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**PEASANT RESERVE ZONES AS A FRAME FOR THE GUARANTEE OF COLLECTIVE
RIGHTS OF PEASANT COLLECTIVITIES IN COLOMBIA
The Case Of Cimitarra River Valley**

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ABSTRACT

Peasants and their rights have been denied throughout the history. In Colombian legal order, there is a lack of the concept, and there is no recognition of their collective nature or their attachment to the lands and territories. Besides, Colombia has a history of violence and inequality that have affected mainly the rural areas. Peasants have suffered the consequences of the armed conflict, the historical marginalization, and the concentration of the land. In response, the communities have created forms of resistance and organization. After massive mobilizations, the Law 160 of 1994 was issued. This provision established the legal form of Peasant Reserve Zones (PRZ) in Colombia as a geographical area with the goals of stabilization of the peasant economy, the improvement of the causes of social conflicts and the creation of conditions to the achievement of peace and social justice.

Accordingly, this thesis aims to examine the PRZ as a framework for the guarantee of collective rights of peasant collectivities, specifically the case of Cimitarra River Valley. For this purpose, the document contains the theoretical discussion about collective rights, the definition of the concept of collectivity and peasant communities and the review of the collective rights recognized in the International and Colombian Law. This led to the analysis of the case as a legal and social form that could frame the guarantee of rights of peasant collectivities.

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LIST OF ABBREVIATIONS

CAB - Communitarian Action Board

ENS - Environmental National System

NAPRZ - National Association of Peasant Reserves Zones

PRZ - Peasant Reserve Zone

SAARD - National System of Agrarian Reform

SDP - Sustainable Development Plan

INTRODUCTION¹

The human being is a social subject who shapes himself in the interaction with others. This premise is the starting point to understand the necessity of a comprehensiveness of human rights. The discussion about the collective dimension of rights has been controversial and is still unfinished, while social movements all over the world try to vindicate their claims and fight for their rights as individuals and as collectivities. The peasant movement is a clear example of that.

Since peasants have a tight relationship with their lands and territories that are where the interaction and relations with others take place, producing links between them, as well as some symbols and elements of identity, their lack of acknowledgment as individuals implies the denial of their collective dimension and vice versa. In this sense, peasants and their communities have been disregarded as social and political subjects. There is no official definition of peasants or rural communities, and thus their individual and collective rights have not been recognized yet in international law. Likewise, in Colombia the lack of acknowledgment of peasants in the constitutional framework and public policies, added to the violent history and the armed conflict that have taken place mainly in the rural areas, has left this population in an abandoned and highly vulnerable position.

Nevertheless, the peasantry has constructed a strong social movement driven by the shared interests and common claims, through which they try to gain recognition by the State and the society as political and social subjects. This action also pretends to bring solutions to the problems that affect peasants in their territories that have to do with the excessive concentration of lands, the growing inequalities in the rural areas, the environmental degradation, the violence and the socioeconomic needs they have. In this sense, throughout the history the peasants have developed struggles and sources of resistance to face their needs and the absence of the State, producing their dynamics and exercising self-management in their territories. One example of this is the proposal of Peasant Reserve Zones² (PRZ) made in 1994 after a huge mobilization of the peasantry from different parts of the country looking for attention and presence of the State. The Law 160 of 1994 included the initiative for the protection of the peasant economy, the access to land and the guarantee of the economic, social and cultural rights of peasants,

¹ Note: When the source is in Spanish, the translation is done by the author.

² Zonas de Reserva Campesina in Spanish.

as well as the participation of the rural communities in decision-making. Since then, the peasantry has seen it as a legal instrument that could help to overcome the situation of their communities, which are in a disadvantaged situation and without protection in front of the enormous powers of transnational corporations, big landowners and armed actors.

Accordingly, the working hypothesis is that the structure of PRZ, could be a framework for the guarantee of collective rights of peasant collectivities. In this sense, the objective of the present research is to examine if those collective rights could be guaranteed through the implementation of the PRZ in Colombia. For that purpose, the text has five sections: the first part aims to review the theoretical discussion about the moral standing and entitlement of collective rights, as well as the construction of the concept of collectivity and the description of the peasant communities as the subjects of this work. The second section aims to identify the international and Colombian normative framework and developments about collective rights. The third one has a description of the Colombian historical context that led to the creation of the PRZ's and, it contains its definition as a legal and social structure. The fourth part is aimed at the description of the study case, the PRZ of Cimitarra River Valley, with its historical context and characteristics, as well as the identification and characterization of the right-holder collectivities that can be found within it. The last part contains the analysis of the collective rights that have been or could be guaranteed through the implementation of the PRZ of Cimitarra River Valley.

At this point, it is worth to mention that this is a qualitative research relevant to understanding the PRZ as a legal form through the analysis of the purposes, scope, and subjects of the public policy. Nevertheless, it is also aimed at understanding the PRZ as a social configuration, by the analysis of the role of the communities and organizations in its development and implementation, which involve a historical significance of struggles for the rights. The analysis was made from the documents, which allows describing and interpreting situations and social representations through the discourse of the peasant social movement and confronting it with the norms.

The case-study as a qualitative method was used as a guideline for the research, and it is based on the norms and documents produced by the peasant movement as primary sources with the support from secondary sources. Those documents allowed building the social and historical context, as well as the perceptions, ideas,

representations, and practices of the subjects. In other words, the results are obtained from what is possible to infer departing from the norms and imaginaries of the peasants reflected on the documents about the rights and according to their interests, motivations, objectives, and achievements.

1. FRAMING THE DISCUSSION ON COLLECTIVE RIGHTS

This section deals with some concepts that need to be clarified and reviewed to build the basis for the further analysis. To do so, it is necessary to mention that the discussion around the concept of collective rights has been addressed by scholars from a philosophical perspective but also by international and domestic legal instruments. In that sense, the first part of this section deals with the problem of the moral standing and entitlement of collective rights, which leads to the conceptualization of the right-holders. Afterward, it will discuss the construction of the concept in the international scenario, which includes the review of the international instruments, to continue with the examination of the presence of the concept in Colombian law.

Before moving to the specific discussion about the nature of collective rights, it is appropriate to make some precisions. It is possible to distinguish four groups of rights frequently used in the literature about collective or group rights.³ It is possible to classify these rights from a human rights perspective:

- a. *Individual rights*: The classical conception where the right-holder is the human being. There is no discussion about this, and the individual rights are quite clear.
- b. *Specific rights of groups*: The entitlement of the right is still on the individual but regarding his belonging to a specific group. Groups that have some common characteristics and they have some rights according to that. For example children, people with disabilities and so on.
- c. *Group rights*: Here the individual is still the right-holder but it is necessary the participation of a group to exercise it. Often linked with rights about political and social participation.
- d. *Collective rights*: Rights whose entitlement is upon the collectivity. The right-holder is a group, and they are not reducible to its members.

Nevertheless, it is worth to note that the differentiation between group rights and collective rights has appeared only recently in the literature, and that is why it is common to find the use of both concepts with the same meaning as rights which are directly vested in certain collective entities.⁴ For example, Miodrag Jovanović says that he uses both indistinctively because he does not find the distinction to be sufficiently

³ Jáuregui, "Derechos individuales versus derechos colectivos: una realidad inescindible," 58.

⁴ Jovanović, "Are There Universal Collective Rights?" 24.

justified.⁵ From his view, when a right is individually exercised but it serves to the collective interests (i.e. "The interest of a particular religious group in protecting a practice that is constitutive and vital for the preservation of a distinctive religious identity"⁶), "it should be properly characterized as a case of collective rights, one that is individually exercised."⁷

This document deals with the concept of collective rights, but also group rights, as rights protecting collective interests, which give rise to the collectivity as the right-holder.

1.1 Collective rights: Moral standing and the entitlement

The discussion about collective rights has different levels and approaches. From a philosophical perspective, the moral for the entitlement of the right is one of the main concerns. In that sense, Peter Jones distinguishes between three forms of conceiving human rights: the *moral minimum*, the basic moral structure, and a comprehensive morality.⁸ The first one refers to a limited set of fundamental requirements that every society must have, and human rights are conceived as the fundamental and obligatory standards, but this leaves significant space to societies to organize themselves and take different ways according to their views. In this conception, there is a separation between internal and external matters concerning a territory, which means that there are some rights that fall into the domain but others do not fit within it because the model is shaped by a minimum that can be isolated and disconnected.⁹

Regarding the second one, the *basic moral structure*, there is a basic framework that regulates the competing and conflicting aspirations or beliefs that people have. Rights established by international instruments as declarations and covenants are considered as contributing to the basic structures of societies. They are rights that regulate people's lives in institutional and legal terms but leaving some space to each to determine his own life concerning how he believes he should or wishes to live.¹⁰

The third one, referring human rights as comprehensive morality, is related to the idea that human rights "are capable of being understood in a way that makes it

⁵ Ibid.

⁶ Jovanović, *Collective Rights*, 123.

⁷ Ibid.

⁸ Jones, "Individuals, Communities and Human Rights."

⁹ Ibid., 205.

¹⁰ Ibid., 207.

hospitable to many different forms of life.”¹¹ Those forms and their openness depend on the way of conceiving human rights and, the two mentioned above have the notion that all human beings possess certain rights. This statement is indeterminate and does not allow the guarantee of the openness: “The more comprehensive a moral content we give a theory of human rights, the less accommodating it can be of diverse modes of life [...]”¹²

When Jones talks about forms of life he is referring to two different perspectives: the individualist one, which is living and experiencing as an independent individual, and the communal one, which is the way people live along and interacting with others. It is in that sense in which Jones says that human rights can encompass different forms of life, both individualist and communal.

Individualism in human rights thinking has to do also with the recognition of the individuals as the unit of moral standing and bearer of rights, whereas others recognize the moral standing of groups that have claims that are not necessarily reducible to the members of the group. Those two statements are not opposed, but they are different and can be combined coherently saying that some rights can be ascribed to individuals and others to the groups, depending on the matter.¹³

At this point it is worth bringing Leslie Green’s analysis in which he explains that the moral concerns are tied to the capacity conditions of right-holders: “Nothing has rights that is not capable of having rights”, which means that the question is whether non-individual entities have the capacity of having rights, appealing to a theory of moral agency.¹⁴ To answer that, Green says that it is necessary to look at the concept of well-being applied to the groups and whether others are bound by duties to respond to those rights.

In light of the above, it is necessary to distinguish between rights of a collective agent and a set of individual rights. A collective agent can be understood as an organic unity independent of his members; its fare does not depend on its members, that is to say, its well-being is independent to one of its members. In that sense, the collectivity has interests, which are not the interests of the members, imposing duties on others, as governments. Nevertheless, Green demonstrates that, in this view of collective rights,

¹¹ Ibid., 208.

¹² Ibid.

¹³ Ibid., 203.

¹⁴ Green, “Two Views of Collective Rights,” 318.

"establishing the existence of an agent with an appropriate capacity is a necessary but not sufficient condition of having rights" because the interests of the collective agent not always impose duties on others.¹⁵

This conception of collective agents may be linked to Peter Jones' view about what he calls *corporate model*, as one of the two ways of conceiving group rights. Like Green, Jones shows that a group can be a right-holder. So, seen as a corporate entity, it can be assumed as analogous to a right-holding person; in other words, it is conceived as a "single unified entity possessed of the same sort of moral standing"¹⁶ as an individual, which is fundamental for the capacity of holding rights. This premise means that qualities and moral status of personhood are given to groups, which suppose a moral dichotomy in the sense that the conception of moral individualism is moved beyond and the right-bearing of the group is irreducible to its members.

These views of group rights have some problems that are, according to Jones, the central reason for controversy in the discussion of collective rights, because they are conceived most frequently as a corporate entity or as collective agents. Since groups are seen as unitary entities, thus with moral standing as right-holders, they have their interests different from those of the individual members, and therefore those interests can differ and be opposites, creating a rivalry; groups could have rights against its members.¹⁷ From the corporate model, collective rights cannot be considered human rights because the latter can only be ascribed universally to human beings. To complement that, Green concludes that conceiving the capacity of groups to hold rights as collective agents does not allay the political concerns that it implies.¹⁸

In contrast to the mentioned models, both authors consider others to make the arguments in favor of collective rights stronger. On the one hand, Jones talks about other conception of group rights and it is the collective one, which is related to the interest theory of rights. On the other hand, Green develops the concept of the right to collective interests. In both authors, what is important about the collective rights are the interests they are protecting. Furthermore, Jones appeals to Joseph Raz when saying: "X has a right, if and only if X can have rights and, other things being equal, an aspect of X's well-being (his interest) is a sufficient reason for holding some other person(s) to be

¹⁵ Ibid., 320.

¹⁶ Jones, "Individuals, Communities and Human Rights," 320.

¹⁷ Jones, "Human Rights, Group Rights, and Peoples' Rights," 92.

¹⁸ Green, "Two Views of Collective Rights," 326.

under a duty.”¹⁹ In other words, the right to something comes when there is an interest in something, and that interest is significant enough to justify imposing a duty on someone else. This is the main premise of the interest theory of rights.²⁰

In Jones' collective conception, "a group right is a right held jointly by those who make the substantial."²¹ With that definition, the moral standing is not necessarily given to the group as a separate entity from its members. The interests belong to the individuals, but the group holds the right. Thus the moral standing of the individual members of the group provides the moral standing of the group right.²²

Therefore, groups that can hold rights are those that share one or various interests, even if it has no a sociological identity, being more likely to have interests in common the ones that have it. According to Jones, the group right corresponds to the individual interests, leaving the moral claim upon the individual human being; he holds the group right jointly with others regarding the shared interest, which gives place to the identification of the group as a group for right-holding purposes. The shared interests are sufficient for the imposition of duties on others, and it is clear that under this view, collective rights are considered as human rights because the moral standing is still on the individuals.²³

In the same way, Green states that the notion of collective interests can be seen as individual interests that create a collective aspect, giving place to two kinds of collective interests: public goods and shared goods. The former ones are "inexcludable and non-rival in consumption," they should be available for all because there is no reason to provide them to some and not to others. In the same form, they are not optimally supplied or not supply at all when they rest on voluntary mechanisms: "An interest that one has in a public good is an interest that is, for reasons tied to its production, held in common with others."²⁴

Shared goods differ from the public goods in the sense that "the public aspect is not merely a contingent feature of their production but partly constitutes what is

¹⁹ Jones, "Human Rights, Group Rights, and Peoples' Rights," 83.

²⁰ Ibid.

²¹ Ibid.

²² Ibid., 85.

²³ Ibid., 86.

²⁴ Green, "Two Views of Collective Rights," 321.

valuable about them." They are not variable regarding its means of production and the individuated supply is impossible.²⁵

Following Green's argumentative line, they are collective goods because albeit the interests are individuals, what grounds these rights is the set of linked collective interests. That is to say that some human goods have a collective character, and some of them impose duties on others.²⁶

Thus, bearing in mind all the above mentioned, it is important to say that the further analysis of this document will follow the statements made by Green and Jones: the concept of collective rights in the collective conception, giving them space to a human rights approach, as well as the right to collective interests, according to Green. Likewise, the notion of collective goods is fundamental as bound to the interests and as essential for human beings, since it requires his recognition of the group for the entitlement, production, and enjoyment.

1.2 Concept of collectivity and its character of right-holder

At this point, it is necessary to clarify what will be the definition of collective right-holder. In the literature, it is possible to find different terms referring to a set of people who hold rights jointly: group, collective entity, peoples, collectivity, minority and so on. In the following, it will be defined the term used for the analysis.

According to Jones, the collective right finds its ground on the interests of the individuals who make the collectivity. In that sense, the right-holding is not grounded in the characteristics of the group, even if groups with strong common identity are more likely to share interests of a sort that will ground collective rights.²⁷ Groups that share sociological features with others, which make them shared claims, could be distinct political communities. In other words, individuals sharing some features can have interests in forming a particular community and that can form a sense of identity.²⁸

Hence, it is possible to distinguish between two types of groups that could hold rights jointly for having shared interests: 1) Set, which is a "collection of persons such that we would identify as a different set were the persons included in the set to

²⁵ Ibid.

²⁶ Ibid., 326.

²⁷ Jones, "Human Rights, Group Rights, and Peoples' Rights," 85.

²⁸ Ibid., 89.

change.”²⁹ It could be people who share an interest in a particular moment or that fit a particular description. 2) Group proper, which is a "set of people who by their shared characteristics think of themselves as forming distinctive groups.”³⁰ Regarding the latter definition, Jovanović argues, “by virtue of group consciousness a group proper acquires collective (group) rights to preserve its existence.”³¹ In this sense, it is also important to say that the constitution of a collectivity does not depend on the will of a law-making authority:³² “it is not a legal but a fact issue [...]. They are *de facto* pre-legally existing non-reducible collectivities with interests.”³³

Likewise, Theo Van Boven defined a group as a “collectivity of persons, which have special and distinct characteristics and/or finds itself in specific situation or characteristics [...], which could be determined by political, economic, social and cultural factors”.³⁴ He pointed out that rights go beyond ethnicity, and groups based on other features as gender or class, also have common characteristics, identity and common sources of suffering that have been ignored.³⁵

In this respect, for the purposes of this document, it will be taken into account the distinctive characteristics of the collectivities dealt with here (bearing in mind their nature), which could ground collective interests. The term to use will be *collectivity* according to its meaning: “People regarded as a whole”³⁶ and in order to avoid confusions with other terms as minorities or groups. To complement the definition, it will be understood as follows: Set of individuals who possess some social, political and cultural characteristics (common history, collective identity, territory and resources, common horizon, social and cultural practices)³⁷ that allow them to identify themselves as members of the group and have a sense of community. Thus, there is a link where the individuals feel like part of a whole. Those shared features configure a social structure and not the mere sum of the individuals, reason why they share some interests, which ground rights held by the group.

²⁹ Newman, “Collective Rights and Collective Interests,” 128.

³⁰ Miller, “Group Rights, Human Rights and Citizenship,” 178.

³¹ Jovanović, “Are There Universal Collective Rights?,” 30.

³² Jovanović, *Collective Rights*, 199.

³³ *Ibid.*, 125.

³⁴ Quoted in Felice, *Taking Suffering Seriously*, 23.

³⁵ *Ibid.*

³⁶ Collins Dictionary. Online, "Collectivity," Accessed June 20, 2017.

³⁷ Becerra Becerra, Rincón García, and Ospina Florido, *Memorias, territorio y luchas campesinas*, 20.

Following Weber, the community is a social relation when and whether it finds inspiration in the subjective feeling of building a whole from the participants: “A community exists when there is a coincidence between particular interests and the general interests.”³⁸ In that sense, the members of the community are interested in the well-being of the others and integrate their interests, desires, and purposes with the community, having solidarity links.

Additionally, there are some features for the definition of a minority that can be useful for the further analysis:³⁹

- a) Groups with specific characteristics, whose members share a determined feature that allows the identification of the difference.
- b) The willingness of preserving their common identity (culture, traditions, religion, etc.), what are essential elements for their development and the exercise of their autonomy.
- c) The existence of a disadvantageous situation. They are groups that are in an inferior position in comparison to other groups.

With all this in mind, it is necessary to define the specific type of collectivities of this study: Peasant communities and their social organizations. To this purpose, it is useful to bring here the definition of ‘peasant’ formulated in the Declaration on the Rights of Peasants, document that will be described in the next section: Peasant is “any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the lands.”⁴⁰

So, the concept of peasant must be defined according to its special relationship with the land, not just as a resource to survive but it encompasses material (as water, forests, subsoil, and so forth.) and immaterial elements like social representations and social relationships that arise from it.⁴¹ In this sense, the *land* will be defined as the

³⁸ Estrada Alvarez, *Territorios Campesinos*, 247.

³⁹ García Añón, “¿Hay derechos colectivos? Diversidad, ‘diversidad de minorías’, ‘diversidad’ de derechos,” 208.

⁴⁰ Art. 1. United Nations, “Draft Declaration on the Rights of Peasants and Other People Working in Rural Areas Presented by the Chair-Rapporteur of the Working Group.”

⁴¹ Estrada Alvarez, *Territorios Campesinos*, 250.

physical and productive material basis of a territory.⁴² The *territory* is a conception around the life and departing from the land; it is the vital space where the social representations and social, political and cultural relations between the human beings and the environment take place. The mentioned characteristics of the collectivities build those relations that are the result of human actions causing the transformation of the land as the physical space where a community defines itself as a settler.⁴³ Hence, the territory is the scenario where peasant communities shape themselves as such. This address to a new concept: *Peasant territoriality*.⁴⁴

Peasant communities construct themselves in the territory through determined forms of inhabiting, perceiving, organizing and appropriating the space, its resources and characteristics. This means that they seek to access and control it, exercising some authority or sovereignty, which may lead to conflicts with other actors (as the State).⁴⁵

Another important element of the definition is the form of production. The *peasant economy* is based on the use of natural resources with non-capitalist practices that is, with diversified and small-scale production and, in association with others, for the exchange, creating links. In this context, within the territory the peasant produces an item using his or her work in the plot, but also some knowledge and practices are developed and transmitted, reproducing the culture of the community.⁴⁶

In the following, it will be reviewed how collective rights appear and are formulated in the scenario of international legal instruments, to continue with the domestic level.

⁴² Fajardo Montaña and ILSA, *Tierra, poder político y reformas agraria y rural*, 21.

⁴³ Estrada Alvarez, *Territorios Campesinos*, 250.

⁴⁴ *Ibid.*, 251.

⁴⁵ *Ibid.*, 30.

⁴⁶ *Ibid.*, 251.

2. INTERNATIONAL AND COLOMBIAN NORMATIVE FRAMEWORK ON COLLECTIVE RIGHTS

2.1. Collective Rights in the international scenario

This part is aimed at reviewing how and which collective rights have been formulated in the international scenario, especially reviewing the international legal instruments dealing with this topic. However, this review goes beyond the instruments under international law and takes into account some instruments created by non-state actors as NGO's that have seen the necessity of formulation of collective rights that cannot be found in the international legislation.

To start, it is worth to say that there is a considerable academic and legal debate regarding the concept of collective rights. Some authors have denied their existence or their nature as human rights. However, with the growing social movements, massive violations of rights and the understanding of the social character of the individuals, some authors and entities have shown, defended and justified the existence of rights held by collectivities.

Collective rights are substantiated on the idea and principle that humans are social beings "who congregate, associate, and exist within groups. Groups or collectives can be based on race, ethnicity, class, gender, and sexuality."⁴⁷ One can argue that the collective is a manifestation of the life of the human race⁴⁸ since it cannot be separated from the individual sphere. This is the basis for the authors who argue for collective rights, which are rights held by social groups, as it will be seen later on. It is based on the Rousseauian premises about sovereignty, in which the people are the repository of the sovereign rights, over governments or states.⁴⁹

However, human rights are founded for the protection of the human person against abuses by the states, following the liberal tradition. In that sense, in human rights theory, the individual has been the center and the subject of human rights, having the moral standing and being the right-holder, which is reflected in the set of international instruments.⁵⁰ By contrast, the discussion about collectivities as right-holders has been an unresolved issue for many years. Indeed, it could be traced back to the context of the French Revolution in 1789 with the debate about rights of Jews as a

⁴⁷ Felice, *Taking Suffering Seriously*, 19.

⁴⁸ Dávila, "Thomas Pogge Y La Negación de Los Derechos Humanos Colectivos," 127.

⁴⁹ Felice, *Taking Suffering Seriously*, 19.

⁵⁰ *Ibid.*, 17–18.

‘nation’ and the request for the denial of their citizenship rights, which was resolved with the statement made by the Count of Claremont-Tonnerre: “The Jews should be denied everything as a nation, but granted everything as individuals [...]”.⁵¹

According to some authors as Jovanović, collective rights debate emerged in international public law, through international legal instruments and then the discussion was extended among some academics and legal experts, especially after the foundation of the UN, which led to the debate about whether collective rights should be treated as part of human rights law.⁵² Thus, the concept is present in some international instruments before 1945 (for example, the recognition of the Covenant of the League of Nations about the importance of minority protection) but it is after 1945 when the topic becomes more present in some instruments and gained currency.⁵³

In what follows it shall be briefly reviewed the main categories⁵⁴ and the collective rights formulated⁵⁵ in international treaties and other documents recognized by the international community.

1. The right to physical existence: This is mainly grounded on the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) of 1948, which recognizes the existence of national, ethnical, racial and religious groups and defines the acts that constitute genocide, in its article 2. Notwithstanding, it is addressed more to duties rather than rights of groups, it is important because it considers them as groups and not merely as individuals and it is the cornerstone of the protection of minorities. However, it does not reflect issues regarding the culture, for example, cultural genocide or destruction or disappearance of traditions.⁵⁶ Likewise, the UN Declaration on the Rights of Indigenous Peoples (DRIPS) (2007) sets that "Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture."⁵⁷

Finally, the African Charter on Human and Peoples’ Rights (1981) approved by the member states of the Organization of African Unity is another instrument in treaty

⁵¹ Quoted in Jovanović, *Collective Rights*, 197.

⁵² *Ibid.*, 166.

⁵³ *Ibid.*, 184.

⁵⁴ Crawford, *The Rights of Peoples*, 57.

⁵⁵ A complete list can be found in Table 1 (see the Annex).

⁵⁶ Crawford, *The Rights of Peoples*, 60.

⁵⁷ Art. 8. United Nations, United Nations Declaration on the Rights of Indigenous Peoples.

form that makes an explicit mention of this right. Article 20 states, "All peoples shall have the right to existence, " and this is linked with the right to self-determination.

2. The right to self-determination: As said before it emerged as a guiding principle recognized in the UN Charter in articles 1 and 55 used along with the principle of equality. By contrast, in the ICCPR and the ICESCR, the term is applied in the sense of a right possessed by all peoples and "by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."⁵⁸ This right is linked to the decolonization process, for this reason, the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960) grant it. This UN General Assembly resolution encompasses with what was set afterward in the Covenants. In the same manner, the African Charter states that all peoples "shall have the unquestionable and inalienable right to self-determination."⁵⁹ Likewise, it recognizes other rights that can be framed into the category of self-determination.

On the other hand, the article 1 of the DRIPS establishes that "indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms." In this sense, the declaration recognizes some collective rights among which there is the right to autonomy or self-government. The article 4 set out these two concerning the exercise of self-determination "in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions."⁶⁰ In the same way, the instrument set out some other rights that can be framed into this category.

3. Rights of minorities: This refers to provisions dealing with minority rights. An important part of the instruments for the protection of minorities was developed before World War II.⁶¹ With respect to subsequent instruments, the article 27 of the ICCPR states: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

⁵⁸ Art.1. International Covenant on Civil and Political Rights; Art. 1 International Covenant on Economic, Social, and Cultural Rights.

⁵⁹ Art. 20. Banjul Charter on Human and Peoples' Rights.

⁶⁰ Art.4. United Nations Declaration on the Rights of Indigenous Peoples.

⁶¹ Crawford, *The Rights of Peoples*, 60.

There is a discussion about the nature of Article 27 because it can be understood as an individual right, but it can be seen with a collective approach to the minority as a group, as well; the article (and other instruments after WWII) uses the “formula ‘ethnic, linguistic and religious minorities’”⁶², for the protection of those groups, their characteristics and the guarantee of the principle of equality. In the same way, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), introduced the concept of national minority.⁶³ This instrument put the emphasis on the right to preserve a separate identity regarding the mentioned characteristics and impose the duty over States of promotion of that identity.

Furthermore, in this category other rights recognized in other instruments for ‘peoples’ or ‘indigenous peoples’ could be included, taking into account that those collective subjects, as it was said before, can constitute minorities. The Declaration on the Rights of Indigenous Peoples set the right to non-discrimination in a collective sense: “Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular, that based on their indigenous origin or identity.”⁶⁴

Moreover, the right to participation might be included in this category bearing in mind that it is grounded on the principle of equality in order to close the gap of disadvantage. Besides, it implies measures and techniques for the connection between majority and minority groups.⁶⁵ In this respect, the DRIPS also has provisions about it in a collective sense (see Table 1 in the Annex).

4. Right to international peace and security: The first international treaty dealing with this right regarding peoples and not States⁶⁶ is the African Charter, which declares: “All peoples shall have the right to national and international peace and security.”⁶⁷ This provision has given place to some questions justiciable in the African Commission on Human and Peoples Rights.⁶⁸ Likewise, the DRIPS appears again in this category, making the right more specific and explicitly setting it as a collective right. It states:

⁶² Ruiz Vieytez, “Cultural Traits as Defining Elements of Minority Groups,” 11.

⁶³ Ibid.

⁶⁴ Art. 4. United Nations, United Nations Declaration on the Rights of Indigenous Peoples.

⁶⁵ Ruiz Vieytez, “Cultural Diversity and Human Rights: History, Minorities, Pluralization,” 22.

⁶⁶ Other documents as the UN Charter or the UDHR consider the necessity of maintenance of international peace and security and friendly relations between States, which is taken by some authors as rights of States (see Crawford, *The Rights of Peoples*, 60.)

⁶⁷ Art.23. Banjul Charter on Human and Peoples’ Rights.

⁶⁸ Crawford, *The Rights of Peoples*, 62.

"Indigenous peoples have the collective right to live in freedom, peace, and security as distinct peoples."⁶⁹

5. Rights to permanent sovereignty over natural resources: Rights under this category are guaranteed in many instruments. The ICCPR and ICESCR establish that "All peoples may, for their own ends, freely dispose of their natural wealth and resources [...]".⁷⁰ Furthermore, the African Charter grounds the article 21 on the notion of permanent sovereignty, providing the same as the Covenants and by adding: "This right shall be exercised in the exclusive interest of the people" and "In case of spoliation the dispossessed people shall have the right to lawful recovery of its property as well as to an adequate compensation".⁷¹

Since these provisions introduced the notion of permanent sovereignty over peoples within States, they can be seen as limiting the power of the national governments to dispose of the natural resources, being a guarantee for peoples against their own governments.⁷² In that way, the General Assembly of the UN approved in 1962 the Resolution on Permanent Sovereignty over Natural Resources. It establishes: "States and international organizations shall strictly and conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the Charter and the principles outlined in the present resolution."⁷³ It can be understood as colonized peoples or nations in other territories, but also as groups within the states.

In the same way, the DRIPS and the ILO Convention 169 in the case of indigenous peoples recognized the sovereignty of indigenous peoples over natural resources but linked with the land and territories regarding the meaningful relationship between them. Thus, it can be added to this category the rights of possession and use of the lands and territories, for example, the right to the productive capacity of the lands and resources⁷⁴ (see Table 1 in the Annex).

6. The right to development: It is recognized as such in two instruments in treaty form. On the one hand, the African Charter states that: "All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and

⁶⁹ Art. 7. United Nations Declaration on the Rights of Indigenous Peoples.

⁷⁰ Art. 1. ICCPR. Art. 1 ICESCR.

⁷¹ Para. 1 and 2. Art. 21. Banjul Charter on Human and Peoples' Rights.

⁷² Crawford, *The Rights of Peoples*, 64.

⁷³ United Nations, "Resolution on Permanent Sovereignty over Natural Resources."

⁷⁴ Art. 29. United Nations Declaration on the Rights of Indigenous Peoples.

identity" and "States shall have the duty, individually or collectively, to ensure the exercise of the right to development."⁷⁵

On the other hand, the ILO Convention 169 addresses the issue of development in two ways: as the right of peoples concerning the development project of the State but also as the right of development of the peoples as such. It declares: "The peoples concerned shall have the right to decide their own priorities for the process of development [...]." In the same form, the DRIPS does mention about this right as well.

Another instrument in the form of declaration, adopted by the UN General Assembly, is the Declaration on the Right to Development (1986). It recognizes the entitlement of the peoples explicitly when saying: "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development"⁷⁶. Additionally, this is linked in the next article with the full realization of the right to self-determination.

However, the declaration emphasizes on the human person as the "central subject of development and he should be the active participant and beneficiary of the right", although it recognizes the collective dimension, saying that "all human beings have a responsibility for development, individually and collectively, taking into account [...] their duties to the community, which along can ensure the free and complete fulfillment of the human being [...]"⁷⁷

7. The right to the environment: The African Charter establishes that "All peoples shall have the right to a general satisfactory environment favorable to their own development," linking it to the former category of rights. The other instruments are the ones related to indigenous peoples. The ILO Convention states that the term 'land' covers the total environment of the areas that the peoples possess or use, giving rights and imposing duties on States about the preservation and respect of the views and will of the peoples about their environment.⁷⁸

Finally, the DRIPS gathers what was said in the other documents when stating: "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.

⁷⁵ Para. 2. Art. 22. Banjul Charter on Human and Peoples' Rights.

⁷⁶ Art. 1. "Declaration on the Right to Development."

⁷⁷ Art. 2. Ibid.

⁷⁸ Art.4 and 13. Convention C169 - Indigenous and Tribal Peoples Convention.

States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination."⁷⁹

At this point, it is relevant to mention two recent documents that are not human rights instruments, but they recognize the existence and role of 'local communities' and the guarantee of some rights. They are the International Treaty on Plant Genetic Resources for Food and Agriculture and the Nagoya Protocol. The first one highlights the role of local and indigenous communities specifically regarding the conservation and development of plant genetic resources and establishes that States shall protect and promote farmers' rights to protect the traditional knowledge, to participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture and, to take part in decision-making processes on matters related.⁸⁰ The second one does not recognize rights explicitly, but it imposes duties on the States about the protection of traditional knowledge of local and indigenous communities, as well as the prior and informed consultation concerning the use of genetic resources.⁸¹

From this overview of international instruments, we can see that there are several mentions to collective rights. Nevertheless, some of them lack a clear formulation and are still object of controversy. Consequently, in recent years some organizations of the civil society have seen the necessity to contribute new insights to the formulation of collective rights.

With this respect, two non-official documents formulate collective rights and are useful for the purposes of this document.⁸² On the one hand, in 1976 a group of scholars and jurists, sponsored by the NGO Lelio Basso Foundation, wrote an unofficial document called Universal Declaration of the Rights of Peoples. This document has been used to support some struggles to fight against oppressive regimes and to bear grievances not covered by legal institutions and instruments.⁸³

Although it is not a document recognized by the international community, it is important to take it into account because it is an expression of the civil society and gathers most of the rights and developments of the official documents, as well as

⁷⁹ Art. 29. United Nations Declaration on the Rights of Indigenous Peoples.

⁸⁰ Moore and Tymowski, *Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture*, 12–13.

⁸¹ United Nations, "The Nagoya Protocol on Access and Benefit Sharing of Genetic Resources. 1."

⁸² In this way, it was made a list of collective rights gathered in these documents, with a different categorization than in Table 1, according to the categories of the instruments, as it will be seen in the following (See Table 2 in the Annex).

⁸³ Felice, *Taking Suffering Seriously*, 28.

formulating others based on the shortcomings of the international legislation. The whole document is about collective rights, and it is divided into seven sections or categorization of rights similar to the exposed before but with some differences. It has the following categories: Right to existence, right to political self-determination, economic rights, right to culture, right to environment and common resources and rights of minorities. It is remarkable the fact that it introduces a right related to the right to work, that is to a fair evaluation of its labor and equal and just terms in international trade. Also, it makes reference to the “legitimate interests of the community as a whole” explicitly saying that the collectivity has interests.

On the other hand, it is necessary to mention a document that is still in the form of a draft in the UN General Assembly, but it seeks to fill the gap in recognition of peasants in the individual and collective dimension since they have been ignored in the international instruments. The Declaration of the Rights of Peasants and Other People Working in Rural Areas has not been adopted yet, and it is aimed at recognizing the individual and collective rights of peasants and rural workers. The instrument gathers the rights formulated in the Nagoya Protocol and the Treaty on Genetic Resources, as well as other rights. It makes evident the growing importance of the recognition of the inequalities suffered and the struggles for their rights, which is a crucial aspect of this thesis.

The Human Rights Council (HRC) has been working on it since 2010 departing from a study made by the Advisory Committee and, in 2012 the HRC established an inter-governmental working group for the elaboration of the declaration. The participation of international peasant movements as La Via Campesina, who formulated the Declaration, was crucial for this decision, highlighting the role of the civil society and the peasant movement in the last years.⁸⁴

The draft of 2017 is a compilation of the other instruments of human rights, including the mentioned above, reaffirming and recognizing the contributions of peasants and other workers of rural areas, their relationship of attachment with natural resources and the territory, as well as the suffering from poverty, vulnerability, environmental degradation, climate change, forced displacements among others. In the same way, it recalls the right of development and self-determination of peoples.

⁸⁴ Golay, “Legal Reflections on the Rights of Peasants and Other People Working in Rural Areas.”

The article 1 establishes a definition of peasants (written already in the former section), and it is worth to highlight the given importance to the role of peasants as individuals and communities and, the relationship with the lands. Likewise, Article 2 imposes obligations on the States, and Article 3 establishes that peasants have the right to the full enjoyment individually and collectively of all human rights and freedoms.

The rights outlined in the draft can be classified into seven groups:⁸⁵ 1) Minorities; 2) Economic rights, rural development, and food sovereignty; 3) Culture; 4) Environment and natural resources, 5) Lands and Territories; 6) Peace and security; 7) Access to justice. Table 2 (in the Annex) gathers these rights, which have nine categories incorporating both documents, having the seven mentioned and two more: 1) Physical existence and; 2) Self-determination.

Having summarized the main international instruments regarding collective rights and its evolution, it is time to do the same at the national level, reviewing the Colombian law and jurisprudence.

⁸⁵ The author elaborated this categorization for the purposes of the document.

2.2 Collective Rights in Colombian Law and Jurisprudence

In an overview of the Colombian legal system, the aim is to see how the concept is used and which rights are recognized. It is necessary to review the laws and case law regarding the topic, starting with the Constitution.

The Colombian Constitution of 1991 recognizes collective rights under three of the categories mentioned before supported by the international law: self-determination, the right to environment and sovereignty over natural resources. Regarding the right to environment, it is worth to mention that the Constitution makes explicit mention to 'collective rights' in Chapter III (arts. 78-82) called "About Collective Rights and Environmental Rights"⁸⁶, establishing that every person has the right to enjoy a healthy environment and the right of the community to participate in the decisions that may affect it.⁸⁷ It is the only right that this chapter recognize. The rest of the articles impose duties on the State to protect and plan the utilization of the biodiversity, natural resources, and the environment, as well as other duties with respect to the Colombian society in general, like the protection of the integrity of public space. They are addressed mainly to the protection of the national interest.

Despite the explicit mention of the term collective rights in the title of that chapter, articles in other chapters recognize collective rights, especially when dealing with indigenous and Afro-descendant communities. For indigenous peoples, the Constitution recognizes self-determination in the form of self-government within their territories. Additionally, the indigenous reserves and areas occupied by Afro-descendant communities are declared collective properties, being collective goods and granting the sovereignty over land, territories, natural resources and its use, according to the international provisions.

In Article 88 the Constitution emphasizes the necessity of protection of collective interests and establishes class actions to that end. Rather than defining specific collective rights, it establishes the mechanisms for their protection and leaves open for the regulation of the Law. In this respect, the Law 472/1998 seeks to regulate and develop class and group actions. Accordingly, these democratic instruments are aimed at protecting collective rights and collective interests. These are related mostly to

⁸⁶ Chapter III. República de Colombia, Constitución Política de Colombia, 1991.

⁸⁷ Art. 79. Constitución Política de Colombia, 1991.

the environment, natural resources, enjoyment of public space and public goods (such as cultural heritage, public services, or security) and consumers' rights.

These rights are linked to the interests of the Colombian society as a whole rather than communities or specific groups. However, it can be said that the basis of the class and group actions is the protection of a threatened or vulnerable group of people regarding their rights. In that sense, the Constitutional Court has interpreted the Law for the defense of communities' rights, defining as a collective interest one that belongs to all members of a defined collectivity.⁸⁸

In a series of judgments, starting with the pronouncement about the constitutionality of the Law for the defense of communities' rights,⁸⁹ the Constitutional Court has had the opportunity to complement and further define collective rights. The Court highlights the idea of participative democracy and the importance of the active intervention of the community members for the defense of collective interests that can be affected by public authorities or by a particular.⁹⁰ Collective rights thus find their basis on the idea of solidarity.⁹¹

The Constitutional Court explicitly recognizes the existence of collectivities beyond the individual members. Thus, for the Court "the collective rights transcend the individual spectrum but they are not inferior to the fundamental individual rights, by contrast, collective rights are, most of the times, guarantee of the life quality of the members of a community."⁹²

It is necessary to point out that in its jurisprudence the Court makes a difference between collective and diffuse interests. The former are shared by a group of people that are in a determined judicial situation concerning a basic common good enjoyed severally and jointly.⁹³ The latter refers to a group of people that is not determined, and they are associated responding to incidental circumstances.⁹⁴ In other words, interest is diffuse when the collective or group is not organized; yet both can imply collective rights.

⁸⁸ Posada, "La Garantía Constitucional En Defensa de Derechos Colectivos," 114.

⁸⁹ Cifuentes Muñoz, Sentencia C-215/99.

⁹⁰ Also in Judgment C-630/11 (Vargas Silva): "The importance of collective rights derives from its close relation to the compliance of the constitutional goals and the survival of the communities."

⁹¹ In Judgment C-622/07 (Gil Escobar), the Court states that "collective rights are characterized by being solidarity rights, participative and non-exclusive."

⁹² Vargas Silva, Sentencia C-630/11

⁹³ Posada, "La Garantía Constitucional En Defensa de Derechos Colectivos," 112.

⁹⁴ Ibid.

The Court establishes that persons exercise collective rights for the satisfaction of common needs and taking into consideration the possibility of a collective damage, having the constitutional mechanisms for the protection and reparation. In that sense, many judgments are aimed at the protection of collective rights of ethnic communities as indigenous peoples and Afro-descendants, above all the rights to collective property, land and territory, self-determination, respect for cultural identity, prior consultation, to the security and disasters prevention⁹⁵, and so on. Another important aspect in the judgments of the Court is the protection of the right to communitarian participation in the decision-making process in topics related to the collective rights defined in the Constitution and Law, for example to the healthy environment.⁹⁶

About our topic in this paper, it must be noted that, although the Court does not explicitly mention to collective rights for peasant communities, it recognizes that the right of access to land has to do also with the right to protection of the territory.⁹⁷ According to the Court, the guarantee of both rights could contribute to the realization of life projects that are constructed under the particular modes of life and culture of peasant people. Thus, the Tribunal acknowledges that the lack of protection to the territory has an impact on the communities, noting the collective dimension and taking into consideration the link between peasants and the physical space. In the same way, the provision states that the access to the land has to do with the individual or collective entitlement through associative forms and with the legal security of the different forms of tenure.

At this point, it is imperative to mention the Law 1448/11, which seeks to establish measures for the attention, assistance and comprehensive reparation to the victims of the armed conflict. What is important to mention about this instrument is that it follows and complements what was already mentioned when recognizing the importance of collective rights and the necessity of the right of reparation for the collective damages suffered by the collectivities. In that sense, the Law establishes that the program of collective reparation will be implemented when one of the following events have taken place:

- a) Damage caused by the violation of collective rights;
- b) Violation of individual rights of the members of the collectivities;

⁹⁵ Vargas Silva, Sentencia T-235/11.

⁹⁶ Pretelt Chaljub, Sentencia T-348/12.

⁹⁷ Ortiz Delgado, Sentencia C-623/15.

c) The collective impact of the violation of individual rights.

In accordance to this, it recognizes the existence of three types of collectivities that can be subjects of reparation: Groups, social or political organizations and communities, that can be ethnic or non-ethnic (determined by a judicial, political or social recognition of the collectivity, or by reason of the culture, area or territory in which they live, or by a common purpose).⁹⁸

The instruments are more explicit in the case of collective rights and collective damages of the indigenous, Afro-descendant and Roma communities rather than regarding non-ethnic subjects as peasant communities because the former are specified in the Decree-laws following the international instruments ratified by the State and the judgments of the Colombian Courts. However, the strongest issue is the definition of the collectivities, even peasant communities, which make them right-holders entities.

⁹⁸ República de Colombia, Ley 1448 de 2011 de Víctimas y Restitución de Tierras.

3. PEASANT RESERVE ZONES IN COLOMBIA

This section aimed at describing the PRZ in Colombia as the legislation established. However, to understand the concept and how the PRZ was born, as well as their importance, it is necessary to make an overview of the social and political problems about the land in the country, which led to the creation of such a legal form.

3.1. Brief history of Colombia: The problem of the land

To start, it is important to mention three characteristics of the Colombian territorial dynamic in relation to the distribution of lands and the inequality, which affect mainly the rural areas. These features are:⁹⁹

a) Growth trend of the concentration of the land property. In 2009 the Gini coefficient of lands was of 0.86¹⁰⁰ and high levels have been constant throughout the years with little variations.¹⁰¹ In this respect, in 2002 0,4% of the owners possess 61% of the rural properties registered (most of them are properties over 500 hectares), while 97% of the owners recorded in the official system possess 24% of the properties.¹⁰² Likewise, 45% of soils are misused, especially for livestock farming in lands suitable for agriculture.¹⁰³

These are significant obstacles to the access to lands and means of production for small peasants that only have their labor force to sell to the large estates or agro-industries.

b) Violent dispossession of lands of small and medium owners executed by the agents of the big properties, like paramilitary groups. This fact produces the displacement and obeys to the dynamic of control of the territories due to their military or political importance, as well as the administration of the natural resources.¹⁰⁴

c) The above characteristics produce a large internal migration of peasants: to cities, where they are added to the informal economy, to colonizations inside and outside the agricultural frontier, to the extractive industries and the lowest links of the

⁹⁹ Fajardo Montaña, *Para Sembrar La Paz, Hay Que Aflojar La Tierra*, 59.

¹⁰⁰ PNUD, *Colombia Rural*, 85.

¹⁰¹ “Atlas de La Distribución de La Propiedad Rural En Colombia,” 71.

¹⁰² *Ibid.*, 69–70.

¹⁰³ Fajardo Montaña, *Para Sembrar La Paz, Hay Que Aflojar La Tierra*, 28.

¹⁰⁴ *Ibid.*, 66.

drug trafficking chain. This, because the other sectors of the economy are not capable of absorbing this expelled population.¹⁰⁵

Additionally, the attempts of agrarian reform have been aimed at keeping the *statu quo* in the ownership of the lands, whereas they promote the colonization and the expansion of the agricultural frontier at the expense of the forest reserves, prioritizing the title of the wastelands, restricting the distribution inside the border and generating a big amount of population with smallholdings or landless peasants.¹⁰⁶ All these factors reproduce the existing conflicts in the territories, the trend to drug trafficking and armed insurgency.

All those characteristics are the result of the historical development that begins from the Colonization period; external markets determined the colonial division of the territory according to the demand of resources as silver or gold, which have conditioned patterns of land concentration and the expansion of the agricultural frontier.¹⁰⁷ The appropriation of the national territories is the result of the colonial Spanish administration policies and the concessions to dominant groups made by the Republican state in the nineteenth century.¹⁰⁸

These circumstances have had some consequences, fostering conflicts with peasants and *colonos*¹⁰⁹ and strengthening the domination of the large estate, causing low capacity of the State of appreciation and controlling the territories, as well as the exclusion of the small peasants to the access to land.¹¹⁰ At this point, it is worth to mention that the concentration of the rural property has occurred with major impact in territories with the best agricultural potential. This event, by opposition to other territories characterized by high levels of biodiversity, whose soils are not proper for agricultural activities, but useful for people expelled from the inside of the agricultural frontier. This is the cause of conflicts, marginalization, poverty and environmental degradation.¹¹¹ All the mentioned is reinforced by the legal tradition of agrarian reforms,

¹⁰⁵ Ibid., 26.

¹⁰⁶ Ibid., 53.

¹⁰⁷ Ibid., 38.

¹⁰⁸ Ibid., 39.

¹⁰⁹ Term to refer to the population (occupiers *de facto*) that carried out the process of *colonization*, which is the occupation of the territories with new forms of settlements. These are processes within a period in which some activities are developed for the subsistence of a human collectivity. (See Ibid., 44.) It is made a difference between *colonos* and peasants for the nature of the migration dynamic. However, *colonos* are considered as peasants, according to the definition.

¹¹⁰ Ibid.

¹¹¹ Fajardo Montaña, *Para Sembrar La Paz, Hay Que Aflojar La Tierra*, 40.

whose execution has been limited and, a comprehensive reform has never been completed.

Between the last years of the 40's and the 50's, took place the period called 'La Violencia,' characterized by the confrontation among the two traditional political parties and the extent of the violence along the national territory, which left many displaced peasants to the agricultural frontiers. During this time, mobilizations for the vindication of the land were carried out. However, the fear of the expansion of the left wing and the consequent oppression to social movements partly due to the stigmatization as 'comunistas' or 'guerrilleros' were predominant, with the influence of the United States to avoid the expansion of socialism.¹¹²

Then, the larger political parties made a peace agreement between them, which resulted in the called 'Frente Nacional' (1958-1974), which consists of taking turns to govern, restraining other political expressions. In this context, some attempts were made for agrarian reform, in particular for the modernization of the big properties and creation of peasant organizations.¹¹³

Nevertheless, all the efforts for the agrarian reform were truncated under the presidency of Misael Pastrana (1970-1974), whose plan prioritized the capitalist modernization of the production in rural areas. This policy led to a process of proletarianization of the peasant and its treatment as rural worker without taking into account the historical and big disadvantages they had.¹¹⁴ Besides, the agreement named 'Pacto de Chicoral' in 1973, (made between the government, the political parties, and the landowners) was the declining point for a better distribution of the property. It established some legal and political obstacles for the acquisition of lands required to make effective the reform, at the same time that the Government continued the legalization of wastelands and the provision of large extensions of land to private powerful institutions and persons, as well as the strong oppression to social movements and peasant organizations. This is partly due to the great powers that some sectors like the landowners, traditional political families and the trade unions of the agrarian sector have.¹¹⁵

¹¹² Fajardo Montaña, "Colombia," 147–48.

¹¹³ Fajardo Montaña, *Para Sembrar La Paz, Hay Que Aflojar La Tierra*, 102.

¹¹⁴ CNMH, *Tierras Y Conflictos Rurales. Historia, Políticas Agrarias Y Protagonistas*, 175.

¹¹⁵ *Ibid.*, 176.

Following the norms, as Law 35 of 1982 and Law 30 of 1988, established agrarian policies throughout the market reinforcing the neoliberal policies reducing the participation of the State in the redistribution of the land. The norms and policies tended to foster the colonization and the expansion of the agricultural frontiers where the prices of the land and labor force are lower, creating good conditions for drug trafficking and illicit crops.¹¹⁶ New actors like drug cartels and paramilitary groups emerged, which widespread the conflict to the whole national territory and the cocaine market gained force.

Moreover, many of the resources obtained via drug trafficking were legalized in agro-industry companies, which also bought lands to small and medium producers in peasant communities through pressures,¹¹⁷ helped by paramilitary groups promoting displacements and dispossession in many cases. Between 1985 and 1999, over 1.800.000 people were forcibly displaced, in most of the cases from the countryside to marginalized urban areas,¹¹⁸ feeding the poverty, the social problems and the concentration of the agricultural property.

In this context, the Constitution of 1991 was proclaimed, and the liberal government of Cesar Gaviria (1990-1994) consolidated the neoliberal policies and its subsequent economic opening that left without protection the already weak peasant economy and the national production. Accordingly, the cost structure of the means of production and the consequences of the war (as displacement) were factors that produced a profound change in the configuration of the agriculture with some effects: the lack of employment, the mentioned dramatic expansion of the agricultural frontier (with irreversible consequences for the environment) and the perpetuation of the misuse of soils.¹¹⁹

3.2. Dynamics and responses of the peasantry: Background of the PRZ

So far we have talked about the problems and their causes but not about the people and their responses to that. The peasantry in Colombia has been very active and reactive to the policies and has forwarded their demands. However, they have been ignored most of the times. Finding examples of struggle and resistance is possible.

¹¹⁶ Fajardo Montaña, "Colombia," 148–49.

¹¹⁷ *Ibid.*, 149.

¹¹⁸ Fajardo Montaña, *Para Sembrar La Paz, Hay Que Aflojar La Tierra*, 63–64.

¹¹⁹ *Ibid.*, 26.

In colonial times, were consolidated the 'Rochelas' in the Caribbean Coast that was people's settlement (mixing mestizos, Afro-descendent, indigenous and poor white people), who avoided the social control exercised by colonial authorities and the hegemonic territorial planning. These forms of resistance were located in the riversides or in the borders of the big farms where they were the labor force.¹²⁰

At the beginning of the twentieth century, when was created the Republic of Colombia, those settlements regained force. At that time, peasants were already claiming for their rights over the wastelands they had been working. These conflicts led to the proclamation of the decree 1110 in 1928 addressed to the creation of agricultural colonies and the provision with lands to peasants, which gave a legal basis for the settlements and was very important for the peasant political culture and class-consciousness.¹²¹ Likewise, some years later peasant communities in the Caribbean Coast created what they called 'baluartes campesinos', settlements for protection and resistance, mainly located at the borders of big cattle farms. In these territories were developed some communitarian practices of education and organization processes.¹²² However, those experiences were abolished during 'La Violencia'.

This period left an enormous amount of displaced and dispossessed people from rural areas¹²³ that migrated to cities or zones of colonization without any means of survival. This fact led, to a kind of settlements in some areas for the peasant self-defense,¹²⁴ as a resistance tool. Notwithstanding, the State oppressed them in the 60's arguing that they wanted to be "independent republics" that threatened the national security. This event is considered a big incentive for the creation of the armed insurgency and the formation of peasant guerrillas. In the same form, the establishment of the 'Frente Nacional' generated many problems because of the repression and was another incentive for the creation of insurgent groups.

From 1980, the issue of displacement gained another dimension because it affected vast masses of people and communities, marking the beginning of the current

¹²⁰ Ocampo, "Reseña de 'Ordenar Para Controlar. Ordenamiento Espacial Y Control Político En Las Llanuras Del Caribe Y En Los Andes Centrales Neogranadinos. Siglo XVIII' de Marta Herrera Ángel," 204.

¹²¹ Fajardo Montaña, "Experiencias y Perspectivas de las Zonas de Reserva Campesina," 40.

¹²² Ibid., 41.

¹²³ CNMH, *Una Nación Desplazada. Informe Nacional de Desplazamiento Forzado en Colombia*, 41.

¹²⁴ Fajardo Montaña, *Para Sembrar La Paz, Hay Que Aflojar La Tierra*, 77.

dynamic.¹²⁵ Today the official register¹²⁶ counts 7.175.181 victims of displacement and 5.187 victims of abandonment or dispossession, since 1985.¹²⁷ In the same year, an economic crisis began in territories with coca plantations due to the oversupply.

This event revealed the social conditions and poverty of the communities living there. In 1987 there were many mobilizations of peasants, especially “*cocaleros*”¹²⁸ from the Guaviare, claiming for responses by the State to the lack of social investment, corruption and marginalization in their regions. They also had specific demands about the entitlement of lands they had been working, new borders for the natural parks and some asked for titling of medium extensions with the compromise of preserving the forests and natural resources. The government and the *cocaleros* made an agreement, but it did not comply.¹²⁹

The new Constitution was proclaimed but with a lack of the conceptualization of peasant and peasantry and it does not recognize their rights over lands and territories. However, in 1994 the Law 160¹³⁰ included some of the mentioned demands made by the peasants and gathering some experiences of peasant organization, creating the legal concept of PRZ. This is another form of resistance as the *rochelas* or the *baluartes*, claiming for their rights.

It is worth to mention that the Law, about the PRZ, was not regulated nor executed until 1996 when there was another massive mobilization of peasants motivated by the economic crisis and the environmental degradation. Likewise, they were asking for solutions to compensate the losses, as well as claiming for the agreements and the promises made by the government.

3.3. Peasant Reserve Zones

¹²⁵ Corte Constitucional, Sentencia T-025/2004.

¹²⁶ The register is underrated because the State started the registration in the middle of the 90's. (See CNMH, *Una Nación Desplazada. Informe Nacional de Desplazamiento Forzado en Colombia*, 56.)

¹²⁷ “Registro Único de Víctimas (RUV) | RNI - Red Nacional de Información.” Accessed on May 25th 2017.

¹²⁸ Coca growers.

¹²⁹ Fajardo Montaña, *Para Sembrar La Paz, Hay Que Aflojar La Tierra*, 80.

¹³⁰ It is important to note that the law, in general terms have elements of neoliberalism and redistribution of lands via market, limiting the role of the State, who shall provide with subsidies to peasants for the purchase of land, without bearing in mind the disadvantages of the landless people before the big landowners.

The law 160 of 1994 in its article 1 establishes as a duty of the State the promotion to the access to the property of land for rural workers¹³¹, to improve the incomes and the life quality of the peasant population. In that sense, the paragraph nine states that one of the goals is to regulate the wastelands, prioritizing the adjudication to poor farmers, as well as the creation of the PRZ to foster the small rural property, according to the protection of the environment and the natural resources.¹³²

In that sense, the Chapter XIII (art. 79) emphasizes the need to regulate the areas where the wastelands are predominant, with the aim to remedy or avoid the inequality in the concentration of the rural property. This provision creates the conditions for the consolidation and development of the *colonos* economy, fostering their transformation in medium-sized entrepreneurs. Also, the article 81 states that the zones of colonization and the areas where the wastelands are predominant are PRZ.

The Law states to comply with those objectives:

“PEASANT RESERVE ZONES are the geographical zones selected by the Directive Board of the INCORA,¹³³ taking into consideration the agroecological and socioeconomic characteristics of the regions. In the own regulations, it will be indicated the minimum and maximum extensions that would be possible to adjudicate measured in family agricultural units [...]. In the PRZ, the State action will have into account, in addition to the mentioned guiding principles, the rules and criteria for environmental territorial planning, the effectiveness of the social, economic and cultural rights of peasants and, their participation in the regional instances of planning and decision-making, and the characteristics of the forms of production. To regulate the maximum areas of property that any legal or natural person can have, or in common and ‘proindiviso’, in the PEASANT RESERVE ZONES that will be established, the Institute will proceed through [...] expropriation, the surfaces that exceed the limits allowed.”¹³⁴

For the regulation of this structure, the Decree 1777 of 1996 was issued, which states that the PRZ have as goals the stabilization of the peasant economy, the overcoming of the causes of social conflicts and the creation of conditions to the achievement of peace and social justice. It establishes seven objectives:¹³⁵

1. To control the improper expansion of the agricultural frontier.

¹³¹ Colombian legislation uses the concept of rural worker instead of peasant, ignoring the relationship with the land and territories. See Arias-Pérez and Diazgranados-Quimbaya, “Acercamiento Conceptual Y Análisis Del Tratamiento Histórico, Normativo Y Jurisprudencial de Los Trabajadores Rurales, a Propósito de La Necesidad de Una Especial Protección.”

¹³² Art. 1, Para. 9. Ley 160 de 1994.

¹³³ Then, INCODER (Instituto de Desarrollo Rural) and currently Lands Agency.

¹³⁴ Art. 79. República de Colombia, Ley 160 de 1994.

¹³⁵ Art. 2. Decreto 1777 de 1996.

2. To avoid and remedy the phenomena of concentration or, fragmentation of the rural property.
3. To create the conditions for the adequate consolidation and sustainable development of the peasant and *colonos* economy in the respective areas.
4. To regulate the occupation and use of the wastelands, prioritizing their adjudication to peasants and *colonos* with limited resources.
5. To create and build a comprehensive proposal of sustainable human development, of territorial planning and political management.
6. To facilitate the execution of rural development policies.
7. To strength the spaces of social, political, environmental and cultural dialogue between the State and **rural communities**,¹³⁶ guarantying proper participation in the planning and decision-making instances, at local and regional levels.

This decree stresses the importance of participation of rural communities and the dialogue to set up the institutional actions and the process of identification, designing and funding of plans and programs for the development of the PRZ.

Furthermore, the directive board of the INCORA established the general criteria and process to select and determine the PRZ¹³⁷ It states as objectives the mentioned in the decree and the following:

1. The protection of the environment and the renewable natural resources.
2. The strengthening of the bodies of agrarian reform and rural development in the respective departments and municipalities, as well as the representative organizations of *colonos* and peasants, to guarantee their participation in the planning and decision-making instances, as well as the effectiveness of their social, economic and cultural rights.
3. The support of the National System of Agrarian Reform and Rural Development, of the Environmental National System and other public and private bodies, for the formulation, funding, and execution of the Sustainable Development Plans and other activities, investigations, programs, and projects that should be developed in the PRZ.

¹³⁶ Emphasis added.

¹³⁷ INCORA, "Acuerdo No. 024 de 1996."

According to these norms, the PRZ's part of the mentioned national systems. On the one hand, they belong to the National System of Agrarian Reform (SAARD), as zones of transition from the marginal peasant life to an integrated and competitive peasant economy and as proposals for building capacities of communities and organizations. On the other hand, as part of the Environmental National System (ENS), the PRZ's play a role in the preservation of natural parks and reserves, because they are located in the agricultural frontier and buffering areas. Thus, PRZ's are "areas of special management" owing to their importance in the preservation of the natural heritage.¹³⁸

Moreover, the norm establishes that the request for constitution of PRZ could be submitted by:

- The representatives and organizations, expressing the interests of peasants and *colonos*.
- The official entities that are part of the SAARD and ENS.
- The governors and majors.
- The Committees of Rural Development and the Municipal Council of Rural Development.¹³⁹

The demand should contain some information about the social, ecological and geographical characteristics of the area, but also the features of the community or communities located there. Likewise, it should mention the commitments assumed by the communities and entities, established in a participative process.

For the consolidation of a PRZ it is necessary the formulation of the Sustainable Development Plan (SDP) that must be done by the Municipal Council along with the organizations and communities, then it is required an internal process in the national entity and the call for public audience to approve and legalize the PRZ. Thus, the communities with intentions of creation and constitution of a PRZ should achieve the collective will of the interested people and its articulation with the institutions.¹⁴⁰

In this framework, it is necessary to mention the Decree Law 902, recent provision issued by the government in May 2017 regulating and adopting measures for

¹³⁸ Ministerio de Agricultura y Desarrollo Rural and Banco Mundial, *Marco Normativo de Las Zonas de Reserva Campesina*, 13–14.

¹³⁹ They are instances of participation at the local level.

¹⁴⁰ Ministerio de Agricultura y Desarrollo Rural and Banco Mundial, *Marco Normativo de Las Zonas de Reserva Campesina*, 18.

the implementation of the peace agreements between the national government and the guerrilla of FARC. The PRZ has been a topic during the negotiations and they are included in the final agreement, subject that will be addressed later on. In this part, it is worth to mention that the decree brings new elements and establishes that:

*"The Peasant Reserve Zone is an instrument of social planning of the rural property, which fosters and stabilizes the peasant economy, tend to improve the causes that generated the social conflicts, as well as to the contribution to the closing of the agricultural frontier. For this reason, the Peasant Reserve Zone contributes to comply the objectives of the Comprehensive Rural Reform and, in that sense, this decree law includes them as areas to prioritize in the access and entitlement to lands."*¹⁴¹

The same decree opens the possibility to collective property, which was restricted before for peasants and, it states that the peasant organizations could submit a request for the adjudication of lands in common and *'proindiviso'* in favor of various persons or families. In the same form, the norm establishes that the PRZ have priority for the structuring of the rural property, and it also gives more tools for the communal participation about the topic. This decree represents a change in the discourse.

It is important to say that the PRZ couldn't be limited to its legal definition because it implies another kind of elements that can be gathered from a sociological point of view. In that sense, it is worth to bring definitions of PRZ according to the experience and researches made by experts on the topic. For example, Darío Fajardo mentions that they are "[t]erritorialized communities in geographical areas of variable length, corresponding to some *'veredas'* or *'trochas'* from one or more municipalities. They are organized as of the entitlement of lands to *'colonos'* in areas measured in the regional family agricultural unit, established by the INCORA, to formulate or sustainable strength projects in environmental and economic terms."¹⁴²

In the same way, the PRZ can be defined as "a historical experience of social production of the territory, in which the peasant communities organized or in the process of organization, departing from their own experiences and history, conjugate demands for the access to the land with the defense of the territory, the economic production and food supply. These are non-destructive interactions with the

¹⁴¹ Presidencia de la República, Decreto Ley 902 de 2017, 10.

¹⁴² Fajardo Montaña, *Para Sembrar La Paz, Hay Que Aflojar La Tierra*, 82.

environment, democratic forms of social and economic self-regulation and, aspirations of peace building with social justice."¹⁴³

These definitions show the relationship between the PRZ and the territoriality, issue that will be dealt with in the next chapter with the characterization of one of the six PRZ officially recognized by the State, which constitutes our case study.

¹⁴³ Estrada Alvarez, *Territorios Campesinos*, 27.

4. PEASANT RESERVE ZONE OF CIMITARRA RIVER VALLEY

4.1. Peasant Reserve Zone of Cimitarra River Valley: History and characteristics

The PRZ of Cimitarra River Valley is located in one part of the region of Magdalena Medio, valley of the Magdalena River (one of the most important rivers in Colombia). The Resolution 028 of 2002 created it, and it assigned 184.000 hectares of 4 municipalities in two departments: Yondó, Remedios (Antioquia), Cantagallo and San Pablo (Bolívar), including 134 *veredas*¹⁴⁴. It has 35.810 inhabitants, 4.500 families, and 4.279 family agricultural units.

The zone is located on the eastern side of the Central Mountain Range of The Andes, reason why there are many swamps, forest areas without intervention and secondary forest zones with intervention for the establishments of crops and pastures. The Cimitarra River is the heart of the area, which is fed by other rivers as well as it feeds the Magdalena River. As a consequence, there is an enormous diversity of ecosystems that guarantee the existence of many vegetal and animal species.¹⁴⁵

Colonization process marks the history of the Cimitarra Valley, even today. During the period of ‘La Violencia’ many peasants from different departments were expelled from their lands migrating to this region inside the forest settling down outside the agricultural frontier, as a specific example of the processes outlined before. Within the territory, there was presence of the oil company Shell that controlled and limited the access to lands for the *colonos* and peasants. Between the 50's and 60's, these people used to work for the corporation while working the lands at the same time, struggling for their recognition and possession. Hence, Shell decided to transfer some of the lands to the INCORA.

However, in this period the region was shelter for different armed groups, feeding the internal conflict, causing forced displacement of peasants and establishment of illegal crops and business. Then, in the 70's and 80's the military operatives against the guerrilla movements and the drug trafficking led to a repressive response by the armed forces and paramilitary groups. This action caused the criminalization and

¹⁴⁴ Territorial administrative division of the municipalities in Colombia. A vereda is a kind of rural neighborhood with some private properties and other forms of tenure. Each one has its own Communitarian Action Board.

¹⁴⁵ ACVC and Humanidad Vigente, “La Zona de Reserva Campesina Del Valle Del Río Cimitarra,” 17.

prosecution of the social movement for the lands, the organizations of peasants and the *colonos* settled in the former Shell's lands and causing more displacements.¹⁴⁶

Communitarian organizations of peasants have led the claims for the lands and the respect of human right playing a crucial role. In each vereda was created a Communitarian Action Board (CAB) and in 1996 the Peasant Association of the Cimitarra River Valley (PACRV) was formed; it is the representative of the peasant communities through the 120 CAB's, cooperatives and committees that are associated, for the defense of lands and human rights.¹⁴⁷

The organizations seek the economic and social stabilization of the communities, reason why they have carried out some communitarian productive projects that have been objects of repression by the armed forces. For example, in 1985 the peasants from one of the *veredas* created a communitarian store in the form of a cooperative society. It had legal identity, which was useful for the transportation of merchandise and supply to the region with some legal guarantees. This gave some power to the peasants before the military forces who used to confiscate the merchandise. The cooperative had a significant amount of members and gained strength over the years. However, in 1989 the army attacked the main building, arguing that it was a guerrilla basement. The cooperative started to have economic losses and, according to the PACRV, in 1993 the Army and paramilitary groups entered to one of the buildings, burned it and tortured and raped the administrator. Afterward, the members decided to close the cooperative. In 1999 it was re-opened by the PACRV.¹⁴⁸ The confrontation between armed forces has been a constant in the region, causing many displaced and dispossessed people. In 1996 the peasants' communities from Yondó, Cantagallo and Remedios decided to organize a mobilization to the city of Barrancabermeja (adding them to the demonstrations in different parts of the country that led to the creation of three PRZ) and stayed there until the achievement of negotiations with the local government. The mobilization responded to the violence, the economic and social situation and the abandonment by the State, which is the local expression of the crisis mentioned in the former section. They reached some agreements about the guarantee of peace and security and a plan of agricultural development in benefit of the peasant communities, whose members are small farmers.

¹⁴⁶ ACVC, "Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra," 8–9.

¹⁴⁷ ACVC, "¿Qué Es La ACVC?"

¹⁴⁸ ACVC, "Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra," 12–13.

According to the PACRV these agreements were not complied and added to that, in December paramilitary groups perpetrated a massacre in the zone of Ité, in which many peasants were killed, houses were burned and the cooperative was destroyed.¹⁴⁹

In 1998 took place a new wave of displacement due to the incursion of paramilitary groups, as well as military operations. These displaced peasants, especially from Yondó, Cantagallo and Remedios, once again mobilized to Barrancabermeja to ask the government for protection of their lives. The parties made some agreements, but they did not comply.

Within this context, in 1998 the PACRV assumed the task of creation and implementation of one PRZ as a legal form that could solve some of the social and economic problems. After gathering all the requirements, the PACRV submitted the request to the Government for the creation of the PRZ formally. Likewise, the peasants formulated the SDP, and in 2001 the public audience and the geographical delimitation took place.

This process is the demonstration of high levels of organization. It is the result of peasant's initiative motivated by their shared interests about the access to lands, development of the peasant economy, better living conditions, resistance to limit the power of actors like corporations and armed groups, the need for the presence of the State in the territory to bring security and basic needs, as well as the protection of the already damaged environment of the region, among others. The SDP reflected these issues and included the commitments undertaken by the communities related in particular to the preservation of the natural resources, defense and protection of human rights and sustainable agricultural projects and the role of the State.

Thus, in 2002 the INCORA issued the resolution for the formal recognition of the PRZ. Nevertheless, in 2003 the recently elected national government decided to suspend it without explanation to the communities. Some researchers argue that the PRZ was an obstacle for the development of significant projects for mining activity and palm oil plantations, reflecting the power and pressures exercised by large economic and political forces, but also the way of planning and conceiving the rural areas by the government of Álvaro Uribe (2002-2010).¹⁵⁰

¹⁴⁹ Ibid., 14.

¹⁵⁰ Molina Portuquez, "The Cimitarra River Valley Rural Reserve Zone," 22.

This issue had many consequences related to the several and severe environmental impacts caused by the exploitation of natural resources on a big scale by transnational corporations during this period, added to the ones made by wood companies in the 70's and 80's; in 1984 they left the valley but some regions were highly deforested. In addition to that, in some areas, the principal economic activity of the people is the wood exploitation or coca crops, which leads to more deforestation and expansion of the agricultural frontier without any control. Likewise, mining activity and the illicit cultivations have caused contamination from cyanide and mercury used for gold extraction and glyphosate utilized for the fumigation of coca plantations. River basins and water sources have suffered severe damages as sedimentation and the expansion of the Cimitarra River with constant floods as one of the consequences. Hence, the mentioned activities have contributed to the depletion of natural resources with impact in vegetal and animal species.¹⁵¹

Other consequences were the dramatic increase in forced displacement in the region, the killings of leaders of the communities and members of the PACRV, as well as arbitrary detentions, which is the result of the stigmatization of peasants as guerrilleros.¹⁵² This coincides with the establishment of national and multinational corporations with the mentioned aims. In this sense, in 2003 and 2008 the communities had to mobilize again claiming for solutions to the same problems that were exacerbated by the strengthening of paramilitary groups and the intensification of the violence, but also they were claiming for the re-establishment of the PRZ. The communities tried to make some agreements with the Government in different moments for that purpose, but it was only until 2011 that the PRZ was restarted,¹⁵³ which coincides with the change in the presidency. Nowadays the PRZ is active.

Social and economic characteristics

The SDP of this PRZ has a complete diagnosis of the social and economic situation of the territory at the time of the request.¹⁵⁴ About the structure of land property, it is important to mention that the area had prevalence of wastelands, as the law requires,

¹⁵¹ Quoted in *ibid.*, 30.

¹⁵² VerdadAbierta.com, "Puerto Matilde: la vida en una zona de reserva campesina."

¹⁵³ González Posso, "Zonas de Reserva y Comunidades Campesinas," 1.

¹⁵⁴ It is important to mention that this document and the information were mainly elaborated by the PACRV, although it was approved by the INCORA, official entity in the moment of formulation.

and many of them have been occupied by the *colonos*. This fact was problematic due to the legal obstacles for the entitlement of the lands and the levels of concentration: at the time of elaboration of the plan, 90% of the occupied lands did not have the title, neither the required documents to demonstrate the possession, the time of permanence or the work over the land. Additionally, the dispossession and forced abandonment of lands after the periods of displacements have triggered more difficulties in the access, demonstration and entitlement. This facilitated the concentration: 38% of the area had properties with more than 200 hectares.¹⁵⁵

The area had had no process of territorial planning. Thus the State did not take into account the people living there and their conditions or relation with the territory. The communities had to organize themselves and the PACRV led the occupation processes; they determined the settlement places of new *colonos*, established the limits of occupied areas and ruled about the use of the territory from a sustainable perspective.¹⁵⁶

Furthermore, the situation of poverty and social need was -and still is- evident. The basic needs and services were not covered; not all the *veredas* had access to the water and sewer system, nor to electricity that was just for some of them near to the urban areas. In the same way, concerning the health care system, in the countryside health centers do not exist and the conditions of the routes that connect with urban areas make the access more difficult. Likewise, the lack of infrastructure is a problem in general terms: roads, schools, basic sanitation and productive infrastructure are highly inefficient.¹⁵⁷

The SDP was designed with all these problems in mind and it mentioned the causes and the problems but also possible solutions. The document establishes that the PRZ has a participative and self-management approach and it formulated seven programs for the development reflecting the social challenges and needs:¹⁵⁸

- i. Agricultural and forest development: Sustainable productive projects in environmental, economic and social terms.

¹⁵⁵ ACVC, “Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra,” 97.

¹⁵⁶ *Ibid.*, 25.

¹⁵⁷ *Ibid.*, 45–47.

¹⁵⁸ Pinto, “Exigencias Del Campesinado Del Valle Del Río Cimitarra Al Estado.”

- ii. Essential infrastructure provision: It pretends to promote the public investment in the region, especially about housing and basic sanitation, electrification of the rural areas and road infrastructure.
- iii. Services provision: To satisfy the unsatisfied basic needs of the population, especially health care and education.
- iv. Redistribution and entitlement of lands: PRZ as instrument of territorial planning.
- v. Environmental restoration and protection: Decontamination of water sources and protection of forests.
- vi. Program for circulation of information, monitoring and control: Provides with toll for the implementation and evaluation of the PRZ, as a communitarian radio station.
- vii. Strengthening of the organizations and protection of human rights: Provides tools to deal with the crisis in the region.

During the suspension time of the PRZ, the communities continued with these programs and projects despite the obstacles mentioned, mainly the projects about food security, housing improvement and human rights. However, the situation of abandonment and violence continued, as evidenced by the concentration of the rural property, violent dispossession, internal migration, poverty, social and economic inequality, environmental degradation, lack of control in the agricultural frontier, and so on. It is important to highlight that the communities and organizations have struggled for the defense of their rights and several times they have asked for protection and more presence of the State and not less in the territory; the PRZ is a demonstration and a result of this struggle.

4.2. Collectivities within the Peasant Reserve Zone

At this point, the conceptual framework about collective rights and collectivities has been exposed, as well as the Colombian and the PRZ context. Before continuing with the analysis about collective rights in the PRZ, it is necessary to define the collectivities that could hold rights. Three kinds of collectivities concerning the PRZ have been identified, according to what was mentioned in section 1.2 and taking into account the Colombian history: The peasantry in Colombia and the peasant communities within the

PRZ, which include the peasant organizations emerged from there, as it will be developed in this section.

4.2.1. Peasantry in Colombia

Colombian history has brought about the peasantry as a political, economic, social and cultural subject. The peasants have characteristics in common and have carried out some struggles on the ground of some collective interests, which make them a particular collectivity. Even if the Colombian peasantry is a heterogeneous and territorialized subject in response to the particularities of each region, it is possible and necessary to see the features of the peasants as a collectivity at the national level. This subject has a set of interests that are materialized at the local level, in this case in the PRZ of Cimitarra Valley.

The peasantry is the result of Colombian history. Its cultural identity is configured by its relationship with the lands, territories, and forms of production, but also by the violation of human rights, the abandonment and invisibility that peasants have suffered, the victimization since colonial times by different actors and the unequal distribution of lands. The resistance to these “common sources of suffering” and the struggle for the land are crucial elements in the peasantry identity as a collectivity.

In this sense, all those elements ground the collective interests and form a sense of community in Weber’s perspective: members of the collectivity are interested in the well-being of the others and integrate their interests, desires and purposes, forming solidarity links. The communities have had to organize themselves around that to ask for guarantees and responses to their claims by the State; this can be seen in the discourse of the peasant movement in Colombia and their aims.

Here it is important to highlight what was mentioned before in the Colombian context: on the one hand that the legal system has the concept of rural worker instead of peasant, denying the relationship with the territory and ignoring their role as political and social actors. On the other hand, the Colombian legal system does not recognize the peasantry as collective subject of rights. Nevertheless, it can be said that the awareness of the existence of peasants with their dimensions, has increased in the last years, due to the vast peasant movement in the national and international levels. Hence, since 2004,

the Constitutional Court¹⁵⁹ has taken into account their particular vulnerability and the disproportionate impact of the armed conflict on peasants, responding to the scale of the effects and consequences in the rural areas. Even though this is an advancement, ‘peasant population’ and ‘rural workers’ are still spoken of as individuals living in the countryside, and this shows that the need for legal recognition as actors and collectivities. However, the Court has recently recognized the peasantry as a cultural subject.

Thus, we can notice what Jovanović argues about groups proper: the definition of peasantry as a collectivity does not depend on the will of the public authorities; the legal system does not recognize the subject but it exists *de facto* and it has collective interests that ground collective rights. Moreover, those rights are acquired to preserve its existence, coinciding with the statements of the Constitutional Court that considers collective rights related to the survival of the communities.

In this sense, the notion of peasantry can be found in the different documents elaborated by the peasant organizations and in the academic works about the issue of the land in Colombia. About the PRZ’s there is one national organization created for the implementation of the public policy, to foster the creation of new zones and to strengthen the already existent: the National Association of Peasant Reserve Zones (NAPRZ). It is the intermediary between the State’s institutions and the representative peasant organizations in the territories;¹⁶⁰ in this sense, it gathers and represents the interests of the communities, which is concretized in the concept of peasantry.

The NAPRZ addresses its publications to the Colombian ‘peasantry,’ always linking it with the identity and the territory. They include the peasant identity within the concept of territory, which is considered as: "A space of consciousness of rights and peasant identity; this is where we live, we work, we cultivate, we live together in our place [...]; in other words, it is an interrelation between the social, cultural, economic and political dimensions of the communities".¹⁶¹ Likewise, they consider the struggle for the territories and lands, the agrarian reform, the food sovereignty, the need for recognition, the peace and social justice as elements for the unity of the peasantry. The implementation of the PRZ’s is seen as an interest itself since it represents the opportunity to materialize those common interests.

¹⁵⁹ Corte Constitucional, Sentencia T-025/2004.

¹⁶⁰ 78 organizations are part of NAPRZ, among which is the PACRV.

¹⁶¹ ANZORC, “Cartilla Zonas de Reserva Campesina,” 34.

It can be said that the peasantry is constructed through the social movement, which vindicates the participation of the peasants as social and political subjects in defense of their individual and collective rights; the movement has its basis in the struggle for the territory. Besides, they see the PRZ as the space built by the communities, where peasants can develop themselves as political and social subjects.¹⁶² Likewise, the communitarian dimension is always present in the discourse of the NAPRZ; the main elements present are the form of organization and work, the link between the members of the peasantry and the common interests and sources of suffering.

Furthermore, all the claims and the unity of the peasantry was evident in 2013 when communities from all over the country stopped their activities and mobilized to large cities to protest but also to make proposals to face the crisis in the sector and to reform the agrarian problem. As a result, a space of participation called "Agrarian, Ethnic and Popular Summit" was created, integrated by indigenous, Afro-descendent and peasant communities, to gather their claims and proposals and establish a dialogue with the government.

Bearing this in mind, the Colombian peasantry is a collective subject with the three features as collectivities:

a) It has specific characteristics that allow the members to identify themselves as part of the group. The territory with the social relations, the relationship with the land and resources, the peasant economy and the forms of production, are all elements that configure the symbols, cultural practices and traditions. Those elements are the axis of the shared features, which are collective goods. Furthermore, in the discourse of the movement the defense of territory and the struggles carried for many years, reinforce the identity and the links between the members, who share the same characteristics, but also the same interests, for example: Respect for their individual and collective rights, access to the lands, preservation of the natural resources, autonomy, security, better and decent living conditions, comprehensive agrarian reform, among others through which it is possible to reach the main goals that are peace and social justice.¹⁶³

b) There is a clear will of preserving the common identity. The peasant movement itself, all developments, proposals and documents reflect that will. The claim

¹⁶² Barbosa, "Imaginario colectivo de las zonas de reserva campesina como iniciativa de paz," 73.

¹⁶³ Barbosa, "Imaginario colectivo de las zonas de reserva campesina como iniciativa de paz."

for the PRZ is an expression of that will: preserving the existence of the collectivity through the protection of the territory and, thus, protecting their identity, which includes the economy and forms of production linked to the social reproduction of culture, traditions and customs.

c) The peasantry is clearly in a disadvantageous situation. They have been ignored by the State and have been victims of structural problems and the armed conflict.

To resume, the mentioned collective goods bound the interests that shared by the members of the peasantry and the PRZ's are the expression and materialization of it. The members of the group recognize those goods for the entitlement, production and enjoyment, bringing back the statements made by Green. In the same way, gathering what is established by the Constitutional Court, the peasantry has collective interests since peasants are organized, and they seek to enjoy those goods severally and jointly, this can imply collective rights and impose duties over others actors, especially the State.

4.2.2. Peasant communities within the PRZ of Cimitarra Valley

The territory is where the peasantry develops itself, as a collective territorial subject that has modes of life and relations with others. This takes form within the PRZ, which at the same time is an expression of resistance and struggle of the peasantry from the national level and local level. However, the initiative emerged in the territories and accomplished the need to organize and participate at the national level; the interaction between both levels is constant. In other words, the peasant communities are the expression of the peasantry and the entities that manage their collective interests in the territory; thus, the PRZ are organized peasant communities.¹⁶⁴

Specifically, in the PRZ of Cimitarra Valley, the peasant communities in the *veredas* have their forms of expression, their friends and family ties, their practices and customs. For them, the PRZ is the result of the organization process of rural communities from San Pablo, Remedios Yondó and Cantagallo, which is evident in the creation of the peasant organizations, especially the PACRV.

Hence, within the PRZ one can find the rural communities and peasant organizations in the territory as collectivities and subjects of rights. Since the

¹⁶⁴ Masís, *Economía y sociología campesina*, 47.

communities create the PACRV and the other organizations like the CAB's, they share some common goods as the territory, resources and culture; however, they are different subjects because of their nature.

The organizations have legal personality and they develop various activities in representation of the communities and their members are recognized as such, reason why they can suffer different collective damages and can hold other types of rights. For example, as mentioned in the context of the PRZ some members of the PACRV were victims because of their role as leaders and defenders of the territory. Thus, the history of both subjects is developed concurrently but the organizations have different origin, objectives, and means as legally constituted entities. Nonetheless, they are intertwined and their characterization cannot be separated.

Therefore, it is necessary to point out firstly that the public policy of PRZ is address to the peasants as individuals but it takes into account the role and importance of rural communities even if it does not give a definition, as seen before. Likewise, the norms recognize the peasant organizations as intermediaries with the communities and as principal actors for the consolidation of the PRZ, ensuring the participation of both subjects.

Nonetheless, as in the case of the peasantry, the existence of the collectivities does not depend on the will of the authorities, but they exist *de facto*. The existence of the communities and the collective interests within the PRZ is always present in the discourse of the peasants and organizations, reason why it is essential to describe them departing from their perception.

The concept of communities is crucial in the documents made by the collectivities. It is repetitive and makes clear that everything is a communitarian construction for their benefit, as well as they identify themselves as territorialized peasantry. For example, the PACRV says: "The peasant reserve zone is the banner of struggle of the peasantry from the Cimitarra Valley in the defense of their rights [...]. As a response to the frontal attack on the right to the territory, our peasant communities have found after many failures a model in which the perspectives of the people bearing in mind the defense of the land, the respect for the environment and the human rights are taken on board."¹⁶⁵

¹⁶⁵ Pinto, "La Zona de Reserva Campesina: Una Alternativa de Seguridad Alimentaria."

Likewise, the SDP of the Cimitarra Valley defined the reserve as a zone of colonization by displaced peasants from other parts of the country that have decided to root in those lands as *last hope of survival*. They are linked to each other by the fact that they have had to live the consequences of the armed conflict, forced displacement and abandonment by the State.¹⁶⁶

Thus, the PRZ is a political project to empower the communities from the Cimitarra Valley, which goes further than the struggle for the access to lands.¹⁶⁷ They see it as a frame where series of symbols emerge: mobilizations, claims, common-based values, participation, unity and hope in the sense that the PRZ could be the solution for many of their problems. These allow building the links between the individuals and communities in the daily life.¹⁶⁸ In other words, the PRZ is an element of integration and identity, since it is also a vindication.

Consequently, it is possible to see the common history as an essential factor of the identity of the communities, but also the common horizon linked with the existence in the territory. In this sense, the land is the physical space where the communities define themselves as settlers, which configure the peasant territoriality. In the same way, the relationship with the environment and natural resources is an essential element in the discourse and the defense of the territory as patrimony.

Another important element is the peasant economy. The fact that communities of Cimitarra Valley use the natural resources of the region in a small-scale and by contrast to the capitalist practices is always present in the discourse. This dynamic creates links between the members and communities, guaranteeing the transmission of wisdom and cultural practices. This can be seen in the productive projects developed by the communities that are led by the PACRV along with the CAB's from each *vereda* and, in some cases in the form of agricultural cooperatives. These projects are based on the solidarity and communal production in benefit of all the members and families. The communitarian store already mentioned is one example, but they have seven projects in different parts of the region, which have elements that are collective goods.

Apart from those communitarian projects, each *vereda* exercise its economic activity consolidating symbols and practices. For example, the SDP mentions about cultural practices that the mix of people from different parts of the country gave place to

¹⁶⁶ ACVC, "Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra," 5.

¹⁶⁷ ACVC and Humanidad Vigente, "La Zona de Reserva Campesina Del Valle Del Río Cimitarra," 16.

¹⁶⁸ Barbosa, "Imaginario colectivo de las zonas de reserva campesina como iniciativa de paz," 73.

a "River culture." The Cimitarra River and its tributaries are the axes of consolidation of some practices and modes of life for the communities, and in particular for the coastal communities: the artisan fishing use instruments as the chalupa, atarraya and chinchorro¹⁶⁹ that are symbols for the communities. The plan uses the term cosmovision to allude to the myths and figures that emerged from the river.¹⁷⁰ The River also articulates processes of trade, organization and communication within the region but also with other areas.

In this PRZ it is possible to see the promotion of the peasant economy, the self-management and self-regulation shaping the links with others and the sense of belonging, their customs and uses, the collective consciousness that begins with the fact the PRZ is a collective construction. In the case of Cimitarra Valley the sense of "us" is always present in the discourse and rules the decision-making and the relationship with other actors. To illustrate this, one of the members of the community of *vereda* Puerto Matilde says: "We want to defend our peasant culture, the right to life and to stay in the land."¹⁷¹

In conclusion, the communities and organizations within the PRZ are collectivities that could be right-holders taking into consideration the collective interests that are the result of the characteristics shared by them as the history, territory, resources, common horizon and culture, having collective goods. They are in a disadvantageous situation, and they have the will to preserve their existence as collectivities. Those elements reinforce the sense of community and the links of solidarity between the members.

¹⁶⁹ Instruments used for fishing.

¹⁷⁰ ACVC, "Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra," 121.

¹⁷¹ Quoted in "Puerto Matilde: la vida en una zona de reserva campesina."

5. COLLECTIVE RIGHTS IN THE PEASANT RESERVE ZONE OF CIMITARRA RIVER VALLEY

So far, it has been framed the discussion about collective rights and identified those rights that human rights treaties and other kinds of instruments recognize. Also, the origin and context of the PRZ in Colombia and specifically the PRZ of Cimitarra River Valley were described. I have thus examined those collectivities that could be right-holders in our case study according to the theoretical components outlined in section 1. Thus, to complete the analysis, this part is aimed at assessing which collective rights are or could be guaranteed through the implementation of the PRZ of Cimitarra River Valley for peasant communities and organizations. To this purpose, I shall use the list of rights identified in the different instruments and gathered in Table 2 (see the Annex), following its categories. Some rights in Table 1 are used as well.

5.1. Lands and Territories

As shown in the Colombian context, the claim for the land is an essential part of the history. The patterns of concentration since colonial times, the lack of an effective agrarian reform and the exclusion, marginalization, and victimization of poor people in rural areas have marked the Colombian historical development with the armed conflict as a consequence but also as a cause. In the area of Cimitarra Valley, those problems are present as well and the people have formed communities rooted to the lands and creating links between them.

The initiative of creation of the PRZ itself is an attempt to defend the right to have equal access to land and natural resources individually, but also collectively.¹⁷² In the Cimitarra River Valley, the right gets a collective dimension in three ways: the individual access to all peasants and families, the collective entitlement for communities and organizations with their interests and projects and, the entitlement of the PRZ. Firstly, it is necessary to say that a big part of the peasants in the area have interests on having equal access to land and prevention of displacement and dispossession. One of the reasons are that those events have impacted the individual lives and the social fabric of the communities and, of course, the relationship with the territory.

¹⁷² The underlined phrases are rights written in the tables. They can appear partially or completely the same.

In the PRZ of Cimitarra Valley, the area has been parceled up in benefit of all the peasant families according to the norm in family agricultural unities, avoiding concentration. However, this process has not been only since the formal creation, but the PACRV has led a process of regulation of maximum areas of property for new *colonos*, bearing in mind the time of suspension of the PRZ. This could be considered as the individual enjoyment of a collective right; as the Constitutional Court stated: persons exercise collective rights for the satisfaction of common needs.

Secondly, the implementation of the PRZ allows and facilitates the access to lands for community purposes like the communitarian productive projects within the PRZ. Thirdly, the implementation of the PRZ gives to the peasantry a sort of collective entitlement that frames the former dimensions and allows the collective management of the territory.¹⁷³ Thus, it allows the distribution, guaranteeing equal access to, use of and control over lands. Accordingly, the Law 160 and the Decrees established that the creation of the PRZ should avoid the inequality in the concentration of the lands and it protects the right of the communities to the access to and use of natural resources. Consequently, communities have rights over the Cimitarra River, its branches, other water resources present in the territory, pastures, and forests. This premise is also related to the fact the PRZ does not allow the exploitation on a big scale, which means that big corporations or big cattle farmers cannot monopolize the resources as it happened in the past with the wood, gold or oil multinational corporations.

Then, the communities seek to access and control the territory, and the PRZ is a form of collective resistance and balancing of powers that preserve the area for the control by the communities of small and medium peasants over the resources. It also implies the development of the communities in the social, cultural, political and economic dimensions following the concept of territory.

Having in mind what was mentioned, the PRZ is a way of providing legal recognition for land tenure rights individually and collectively, eliminating the discrimination resulting from the lack of legal capacity and the lack of economic resources. The norm establishes that the wastelands should be adjudicated and entitled in benefit of peasants with limited resources. Furthermore, it allows and facilitates the entitlement of lands to collectivities as organizations or in the form of cooperatives for

¹⁷³ However, this entitlement is not a collective title in a formal sense as they can be the Indigenous reserves. The PRZ is not yet recognized as collective property.

different purposes and, with the last legal developments, the peasants have the possibility to the entitlement of lands in favor of multiple people or families and not only for legal personalities.

However, in the Cimitarra Valley, the process has been prolonged due to the state uncertainty about the tenure of lands. For this reason, the communities proposed the entitlement of 1.650 plots in the area, definition of using and occupation of lands and adjudication of lands for families settled in particular protection zones of forest reservation.¹⁷⁴ What is important to highlight is that despite the structural problems of the State, the PRZ and the high organization process of the communities can help to guarantee the right to legal recognition of collective and individual lands despite the form of tenure according to the public policy and the provisions of the Constitutional Court. As stated by the Court, the access to the land and collective entitlement can be through associative forms, which takes place within the PRZ of Cimitarra Valley, as seen before.

All those rights could be guaranteed because the PRZ is an instrument of territorial planning and the law establishes that it should be done before the implementation and the legalization of the lands; this has to do with its use as peasant territory. In the Cimitarra Valley, this territorial planning has been carried out mainly by the PACRV which has developed some instruments for the control over the territory and natural resources, as well as the limitation of the extension of lands and the reception of new *colonos*, executing the territorial planning thus exercising self-management.

In the same way, the collectivities consider the consolidation of the PRZ as the previous step and tool for the comprehensive agrarian reform to give solutions to the problems of the rural areas,¹⁷⁵ which is a collective right of the peasantry, in general terms. The history has shown the need for that reform that has been truncated many times for the maintenance of the *statu quo* and the no redistribution of the land. This issue is always present in the discourse of the collectivities of Cimitarra Valley as a necessity to complement and make effective the implementation of the PRZ and they have done some proposals in that way.¹⁷⁶

¹⁷⁴ ACVC and Humanidad Vigente, “La Zona de Reserva Campesina Del Valle Del Río Cimitarra,” 29.

¹⁷⁵ Barbosa, “Imaginario colectivo de las zonas de reserva campesina como iniciativa de paz,” 72.

¹⁷⁶ ACVC, “Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra.”

Finally, the PRZ is also considered as a strategy against the arbitrary displacement¹⁷⁷ guaranteeing the right to be protected from it, which is closely related with the dispossession and forced abandonment of lands. As it is possible to see, this issue is determinant in the history of the PRZ; the area is recipient of displaced people from other territories, but also its inhabitants have been displaced massively, forcing entire communities to leave, and this constitutes collective damages. The collectivities argue that the PRZ could prevent the displacement if the State provides the legal certainty in the tenure of land and the access, as well as the stabilization of the economy of the vulnerable people.¹⁷⁸

In this sense, the PRZ could be a receiving point for migrants and could create conditions for stability to avoid new displacements and facilitate the returning of people and the restoration of access to their lands. The strengthening of the PACRV and its processes of reception and self-management for the territorial planning has been helpful in that way, although the State has the responsibility to take measures of protection of the population and execute development policies for the rural areas in favor of the peasant economy.

As mentioned in the context, after the suspension of the PRZ in 2003 the displacements increased, coinciding with the entrance to the region of multinational corporations and the expansion of paramilitary groups, but also with the repression by military forces.¹⁷⁹ This demonstrates that the guarantee of this right could be easier in a context of PRZ, where fewer risks are owing to the less concentration and the legal security, but also due to the communitarian dynamics, like in the Cimitarra experience. However, this should go along with protection policies for peasants and organizations, their strengthening and the respect and protection of their human rights, which have not been done.¹⁸⁰

¹⁷⁷ ACVC and Humanidad Vigente, “La Zona de Reserva Campesina Del Valle Del Río Cimitarra,” 27.

¹⁷⁸ ACVC, “Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra,” 20.

¹⁷⁹ During this time there were 16 killings of peasants by the Army and continuous military operations, which obliged many farmers to leave to humanitarian shelters. (ACVC, “Resistencia En El Territorio. La Experiencia de La Zona de Reserva Campesina Del Valle Del Río Cimitarra.”)

¹⁸⁰ Fajardo Montaña, “Las Zonas de Reserva Campesina: ¿Estrategia de Desarrollo Regional Y Contra El Desplazamiento?”

5.2. Physical Existence

At this point, it is necessary to bring back the definition of peasant, remarking the particular relationship with the lands as the physical space and resource where take place the interaction between the material and immaterial elements, which conform the territory. This is considered a vital space where the people define themselves as peasants, regarding the rooting to the lands, natural resources, and the others. Of course, this is closely related to the former group of rights.

The implementation of the PRZ is seen as a resource to protect the threatened peasant life. The Colombian history has shown the vulnerability of the peasant communities and organizations and the need of protection. The collectivities in the Cimitarra Valley are embedded in the lands and linked between them, building their lives in community and forming solidarity links, basically for their survival as individuals but also as collectivities with cultural practices, uses, and customs.

In the Colombian context, specifically in the Cimitarra Valley the organization process and the developments of initiatives are the results of the growing need of life protection and guarantees for living in the territory. This is reiterative in the discourse of the communities and organizations, and the PRZ is considered a "strategy for the defense of the territory"¹⁸¹, its possession as a peasant territory and the permanence of the peasants; it is the ultimate hope of survival. It seems to be the sole option to avoid more breakdowns and disappearance of communities. Since the territory hosts the material and immaterial elements and the communities shape themselves and their cultural identity with those elements, their existence and the right to that identity depend on that relationship. Peasants need the lands, and the collectivities need the territory with all its elements to exist.

Nevertheless, it is important to mention that the legal order about PRZ is limited because it does not recognize the right to the territory for peasant communities.¹⁸² The construction around the concept of peasant territory and how the PRZ could help to its guarantee is made by the communities and organizations because they find a space for living, for the social reproduction and resistance of their elimination or breakdown.¹⁸³

¹⁸¹ ACVC and Humanidad Vigente, "La Zona de Reserva Campesina Del Valle Del Río Cimitarra," 27.

¹⁸² Sánchez, "Vacíos Jurídicos Y Oportunidades Zonas de Reserva Campesina," 16.

¹⁸³ Fajardo Montaña, "Experiencias y Perspectivas de las Zonas de Reserva Campesina."

5.3. Self-determination

The PRZ also has to do with the free determination of political status and free pursue of economic, social and cultural development. Even if the legal provisions do not say it explicitly, the PRZ is used by the peasantry to construct themselves as a political subject, bearing in mind that it is its creation. The peasantry has developed a democratic path for the solution of their problems, and the collectivities from Cimitarra Valley consider:

"The PRZ as a legal form is the main advance in our purpose of building a comprehensive rural development policy, which allows us to develop a life in decent conditions, through the plain exercise of our rights and the satisfaction of our needs. Moreover, with this structure we, as peasants, are the leaders in the planning, decision, and implementation of the local and regional Sustainable Development Plans, so that we could in this way strength our organizational basis of our rural setting".¹⁸⁴

This demonstrates the perception of the peasants and the interest on having autonomy for the decision-making within the territory. It is also a result of the absence of the State, which has derived in the already existent processes of self-government or self-institution with their norms of participation and interactions.¹⁸⁵ In the case of Cimitarra Valley is evident that the organizations were born from the need of self-management. The communities within the PRZ are interested in forming distinct political communities for the collective management of the territory, to determine how to produce and what to grow. In the discourse of the peasant movement, the PRZ is deemed as a consolidation of a sovereign, agro-ecological, communitarian and peaceful territory.¹⁸⁶

Nonetheless, it is important to say that the peasantry in the Cimitarra Valley is not seeking to be sovereign in opposition to the sovereignty of the State as some functionaries of the government have argued,¹⁸⁷ fostering the stigmatization of the PRZ as "independent republics," the peasants as *guerrilleros* and the oppression of these kinds of initiatives as it was in the past. On the contrary, they want more presence of the State with inclusive policies, ending the historical marginalization and discrimination of

¹⁸⁴ ACVC and Humanidad Vigente, "La Zona de Reserva Campesina Del Valle Del Río Cimitarra," 7.

¹⁸⁵ Barbosa, "Imaginario colectivo de las zonas de reserva campesina como iniciativa de paz," 73.

¹⁸⁶ Ibid., 75.

¹⁸⁷ Anrup, "La paz y las Zonas de Reserva Campesina," 109–10.

the peasant communities¹⁸⁸ and, being free from oppression. However, the communities have already built their processes that the State should respect and count with.

The processes developed by the PACRV give solutions departing from a collective construction and not from a political power imposed. The PRZ is a self-determination place with a solidarity and communitarian consciousness, where the priorities and interests are the possibilities of the access to and work on the lands and territory to live in community and in peace, reproducing the wisdom, uses and cultural practices and the economic stability.¹⁸⁹ Besides, the PRZ is a legal form of the Colombian legal system, and it is conceived as such by the peasant communities and organizations and, in that sense, they see it as a tool: "The PRZ will give us the autonomy to rule our destiny."¹⁹⁰

5.4. Peasants as minority

Rural areas have some elements that have been discussed in this document: territory, land, population, and culture. In this respect, it is worth to say that the number of peasants in Colombia is unknown; the census counts rural people, but it does not even mention the word 'peasant.' According to independent studies, of approximately 7 million of people are peasants. This is, almost 31% of people in Colombia live in rural areas, and 64% exercise agricultural activities.¹⁹¹ It is clear that the peasantry has been and is still in a condition of disadvantage in comparison to the rest of the Colombian population. Peasants have organized to make themselves visible and claiming for recognition as a political, social and economic subject with some characteristics that make them a distinct collectivity, not ethnic, not religious, not linguistic as the classical definitions of minorities, but a cultural and class minority.

In this sense, there is a need and right to respect for its identity, tradition and cultural heritage. The feeling of community and the will to preserve the identity and culture is a constant in the discourse, but also it is an element that the public policy recognizes as one of the objectives of the law when speaking about the cultural and social dialogue between the State and the 'rural communities.' At the same time, it could

¹⁸⁸ Jerez, "Los retos del desarrollo con enfoque territorial y zonas de reserva campesina."

¹⁸⁹ Hurtatis Espinosa, "La Asociación Campesina Del Valle Del Río Cimitarra Como Mecanismo de Resistencia Política a Los Proyectos Latifundistas En El Magdalena Medio.(2006-2010)," 36–37.

¹⁹⁰ Iván Hernández, member of a PRA. Quoted in Anrup, "La paz y las Zonas de Reserva Campesina," 108.

¹⁹¹ PNUD, *Colombia rural*, 63–64.

be said that it recognizes implicitly the right to exercise the rights with due respect for the legitimate interests of the communities as a whole when accepting the legitimacy of the organizations that express the interests of peasants, although there is no formal recognition of ‘peasant communities’ as such.

In the case of Cimitarra Valley, the PACRV promoted the creation of the PRZ representing the interests of the communities, as they reaffirm on their documents. With this respect, the participation is an essential element and strength of the public policy through which all the remaining elements can be developed. The objective Seven of the Decree 1777 guarantees the "proper participation in the planning and decision-making instances, at local and regional levels" of the rural communities.¹⁹² According to this, the general criteria issued by the INCORA established that it is necessary to strengthen the representative organizations to guarantee the participation of peasants in different instances; the PRZ's are considered zones for building capacities of communities and organizations.

On the one hand, the creation of the PRZ is a participative process. In the Cimitarra Valley, the formal request and the SDP were made by the PACRV in a workshop carried out in 1998 with the participation of more than 700 peasants¹⁹³ and in the public audience, gathering all the problems and interests. In the same way, for the communities and organizations, the PRZ is a space in which they can formulate and implement the SDP along with the State's institutions,¹⁹⁴ participating meaningfully. This process has been possible due to the intense work of the organizations, but also they shall be strengthening according to the objectives of the law and decrees, facilitating the establishment and growth of robust and independent organizations of peasants.

Furthermore, the SDP of the PRZ has many proposals addressed to the promotion and improvement of the democratic participation mechanisms of the communities and organizations in all levels and topics, like health, education, economic development, etc. In this sense, with the formulation of the Law and Decrees about PRZ and with the approval of the SDP, the State was taking measures to ensure meaningful and efficient participation through the representative organizations in decision-making processes and in the formulation, implementation, and assessment of a policy that affect their lives, lands and livelihoods. In the same manner, it could be a guarantee of the

¹⁹² Art. 2. República de Colombia, Decreto 1777 de 1996.

¹⁹³ ACVC and Humanidad Vigente, “La Zona de Reserva Campesina Del Valle Del Río Cimitarra,” 14.

¹⁹⁴ ACVC and Humanidad Vigente, “La Zona de Reserva Campesina Del Valle Del Río Cimitarra,” 11.

participation and autonomy for the development of other kinds of policies, programs, and projects within the PRZ.

In other words, the PRZ constitutes as such, a tool for the guarantee of participation of the communities, directly or through the representative organizations, as in the process of creation, as in the implementation of it and all the following programs and projects. This could make the collectivities stronger, strengthening the organization process and counting on their capacities. Even though, it is evident that the level of organization and resilience of the PACRV, are the strongest points for the whole procedure, without the support of the State that, on the contrary, has caused damages on its structures regarding the lack of protection and victimization suffered.

On the other hand, the nature of PRZ tends to guarantee the right to form and join organizations, trade unions, cooperatives or any other association for the protection of the interests. The economic, political and social dynamics within the Cimitarra Valley take the form of unions for the protection of the collective interests of the communities. Hence, the PRZ frame the actions of the PACRV, the CAB's and the cooperatives; even if some of them were created before the implementation, the PRZ could be the assurance of their protection and strengthening.

In short, the policy of PRZ's represents an opportunity for the visibility of the peasantry and peasant communities as political, social and economic subjects. It is useful for the strengthening of their capacities and organizational structures, since it counts on their involvement from the beginning, giving them space to the equal participation.

At this point, it is worth to note that an interest of the communities within the PRZ of Cimitarra Valley, and the peasantry in general, has to do with the stigmatization they have been victims of as collectivities. Additionally, the members of the PACRV have been killed or persecuted arguing their linkage with guerrilla groups. Entire communities and organizations have been stigmatized. In that respect, the PACRV with its actions aim to demystify that the PRZ is a guerrilla strategy to take control of the territories in favor of the illicit activities and crops.¹⁹⁵ Thereupon, with the PRZ as an instrument, the communities and organizations aim to get a good name as collectivities

¹⁹⁵ VerdadAbierta.com, "Puerto Matilde: la vida en una zona de reserva campesina."

(a right that does not appear in any of the documents related to collective rights) and the right not to be discriminated.¹⁹⁶

5.5. Culture

This group of rights is closely related to the former ones and it refers to the peasant identity with all its elements and the need for protection. In the struggle for the defense of the territory, the peasant territorial identity plays an essential role binding collective interests but also its preservation constitutes an interest itself. As explained before, the cultural elements are intertwined with the land, natural resources and the social constructions with others and, this results in the traditional knowledge, customs and cultural practices that, at the same time, are related to the agricultural activities.

The PRZ as the area where the territory, lands and natural resource could be protected in benefit of the communities, as well as the place where they can develop and practice the peasant economy and activities, it is possible to exercise the cultural collective rights. Communities have the right to pursue freely their cultural development, without interference or any form of discrimination and the PRZ represents the possibility of doing so. At the same time, it is the possibility to maintain, express, control, protect and develop the traditional knowledge, such as ways of life, methods of production, or customs and traditions.

In the Cimitarra Valley, this has to do with the tools used for the economic activities, the natural resources (as the example of the river) and the traditional methods of production. They are full of wisdom, learned practices, and peasant values: solidarity, pluralism, equality, justice, honesty are the core values to preserve and promote.¹⁹⁷ Around these, there is a confluence of symbols and traditions that come with the diversity of people of the region. Through the implementation of the PRZ, it is possible to continue with the consolidation of the peasant culture, since the communities can proceed with the construction of their identity and their links between the members. In this sense, they have made some proposals in the SDP to foster the culture, for example: building adequate infrastructure, the provision of some elements for the interaction around cultural activities, the support of cultural days or popular celebrations and the establishment of communitarian media, like community radio.

¹⁹⁶ See Table 1.

¹⁹⁷ ACVC, "Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra," 102.

Through the realization of those proposals, it is possible to preserve the historical and cultural patrimony, but this should go along with the formulation and implementation of new regional cultural policies, as well as a cultural development plan for the region with the participation of the communities¹⁹⁸ which could be the guarantee for the realization of the right to the artistic, historical and cultural wealth, but also to express the local customs, culture, religion, literature and art.

5.6. Economic rights, rural development and food sovereignty

The need for the consolidation and protection of the peasant economy is one of the central interests that have given place to the creation of the PRZ and one essential component in the formulation of the public policy. The third objective of Law 160 is the creation of conditions for "adequate consolidation and sustainable development of the peasant and *colonos* economy," and the sixth one aims to the execution of rural development policies.

In the same way, the norms established that one of the purposes is to create a comprehensive proposal for the sustainable human development of territorial planning. The PRZ is an "instrument of social planning of the rural property", and is aimed at the development exclusively of the peasant economy and the benefit of the small farmers. The legal form is an area for the transition from a marginalization to a competitive peasant economy, strengthening local livelihood options and leading to the possibility of a shift towards environmentally sustainable modes of agricultural production.

Nonetheless, to comply with that purpose, it is necessary the formulation and implementation of a rural development policy that could give space to that kind of economy and forms of production; issue that has not been done yet. In that sense, the SDP of the Cimitarra Valley makes the proposal for the construction of a development policy with five essential elements: territorial planning in all levels (includes the protection of natural resources), improvement of the livelihood of the peasantry, strengthening of the peasant economy, food sovereignty and respect for human rights.¹⁹⁹

In this sense, it is worth to say again that the PRZ constitute the instruments to preserve the peasant territories in opposition to the capitalist ones. That is to say that the

¹⁹⁸ Ibid., 123.

¹⁹⁹ ACVC and Humanidad Vigente, "La Zona de Reserva Campesina Del Valle Del Río Cimitarra," 21.

use of natural resources, the diversity of cultivation, the predominance of family farming and cooperative relations, the low levels of mechanization and the low use of toxics, are the characteristics of the economic dynamics.²⁰⁰ Besides, the nature of the PRZ grants importance to the collective projects beyond the individual ones due to its location in colonization areas or with a predominance of wastelands. They are more broadened areas that facilitate operations in a bigger scale, which makes more efficient the territorial planning and facilitates the provision of infrastructure for the development. In this respect, another substantial interest of the collectivities is the provision of the zone with social infrastructure, basic services and public goods (bearing in mind the lack of education, health, housing, sanitation and other services), as part of the rural development and guarantee of social rights.

Moreover, the objectives of territorial planning and the stabilization of the peasant economy necessarily lead to the implementation of policies and instruments which take into account the productive potential of soils and the equilibration of conditions and exchange for the accumulation of the peasant economy, because of the aggregation of the supply for the producers.²⁰¹

This implies some aspects. Firstly, through the delimitation of the area to exclusive use by the peasants, it is possible to guarantee the rights of free disposal of natural wealth and resources and to their use for the enjoyment of adequate living conditions. Likewise, the right to participate in the management of those resources and to enjoy the benefits of their development and conservation can be guaranteed as well. This has been a claim of the peasantry in the Cimitarra Valley for many years because they have had to resist and their rights over the use have been breached because of the presence and interests of big corporations in the territory with the social consequences already noted.

Secondly, the mentioned aggregation of supply that comes with the development of communitarian projects constitutes a union or symmetry of forces, bearing in mind the enormous political and economic power the corporations and big landowners have. At the same time, the consolidation of the peasant economy brings opportunities for rural employment, which is linked with the food sovereignty.

²⁰⁰ Estrada Alvarez, *Territorios Campesinos*, 31.

²⁰¹ Fajardo, *Para Sembrar La Paz, Hay Que Aflojar La Tierra*, 85-86.

The Cimitarra Valley is a bright example of all what was just mentioned. The communitarian organization through the PACRV has developed mechanisms to strengthen the peasant economy with all its characteristics: there is a diversity of cultivation in each *vereda* (rice, corn, yucca, plantain, fishing, etc.), for the commerce or for self-consumption, using traditional tools and knowledge; there is a cooperative relationship between the members of the communities with exchange practices and helping when is needed; the seven projects carried by the PACRV and its associated cooperatives have a collective character that benefits many families of the communities generating incomes and improving the conditions of employment, which is, at the same time, a guarantee of the right to food sovereignty, issue that is in the center of the discourse in the Cimitarra Valley.

For the collectivities, the PRZ represents the chance to access to employment or self-employment through the implementation of the productive communitarian alternatives that should be articulated with the regional plan of food security. This articulation guarantees the food supply for the area and the improvement of livelihood, as well as the participation in the formulation of the policy. Likewise, the PRZ is seen as an alternative opportunity for the replacement of illicit crops that are still in the region and that are the means of subsistence for many families.

The illegal crops are a big concern for the communities, which they associate with poverty conditions and with the fumigations with glyphosate. It is necessary to solve these problems to stabilize the economy and to prevent the expansion of the agricultural frontier. The communities have the will to substitute the coca crops with alternative projects and, the PRZ is the frame for the alternative solutions. This has been demonstrated by the different projects carried by the PACRV that have reached a few but effective substitutions for a group of peasants.²⁰²

Accordingly, the peasantry has made proposals for sustainable development to stabilize the peasant economy with the compromise of the communities and the State. The communities see on the implementation of the PRZ the opportunity to receive the support of the State for the adequate development of the projects. In the SDP they identify some related needs as the modernization of the agricultural machinery, the lack of routes to transport the products and the impossibility of access to loans and credits for the production. In this sense, the interests of the communities go beyond the access

²⁰² ACVC and Humanidad Vigente, “La Zona de Reserva Campesina Del Valle Del Río Cimitarra,” 22.

to land, claiming to the State for aid in the development of their projects and economy, which has to do with the technical support and technological transference, as well as the articulation with other markets and provision of infrastructure. In other words, the implementation of the PRZ is seen as the chance to have access to agricultural credit and loans, marketing facilities and appropriate technology.

As an example, the Buffalo project developed in Puerto Matilde since 2002 has a communitarian and sustainable logic. This project, like others, has been supported and funded by resources from the international and civil society aid and the different peasant organizations. It is an example of how focusing the resources can give potency to productive projects to improve the living conditions of the peasantry. The PRZ is perceived as the structure that allows the sum up of the funds instead of their atomization, through the joint design of development strategies that count with the capacities and human resources of the communities and organizations of the region.²⁰³

With this kind of strategies, there is a construction of alternative models of production within the PRZ promoting the traditional and partnership practices, as well as the chance to choose what to grow and consume. This is done in opposition to the big agricultural projects that are seen as a threat to food sovereignty, framing the right to organize self-groups and cooperatives in order to obtain equal access to economic opportunities though employment or self-employment, as well as the right to have full and equitable access and participation in markets to sell the products.

In the same form, the PRZ of Cimitarra Valley is considered the space and frame for the guarantee of the right to choose its own economic and social system and pursue its own path to economic development, the right to use traditional ways of farming or fishing and to develop community-based commercialization systems, that is, the peasant economy. The communities consider that whether it strengthens along with the communitarian projects, it is possible to improve the right to physical and economic access to sufficient, adequate and culturally acceptable food sustainably and collectively produced and enjoyed.

5.7. Environment and natural resources

When the peasants made the proposals for the creation of the PRZ, the environmental degradation was one of the main concerns and a point for the negotiation. They agreed

²⁰³ ACVC and Humanidad Vigente, “La Zona de Reserva Campesina Del Valle Del Río Cimitarra,” 23.

to protect and preserve the natural resources in their territories if the State gave them guarantees for the access to lands. In this sense, the law 160 incorporated the topic as an essential element. The objectives of the decree are closely related; the first one is aimed at the control of the improper expansion of the agricultural frontier and the last one is intended for the strengthening of the spaces for an environmental dialogue between the States and rural communities.

In the same way, the first objective established by INCORA according to the Law and the Decree, was the protection of the environment and the renewable natural resources. It incorporates the legal structure in the ENS, for the development of all the programs, activities and projects within the PRZ with an environmentally sustainable perspective. Hence, it becomes an instrument of environmental planning and as "area of special management," bearing in mind that these could coincide with natural reservation areas or natural parks and the communities and other actors should play a role in their conservation.

Thus, it is possible to see in the legal documents an increase in the awareness by the State about the importance of the preservation and restoration of natural resources and the position of the local communities for that purpose, but also to solve problems of overlapping with those other legal figures.

Nevertheless, the norms and actions in that respect have been insufficient. The concepts like territorial environmental planning are not clear and it could be interpreted in many ways because of the lack of legislation in that respect. The NAPRZ (and the PACRV as part) see the PRZ's as areas of life and peace whether there is recognition of the peasantry as actor in the preservation of natural resources and the rearrangement of the territories in environmental terms.²⁰⁴ In that sense, they have made proposals for the consolidation of a territorial environmental policy in the territories and counting on the communities located in the *veredas* as the fundamental territorial unity for the planning and with the CAB's as the basic instances for the collective participation and decision-making.

In the Cimitarra Valley, the collectivities are aware of this issue and the PACRV has led a process for research about the natural resources of the region, for the establishment of rules in the interaction with the environment and for educating the

²⁰⁴ Ruiz Reyes, "Territorio Y Ambiente En Las Zonas de Reserva Campesina de Colombia. (Spanish)," 52.

peasants about the importance of respecting and protecting the resources. Thus, the organization has developed a map of natural resources²⁰⁵ as well as they have delineated a zone for no exploitation to avoid the expansion of the agricultural frontier and to protect the resources and species.²⁰⁶ This area is named "Yellow strip, " and it is a clear initiative in the absence of the State. Thereon, one of the leaders expresses:

"[...] That is where the water sources are born, that is where there are wastelands without colonos, where there are woods and the animal species. We have said: "Let's leave this as peasant heritage," not mine, so that there is live water all the time because the river Tamar and other rivers are born there. If someone needs wood for a house or something productive, we can help and give it to him, but do not get it from there because we do not have wood reservation, we do not have environment and if we cut these, the waters get dry. How to preserve this? This is untouchable."²⁰⁷

The quote resumes the vision of the peasantry in the Cimitarra Valley. The Yellow strip coincides with a forest reservation but for the peasants, the real and effective protection of the area is due to the compromise of the organized peasantry in CAB's.²⁰⁸ For example, they have plans for reasonable wood exploitation that ensure the compromise of people to cultivate and preserve forest reservations. Likewise, the PACRV have elaborated a wood plan with the technical support of the Javeriana University, for the regulation of hunting, the delimitation of the lands for cultivation and housing and so on.

This model has to do with the conception of peasant economy and forms of production based on the use of natural resources, but with their protection to defend and preserve the territory. On the contrary, the oil, mining, palm oil extraction and other cultivations in a long scale have caused massive damages to the environment and resources of the region, as it was explained in the context of the PRZ because it gives rise to the grabbing of lands; therefore it affects the local environment.²⁰⁹

Accordingly, since the reserve it is a zone for the exclusive development of the peasant economy, with diversified crops and with sustainable practices carried by the communities and organizations, is the frame for exercising the right to conservation, protection, and improvement of the environment but also the right to make use of the common heritage of mankind. At the same time, the PRZ as it is conceived in the public

²⁰⁵ State did not have the information about the resources in the territory.

²⁰⁶ ACVC, "Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra," 5.

²⁰⁷ PACRV leader. Quoted in Velázquez Arboleda, "Territorios En Disenso," 35.

²⁰⁸ Ibid.

²⁰⁹ Hurtatis Espinosa, "La Asociación Campesina Del Valle Del Río Cimitarra Como Mecanismo de Resistencia Política a Los Proyectos Latifundistas En El Magdalena Medio.(2006-2010)," 40.

policy and perceived by the collectivities, allows them to have the right to safe, clean and healthy environment, with their compromise and actions as essential actors to that guarantee. In other words, for the communities the PRZ avoid the risks of indiscriminate exploitation of natural resources because it facilitates the regulation and tend for a balance between the protection of the environment and the development of the peasant economy,²¹⁰ which could ensure the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.

In spite of the outstanding efforts and work made by the collectivities, the State shall have a role in the preservation and recovery of degraded natural resources. The communities have identified the lack of presence of the State for example in actions like the implementation of environmental education programs for peasants and the permissiveness and fostering of exploitation by corporations and the persistence of monocultures. With the implementation of the SDP, they make proposals to and expect support from the State for the recovery of green areas and protection of wetlands, the rivers and the threatened animal species.²¹¹

Furthermore, the advance of the industrial and commercial agriculture has led to the transformation of the traditional ways of farming in the region and the seeds. There has been an increase in the use of chemicals for agriculture, causing damages in the ecosystems.²¹² By contrast, within the PRZ communities work the land with alternative productive systems avoiding the use of agrochemicals and using natural seeds and traditional methods, defending their rights to maintain, control, protect and develop their seeds, as well as the traditional knowledge relevant to plant genetic resources for food and agriculture.

The collectivities within the PRZ give priority to the self-sufficiency and the provision of food to the inhabitants of the region and, to that objective the PACRV tend to the use of natural seeds to protect the cycles of the lands and to protect the soils.²¹³ This seeks the guarantee of rights to rely either on their seeds, to decide on the crops

²¹⁰ ACVC and Humanidad Vigente, “La Zona de Reserva Campesina Del Valle Del Río Cimitarra,” 24.

²¹¹ Ibid., 29.

²¹² Hurtatis Espinosa, “La Asociación Campesina Del Valle Del Río Cimitarra Como Mecanismo de Resistencia Política a Los Proyectos Latifundistas En El Magdalena Medio.(2006-2010)”, 41.

²¹³ Ibid.

they wish to grow and to maintain their traditional systems upon which their subsistence and renewal of agricultural biodiversity depend.

In the same way, the communities with the leadership of the PACRV have implemented actions for the conservation and protection of water sources into the frame of the PRZ, for example, the implementation of plans for the protection of the water sources that includes management of the wastes. These projects tend to the defense of the rights to water for farming, fishing and livestock, to equitable access to water and water management systems, and to be free from arbitrary disconnections or contamination of water supplies. The nature of the PRZ is a system for giving priority of water use for human needs, small-scale food production, ecosystem needs and cultural use; this, once again, in opposition to capitalist territories or utilization of the natural sources.

Therefore, the communities play an essential role in the preservation and protection of the environment and natural resources and the PRZ opens the possibility of participation in the decision-making in all levels in matters relating to the management of the resources in the territories.

5.8. Access to justice

The collective rights of the collectivities in Colombia have been breached systematically as consequence of the armed conflict or the historical abandonment by the State, causing collective damages. The developments in this respect in Colombia by the Constitutional Court and the Government within the frame of the post-conflict process allow the access to collective reparations or mechanisms of justice.

Firstly, it is worth noting that the land problem in Colombian history, as mentioned in section 3 is full of violations of rights. The initiative of PRZ itself is a response to that history. The armed conflict has penetrated deeply in the territories breaking the social fabric of the communities, their life projects and their social, political and economic structures.

The Law 1448 established that the damages suffered by the collectivities could take place when the collective rights are breached, when there are violations of individual rights of the members of the collectivities and when there are collective impacts of the violations of individual rights. Most of the collectivities within the PRZ of Cimitarra Valley have suffered at least one of those events.

For example, the Cahucopana, which is one of the cooperatives associated to the PACRV, is currently a subject of the program of collective reparations, as well as the national organization of CAB's, which includes the CAB's in the Cimitarra Valley. Currently, the PACRV is building proposals for the formulation and implementation of the process of collective reparation for the communities and organizations in the zone.²¹⁴

In that sense, the adequate implementation of the PRZ is an opportunity to guarantee to the communities and organizations the right to reparation established in the Colombian Law, above all the guarantees of non-repetition through rural development, the elimination of the causes of the conflict and the guarantee of individual and collective rights. Hence, the State could provide the collectivities with effective mechanisms for the prevention of and redress for any action that has the aim or effect of dispossessing them of their land and natural resources or depriving them of their means of subsistence and integrity, and for the displacements.

5.9. Peace and security

Achieving peace and security is the primary interest and desire of the communities within the PRZ. The history of violence and marginalization marks the history of the collectivities and, in their imaginary, the implementation of the PRZ's could be an opportunity to reach peace and social justice, by the achievement of the already mentioned rights and expectations.

On the one hand, the form of the PRZ underscores the territory as the center of the discussion and space where all the interactions between actors take place, leaving aside the emphasis on the land or plot. This perspective makes the view broadened, and the solutions to the problems are given bearing in mind all the dimensions. Additionally, from the State's perspective, it allows to know and take control over the whole territory, given that the absence has been one of the structural problems. In this sense, the Decree 1777 establishes as crucial goals "the stabilization of the peasant economy, the overcoming of the causes of social conflicts and the creation of conditions to the achievement of peace and social justice," as well as it put emphasis on the participation of the collectivities. This provision is the recognition of the importance of

²¹⁴ Agencia Prensa Rural, "Campesinos Del Magdalena Medio Discuten Reparación Colectiva."

solving the rural problems and building democracy in the territories to reach peace, not only in the countryside but also in the whole country.

In the same way, for the collectivities, the peace is the result of the realization of the PRZ's objectives, which contribute to the closing of the agricultural frontier, to the rural development, the territorial, environmental and social planning, the participation at all levels and so on. The adequate implementation of the PRZ represents the space for the realization of the conditions for peacebuilding.

Then, for the communities of the Cimitarra Valley, the PRZ "could demonstrate in a short-term, that any peace strategy in the country should go through the rural development and must count on the compromise and active participation of the peasant communities."²¹⁵ For them, the peace has to do with two aspects: security and protection from armed actors, especially paramilitary groups, and the solution of the conflicts between members of the communities and organizations. Accordingly, on the one hand, the SDP considers that the delimitation of the region, its exclusive use for peasant economy and the limits to the concentration of land, contribute to removing scope of action of paramilitary groups working for big powers that pretend the concentration of the lands and the territorial control.²¹⁶

On the other hand, the PACRV has assumed the compromise to strengthen the coexistence processes carried by the peasant communities, to achieve the peace in the region. In this respect, the Government has also assumed commitments about the security of the people in the region: to deter the military repression that has caused displacements to forest areas, to slow down the paramilitary onslaught and its attacks against peasants and social and economic organizations.²¹⁷ Likewise, the commitments are addressed to the implementation of the SDP, including programs for the defense and protection of human rights, which include projects for the support of organizational processes and peace initiatives.

The collectivities in the Cimitarra Valley are aware that the peace building begins necessarily at the local level. The PACRV apart from fostering the peaceful social coexistence and the solidarity links within the PRZ promotes the stabilization of the social and economic conditions of the peasants, understanding that is the way to discourage the use of violence. For these reasons, the Government and other national

²¹⁵ ACVC, "Plan de Desarrollo Sostenible ZRC Valle Del Río Cimitarra," 6.

²¹⁶ Ibid.

²¹⁷ Ibid., 7.

and international social organizations have recognized the PACRV as an example of communitarian work for the improvement of the rural livelihood, what made it the winner of the National Peace Prize in 2010.²¹⁸

Consequently, it is necessary to highlight that despite the communities and organizations consider the PRZ as the possibility of protection against abuses by State and non-State actors and for the elimination of violence, for them the peace is not limited to those features or the simple enjoyment of the right to be free from violence. Thereon, it is worth to say that the rights gathered in Table 2 are not enough to respond to this interest of the collectivities in the Cimitarra Valley. The Declarations on the Rights of Peasants and the Rights of Peoples do not formulate the right to peace and security as it does the African Charter (see Table 1 in the Annex) and the UNDRIP.

Henceforth, it is possible to say that the collectivities in the Cimitarra Valley seek to enjoy the rights to national peace and security and to live in freedom, peace, and security as peasant communities. The PRZ is seen as the frame to achieve it, because it allows the communitarian participation, the internal resolution of conflicts and the guarantee of rights. These issues strengthen the democracy in the territories and the dialogue between local and national levels. At the same time, these make the communities stable and stronger, avoiding more displacements and giving the possibility for the reception of demobilized people from the guerrilla, contributing to the reconciliation process, bearing in mind the peace negotiations carried out between the guerrilla of FARC and the Colombian Government.²¹⁹

The peasant social movement through the NAPRZ has taken a role making some proposals for the formulation of the Comprehensive Agrarian Reform. The implementation and consolidation of the PRZ's were points of the discussion and dissension between the parties. However, the legal form was included in the Final Agreement, specifically in the first point, on the understanding that the peasants contribute to the structural transformation of the countryside and the stabilization of the agricultural frontier.

²¹⁸ Revista Semana, "Premio Nacional de Paz: Tercos Pacifistas."

²¹⁹ The dialogue between them started in 2012 to solve the armed conflict in Colombia. The "General Agreement for the termination of the Conflict and the Construction of a Stable and Lasting Peace" was signed by the parties in November 2016 and has 6 points. The first one refers to the problem of land, and it formulates the basis for a Comprehensive Rural Reform, for the structural transformation of the countryside.

It establishes that PRZ's are "agrarian initiatives that contribute to the peacebuilding, the guarantee of political, economic and social rights for peasants, to the socio-environmental sustainable development and Colombians' reconciliation."²²⁰ The Agreement brings some elements for the implementation of the PRZ, reinforcing the norms. Thus, the Government should promote the access to land and the planning of its use within the PRZ, implement effectively the SDP's already existent and formulate new ones in response to the initiatives of communities and organizations complying the objectives of the zones. It also emphasizes on the participation within the PRZ's in the execution of the development plans. Consequently, the Government issued the mentioned Decree Law 902 and others for the implementation of the first point, giving priorities to the PRZ's in the benefits and execution of rural development policies.

Finally, it is important to say that for the collectivities the implementation of the PRZ is a strategy for the advancement of the Peace Agreements in the territories. Since it is a construction from the collectivities themselves, and it is appropriated as such, they could contribute to the peacebuilding from below and to guarantee its durability.

In short, in relation to the objectives of the organization one of the leaders of the PACRV states: "The objectives are, firstly, to achieve the peace, make it durable; secondly, to reach a truly agrarian reform for the adequate distribution for the benefit of the people that have been displaced or persecuted for political and military reasons."²²¹

²²⁰ Gobierno Nacional and FARC-EP, "Acuerdo de Paz," 20.

²²¹ Hurtatis Espinosa, "La Asociación Campesina Del Valle Del Río Cimitarra Como Mecanismo de Resistencia Política a Los Proyectos Latifundistas En El Magdalena Medio.(2006-2010)", Annex 3.

CONCLUSIONS

The PRZ is a legal and social structure that could allow the exercise and guarantee of collective rights for peasant collectivities. However, it is not enough with the implementation of the legal form as it was formulated in the Law. It is necessary that it comes along with other policies and with the willingness of the State to take seriously the interests of the collectivities expressed through the social movement, as political and social subjects, but also their developments.

The study case guided the research, which has allowed the analysis of different sources. Through this, it was possible to see that the PRZ of Cimitarra Valley corresponds to a determined territory in which there are collectivities as communities and organizations; those are territorialized peasantry, which is a collectivity itself at the national level. They have characteristics in common such the history, cultural practices and common sources of suffering, elements that configure an identity reinforced by collective goods. This configuration, at the same time, lead to a set of shared interests that make them right-holders, imposing duties on the State and others actors, according to the theoretical premises presented in the first section.

In that sense, the review of the normative framework in the international and the national level was used for gathering collective rights recognized in the legal instruments to guide the analysis. The international instruments already adopted are limited in recognition of collective rights since the subjects are peoples, minorities and indigenous peoples, which could be a restrictive classification for other kinds of subjects as the peasantry. For that reason, it was necessary to bring non-official instruments that in a certain way associate the rights recognized officially and formulate others, having in mind other kinds of subjects. It is the case of the Declaration on the Rights of Peasants and the Declaration on the Rights of Peoples, which have been helpful for the analysis. It is possible to say that the developments of the PRZ are according to them. Nevertheless, it is essential to note that some collective rights can derive from the particular interests of the collectivities or the damages suffered, and for this reason, they are not included in the instruments. For example, the right to a good name in a collective way, since in the study case the collectivities are interested in bearing it.

On the Colombian norms, there is also a lack of collective rights, even though the Constitutional Court has developed more the topic in the last years; there is

recognition of the existence of collective rights, and some of them are explicit, above all for ethnic groups. Nonetheless, the lack is still on the rights of non-ethnic collectivities, which has to do, in the case of our concern, with the lack of recognition of the peasants and peasantry as political and social subjects.

Consequently, the analysis goes further than the legal aspect, taking the instruments and legal developments but departing from the representations and interests expressed by the collectivities, specifically in the PRZ of Cimitarra Valley, interests that in several cases coincide with the rights exposed in Table 2 in the Annex.

On the basis of the analysis, it is possible to argue that the PRZ is a structure legally established, but peasants have appropriated it since they see it as a product of their struggles and as a tool for the solution of many of the problems of the rural areas. Therefore, the PRZ represents a social product beyond than a mere legality; it is a set of symbols, actions and social representations for the peasants. The appropriation of the PRZ deals with the shared interest of peasants on its consolidation and the implementation of the public policies, as well as the development of the programs and projects that come along with it.

From the legal perspective, the Law 160 and the related norms do not recognize collective rights explicitly, and the subject of the policy is the peasant individually. However, it takes into account the existence of the communities and organizations guaranteeing, at least, the right to participation. Additionally, the norm puts emphasis on the territory more than the individual lands, which gives place to the possibility of collective settings and a broadened view. In that way, the PRZ appears as an instrument for the State to carry out the territorial control and planning of the colonization areas and with the predominance of wastelands, to regulate the tenure of the rural property, just as controlling and protecting the areas of environmental importance and the natural resources.

In this context, and from the viewpoint of the social movement from the Cimitarra Valley, the adequate implementation of the PRZ represents an interest that allows the realization of the comprehensiveness of rights. On the one hand, the case shows that territory and lands are intertwined. For the peasantry the protection of the territory is the assurance of the sustainable access to lands; moreover, it is the possibility of existence and self-determination of the communities, but also the

materialization of denied rights about equality, economy, food sovereignty, rural development, culture, environment and so on.

On the other hand, that protection facilitates the strengthening of the collectivities inside. The process of creation of the PRZ demands a high level of organization of the communities counting on their capacities and strengths. There is a confluence of interests that are gathered in the procedure; for example, peasants are not interested just in the individual access to lands, but they are interested in the collective access, just as in all the rights and the overcoming of situations. In other words, the protection of the territory and its exclusive use for peasant economy allows the development of the collectivities and the materialization of their interests and rights such as the stabilization through the regulation of the property and the consolidation of the economy. It is related to the implementation of productive projects that has to do also with cultural and social aspects, as well as the preservation of the natural resources.

Therefore, the PRZ of Cimitarra Valley symbolizes the frame for the guarantee of some collective rights. However, it is possible to say that most of the achievements are the result of the organizational strengthening and the self-management of the PACRV and the communities. The reserve was their initiative, and they have preserved it despite the obstacles imposed by the context of the region and by the State. This point shows the relevance of the strengthening of the communities and organizations and, the promotion of their capacities.

In the Cimitarra Valley, the communities have carried out a process of resistance in the creation of an alternative rural development model that gives place to the configuration of the peasant territory, in opposition to the capitalist model. It becomes a sum of forces to face the big powers based on the peasant economy, solidarity links, income creation in a collective way and for all, pacific coexistence with others and with the natural resources. The PRZ is understood as a joint construction from its inception, in a dialogue between all levels and constant interaction with the State institutions. However, it is evident in the discourse that the PRZ cannot comply with its objectives either with the guarantee of collective rights without the formulation and implementation of a comprehensiveness agrarian reform and rural development policies that contain the efficient redistribution of lands, the stabilization of the population and the agricultural frontier, among others. The Peace Agreement represents an opportunity to do so, and besides, the PRZ is an opportunity for the implementation of them and

peacebuilding, following the major interest of the communities that ground all the others: the search for peace and social justice.

In the same way, the PRZ could be a way to pay off the historical debt with the peasantry in the individual and collective dimension, through its visibility for the comprehensiveness of rights. To that purpose, it is necessary the development of the conceptual approach taking into consideration the collective subjects as a matter of guarantee of human rights. The State should tend to the recognition of peasants in the legal order as individuals and as collectivities.

Those guarantees for the peasant collectivities could also contribute to the rights of the Colombian society in general. Fostering the peasant economy means the possibility for the country to supply with agricultural products; nowadays the contribution of the peasant economy to the national agricultural production is about 67%,²²² this bearing in mind the existent concentration of lands and the inefficient distribution of the soil use. Additionally, the PRZ is assurance for the protection of the environment and natural resources, which means the protection of the cultural and natural heritage of the country.

Finally, the stabilization of the peasant population and the solutions for the inequality could result in the disincentive of violence and the possibility of peace. As mentioned, the PRZ's represent real options for the post-conflict and a possibility of peace for the country.

In sum, it is possible to say that from the analysis of the documents of the study case, the PRZ could be a framework for the exercise of collective rights of peasant collectivities, but also for the Colombian society. It remains for further research the analysis of the collective rights guaranteed in practice until now but also after the implementation of the Peace Agreements.

²²² ILSA, *Zonas de Reserva Campesina. Elementos de Debate*, 44.

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ANNEX -1

Table 1. Collective rights in instruments approved by the International Community		
Group of rights	Collective right	Source
Existence	Right to existence	Convention on the Prevention and Punishment of the Crime of Genocide, African Charter
	Right to cultural and natural heritage	Convention for the protection of the World Cultural and Natural Heritage
	Right not to be subjected to forced assimilation or destruction of their culture	Declaration on the Rights of Indigenous Peoples
Self-determination	Right to self-determination. Free determination of political status and free pursue of their economic, social and cultural development.	ICCPR, ICESCR, Declaration on the Granting of Independence to Colonial Countries, African Charter, UN Declaration on the Rights of Indigenous Peoples
	Right to free themselves from the bonds of domination by resorting to any means recognized by international community	Universal Declaration of the Rights of Peoples, African Charter
	Right to autonomy or self-government in matters relating to the internal and local affairs	UN Declaration on the Rights of Indigenous Peoples
	Right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms	UN Declaration on the Rights of Indigenous Peoples
Minorities	Right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language	ICCPR
	Right to the national or ethnic, cultural, religious and linguistic identity of minorities	Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
	Right to non-discrimination	UN Declaration on the Rights of Indigenous Peoples
	Right maintain and strengthen the political, legal, economic, social and cultural	UN Declaration on the Rights of

	institutions	Indigenous Peoples
	Right to participate fully in public life and decision-making of the State, as well as to develop their own decision-making institutions.	UN Declaration on the Rights of Indigenous Peoples
	Right to equal participation in public life and political life of the State	UN Declaration on the Rights of Indigenous Peoples
Peace and security	Right to national and international peace and security.	African Charter
	Right to live in freedom, peace and security as distinct peoples.	UN Declaration on the Rights of Indigenous Peoples
Sovereignty over natural resources / Land and territories	All peoples may, for their own ends, freely dispose of their natural wealth and resources.	ICCPR, ICESCR, African Charter, Resolution on Permanent Sovereignty over Natural Resources
	Right not to be forcibly removed from their lands or territories	UN Declaration on the Rights of Indigenous Peoples
	Right to the lands, territories and resources	UN Declaration on the Rights of Indigenous Peoples
	Right to own, use, develop and control the lands, territories and resources that they possess	UN Declaration on the Rights of Indigenous Peoples
	Right to the productive capacity of the lands and resources	UN Declaration on the Rights of Indigenous Peoples
Development	Right to economic, social, cultural and (political) development with due regard to the freedom, identity and enjoyment of common heritage of mankind	African Charter, Declaration on the Right to Development
	Right to participate in and contribute to economic, social, cultural and political development	Declaration on the Right to Development
	Right to develop strategies for exercising the right to development	UN Declaration on the Rights of Indigenous Peoples
	Right to improve the economic and social conditions	UN Declaration on the Rights of Indigenous Peoples
	Right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development	ILO Convention 169, UN Declaration on the Rights of Indigenous Peoples
Environment	Right to a general satisfactory environment favorable to their own development	African Charter
	Right to possess, use and preserve the environment as part of the lands and territories	ILO Convention 169

	Right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination	UN Declaration on the Rights of Indigenous Peoples
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ANNEX – 2

Table 2. Collective rights in non-official documents		
Group of rights	Collective right	Source
Land and territories	Right to have equal access to, use of and control over land and natural resources, independently of their civil and marital status and of particular tenure systems, and equal or priority treatment in land and agrarian reform and in land resettlement schemes	Declaration on the Rights of Peasants
	Peasants and other people living in rural areas have the right, individually and collectively, to the lands, water bodies, coastal seas, fisheries, pastures and forests that they need to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.	Declaration on the Rights of Peasants
	States shall remove and prohibit all forms of discrimination related to land tenure rights, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources.	Declaration on the Rights of Peasants
	States shall provide legal recognition for land tenure rights, including customary land tenure rights, not currently protected by law. All forms of tenure, including tenancy, must provide all persons with a degree of tenure security that guarantees legal protection against forced evictions. States shall recognize and protect the natural commons and their related systems of collective use and management.	Declaration on the Rights of Peasants, Colombian Constitutional Court

	<p>Peasants and other people working in rural areas have the right to be protected against arbitrary displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law standards. States shall prohibit forced eviction, the demolition of houses, the destruction of agricultural areas and the arbitrary confiscation or expropriation of land and other natural resources, including as a punitive measure or as a means or method of war.</p>	Declaration on the Rights of Peasants
	<p>Peasants and other people working in rural areas have the right, individually or collectively, to return to the land and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, of which they were arbitrarily or unlawfully deprived, or to receive just and fair compensation when their return is not possible. States shall take measures to restore access to land and other natural resources to those peasants and other people working in rural areas that have been displaced by natural disasters and/or armed conflict.</p>	Declaration on the Rights of Peasants
	<p>States shall carry out redistributive agrarian reforms in order to facilitate broad and equitable access to land and other natural resources used in their activities and necessary for the enjoyment of adequate living conditions, particularly to young people and landless persons, and to promote inclusive rural development. Redistributive reforms must guarantee equal access of men and women to land, fisheries and forests, and shall limit excessive concentration and control of land, taking into account its social function. Landless peasants, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.</p>	Declaration on the Rights of Peasants
Right to physical existence	Right to existence	Universal Declaration of the Rights of Peoples

	Right to national and cultural identity	Universal Declaration of the Rights of Peoples
	Right to retain peaceful possession of its territory and to return to it if it is expelled	Universal Declaration of the Rights of Peoples
	Right not to be subjected, because of his national or cultural identity, to massacre, torture, persecution deportation, expulsion or living conditions such as may comprise the identity or integrity of the people to which belongs	Universal Declaration of the Rights of Peoples
Self-determination	Right to self-determination. Free determination of political status and free pursue of their economic, social and cultural development.	Universal Declaration of the Rights of Peoples
	Right to break free from any colonial or foreign domination. To be free from colonization or oppression.	Universal Declaration of the Rights of Peoples
	Right to have a democratic government	Universal Declaration of the Rights of Peoples
Minorities	Right to respect for its identity, traditions, language and cultural heritage	Universal Declaration of the Rights of Peoples
	Right to exercise the rights with due respect for the legitimate interests of the community as a whole	Universal Declaration of the Rights of Peoples
	Right to equal participation in public life and political life of the State.	Universal Declaration of the Rights of Peoples
	Right to participate meaningfully in the formulation and implementation of development planning at all levels	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right, individually and collectively, to participate in peaceful activities against violations of human rights and fundamental freedoms.	Declaration on the Rights of Peasants

	Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to active, free, effective, meaningful and informed participation, directly and/or through their representative organizations, in the formulation, implementation and assessment of policies, programmes and projects that may affect their lives, land and livelihoods.	Declaration on the Rights of Peasants
	States shall take adequate measures to ensure meaningful and effective participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that affect their lives, land and livelihoods, including by facilitating the establishment and growth of strong and independent organizations of peasants and other people working in rural areas.	Declaration on the Rights of Peasants
Culture	Right to speak its own language and preserve and develop its own culture, thereby contributing to the enrichment of the culture of mankind	Universal Declaration of the Rights of Peoples
	Right to its artistic, historical and cultural wealth	Universal Declaration of the Rights of Peoples
	Right no to have an alien culture imposed upon it	Universal Declaration of the Rights of Peoples

	Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional knowledge, such as ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law, nor to limit their scope.	Declaration on the Rights of Peasants, Colombian Constitutional Court
	Peasants and other people working in rural areas, individually or collectively, have the right to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.	Declaration on the Rights of Peasants
Economic rights, rural development and food sovereignty	Right over natural wealth and resources. Free disposal.	Universal Declaration of the Rights of Peoples
	Peasants and rural workers have the right to have access to and to use the natural resources present in their communities that are required to enjoy adequate living conditions. They have the right to participate in the management of these resources and to enjoy the benefits of their development and conservation in their communities.	Declaration on the Rights of Peasants
	Right to scientific and technical progress. Right to participate in the common heritage of mankind	Universal Declaration of the Rights of Peoples
	Right to a fair a evaluation of its labour and to equal and just terms in international trade	Universal Declaration of the Rights of Peoples
	Right to choose its own economic and social system and pursue its own path to economic development freely and without any foreign interference	Universal Declaration of the Rights of Peoples
	Right to organize self-help groups and cooperatives in order to obtain equal access to economic opportunities though employment or self-employment	Declaration on the Rights of Peasants

	To have access to agricultural credit and loans, marketing facilities, appropriate technology, equal rights with regard to land and natural resources	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to a fair and impartial system of evaluation and certification of the quality of their products, at the local, nation and international levels, and have the right not to accept certification mechanisms established by transnational corporations.	Declaration on the Rights of Peasants
	States shall create an enabling environment with opportunities for work and that provides remuneration allowing for an adequate standard of living for peasants and other people working in rural areas and their families. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote food systems that are sufficiently labour-intensive to contribute to the creation of employment.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to a decent income and livelihood for themselves and their families, and to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They have also the right to use individually and collectively traditional ways of farming, fishing and livestock rearing, and to develop community-based commercialization systems.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national, and regional markets at prices that guarantee them a decent income and livelihood.	Declaration on the Rights of Peasants

	<p>States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate, and ensure that peasants and other people working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living. Prices should be set through a fair and transparent process that involves peasants and other people working in rural areas and their organizations.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>States shall take all measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production. States shall stimulate agroecological, organic and sustainable production whenever possible, and facilitate direct farmer-to-consumer sales.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>States shall take appropriate measures to strengthen the resilience of peasants against natural disasters and other severe disruptions, such as market failures.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>Peasants and other people working in rural areas have the right to food sovereignty. Food sovereignty is the right of peoples to healthy and culturally appropriate food produced by means of socially just and ecologically sensitive methods. It entails the right to participate in decision-making and to determine one's own food and agriculture systems.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>States shall formulate, in partnership with peasants and other people working in rural areas, public policies to advance and protect food sovereignty at the local, national, regional and international levels, and mechanisms for ensuring coherence with other agricultural, economic, social, cultural and development policies.</p>	<p>Declaration on the Rights of Peasants</p>

	<p>States shall ensure that peasants and other people working in rural areas enjoy the right to physical and economic access at all times to sufficient, adequate and culturally acceptable food that is produced and consumed sustainably and equitably, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and collectively.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>Peasants and other people working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health. They also have the right to have access, without any discrimination, to all social and health services.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>Peasants and other people working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as training for health personnel, including education on health and human rights.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>Peasants and other people working in rural areas have the right to education and training. Education and training programmes for peasants and other people working in rural areas shall take into account their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall be developed and implemented in cooperation with peasants and other people working in rural areas.</p>	<p>Declaration on the Rights of Peasants</p>

	Peasants and other people working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity.	Declaration on the Rights of Peasants
	States shall not, either temporarily or permanently, remove peasants or other people working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, the State must provide or ensure fair and just compensation for any material or other losses.	Declaration on the Rights of Peasants
	In cases of eviction, States shall guarantee the right to resettlement of peasants and other people working in rural areas, which includes the right to alternative housing that satisfies the criteria for adequacy, namely, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to such essential rights as those to health, education and water.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to social security, including social insurance. They also have the right to enjoy fully all social security rights established under applicable international and domestic labour law.	Declaration on the Rights of Peasants

	States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.	Declaration on the Rights of Peasants
Environment and natural resources	Right to conservation, protection and improvement of its environment	Universal Declaration of the Rights of Peoples
	Right to make use of the common heritage of mankind	Universal Declaration of the Rights of Peoples
	Right to recover natural wealth and resources if they have been despoiled	Universal Declaration of the Rights of Peoples
	The development and implementation of educational and public awareness programmes on the health and environmental effects of chemicals commonly used in rural areas, and on alternatives to them.	Declaration on the Rights of Peasants
	There is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to a safe, clean and healthy environment.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall protect that right and take appropriate measures to ensure its full realization for peasants and other people working in rural areas, without discrimination.	Declaration on the Rights of Peasants

	States shall protect peasants and other people working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to seeds, including: (a) The right to the protection of traditional knowledge relevant to plant genetic resources for food and agriculture; (b) The right to equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture; (c) The right to participate in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture; (d) The right to save, use, exchange and sell farm-saved seed or propagating material.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to maintain, control, protect and develop their seeds and traditional knowledge	Declaration on the Rights of Peasants
	States shall recognize the rights of peasants to rely either on their own seeds or on other locally available seeds of their choice, and to decide on the crops and species that they wish to grow.	Declaration on the Rights of Peasants
	States shall support peasant seed systems, and promote the use of peasant seeds and agrobiodiversity.	Declaration on the Rights of Peasants
	States shall ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect the rights of peasants, in particular the right to seeds, and take into account their needs and realities.	Declaration on the Rights of Peasants

	<p>Peasants and other people working in rural areas have the right, individually or collectively, to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, fishing and livestock. They also have the right to maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of agricultural biodiversity depend.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>Peasants and other people working in rural areas have the right to protect their associated traditional knowledge, innovation and practices relevant to the conservation and sustainable use of biological diversity.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>Peasants and other people working in rural areas have the right to water for farming, fishing and livestock keeping and to securing other water-related livelihoods. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>States shall respect, protect and ensure access to water, including in customary and community-based water management systems, on a non-discriminatory basis, and shall take measures to guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, migrants, regardless of their legal status, and persons living in irregular or informal settlements</p>	<p>Declaration on the Rights of Peasants</p>
	<p>States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people living in rural areas. States shall prioritize water use for human needs, small-scale food production, ecosystem needs and cultural use before other uses.</p>	<p>Declaration on the Rights of Peasants</p>

	Peasants and other people working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.	Declaration on the Rights of Peasants
Peace and security	Right to be free from violence	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers and of their legal status, have the right to work in safe and healthy conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to have access to adequate and appropriate protective clothing and equipment and health and safety training, to work free from harassment and violence and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right not to use or to be exposed to agro-chemicals or agricultural or industrial pollutants.	Declaration on the Rights of Peasants
	Peasants and other people working in rural areas have the right to have access to and prompt decision through just and fair procedures for the resolution of disputes, and to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to their customs, traditions, rules and legal systems in conformity with human rights standards.	Declaration on the Rights of Peasants, Colombian Law

Access to justice		
	<p>States shall allow for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.</p>	<p>Declaration on the Rights of Peasants</p>
	<p>States shall provide peasants and other people working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement, forced assimilation or integration.</p>	<p>Declaration on the Rights of Peasants</p>