on ELCA.

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CHAPTER 2

POVERTY AND WEALTH CONDITIONS IN COLOMBIAN HOUSEHOLDS

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CHAPTER 3

ADVERSE SHOCKS TO HOUSEHOLDS AND COPING MECHANISMS

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CHAPTER 4

ACCESS AND USE OF HEALTH SERVICES AND STATE OF HEALTH

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COLOMBIA IN MOTION

A descriptive analysis based
on the Colombian Longitudinal Survey
by Universidad de los Andes - ELCA