

Land Boundary Conflicts Between Indigenous Land Reserves and Neighbouring Cattle Ranchers: “fit for Purpose” Solutions in Colombia

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Key words: Access to land; Professional practice; Security of tenure

SUMMARY

One of the most difficult land conflicts, are those between communal indigenous land and encroachment of third parties such as farmers or companies looking for new opportunities. Although the number of people with customary rights is relatively small and diminishing worldwide, the areas covered by customary rights are vast and often under pressure from the rising global demand for natural resources, raising conflict and debate.

Nearly 30% of Colombia’s territory is legally owned by indigenous peoples, through the constitution of Resguardos Indígenas. Land border conflicts occur in most places. However, in the Peace Treaty of Colombia relatively little attention was paid to the position of the indigenous groups.

Literature on “fit for purpose” (FFP) methodologies for indigenous boundaries disputes is scarce. A FFP approach might be beneficial to safeguard rights of customary groups, of farmers and rights of the forest: data is collected of all claims in a certain area, with all stakeholders participating. This can be used as a basis for conflict resolution. Contrary to more traditional approaches, the collaborative FFP methodology is very much in line with the intend of UN FPIC guidelines (Free, Prior and Informed Consent), because the traditional communities themselves are the prime actors in the process, including the responsibility for the field data collection.

In our paper we will explore which “fit for purpose” methodologies can be used to help solving fierce land conflicts between indigenous communities and their neighbours, based on a pilot carried out in Cumaribo, Colombia. Differing spatial and legal data –with detailed maps- will be presented, explained and possible solutions will be

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discussed.

The work has been carried out with IGAC, SNR and the municipality of Cumaribo. IGAC is updating the cadaster of Cumaribo, a 6.6 million hectare municipality in eastern Colombia. The majority of Cumaribo's population consists of indigenous peoples, most of them of the Sikuani (until recently) semi-nomad tribe, who live in 35 Resguardos Indígenas. These reserves are constituted by Colombian law, with often ill-defined borderlines.

During the twentieth century cattle ranchers from other llanos regions or elsewhere have slowly invaded the formerly indigenous inhabited savannas and have, with time, claimed possession rights. Some of them have obtained government-issued title deeds, most of them have not. Conflicts between indigenous and colonos on the definition of land borders abound, also in Cumaribo.

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