

## **PUBLIC STATEMENT BY THE ASSOCIATION OF AFRO-DESCENDANT CAMPEÑINOS OF MARÍA LA BAJA (ASOCAAFA)**

**DATE:** 26 JANUARY 2026

**SUBJECT: RECOVERY OF THE STRIP OF LAND ADJACENT TO THE IRRIGATION DISTRICT**

We are a grassroots *campesina* “small-scale farmer” and ethnic organisation that brings together families who are victims of the armed conflict and territorial dispossession in María la Baja (Montes de María), Colombia. As subjects of special constitutional protection entered in the Registry of Subjects of Land Use Planning (RESO under its Spanish acronym), our historic struggle is for food sovereignty, the defence of water and our permanence in the territory in the face of advancing monocultures.

Seven months before the National Government’s term is set to end, the families of ASOCAAFA inform the country and the world of our decision to **peacefully recover possession of the strip of land adjacent to the María La Baja Irrigation District, Bolívar**. This decision (for direct action) is taken given the exhaustion of institutional channels and the urgent need to guarantee our subsistence in the absence of concrete responses from the State.

### **THE FACTS THAT SUPPORT OUR ACTION:**

**1. FAILURE OF AGRARIAN REFORM (National Lands Agency - ANT):** Despite María La Baja being a priority territory, the ANT has not resolved the legal status of the properties adjacent to the irrigation district after years of technical discussions and studies. A September 2023 field visit study revealed the existence of private owners who obtained title through court judgments recognising their ownership of plots classified as ‘vacant’ state-owned land (*baldíos*), in contravention of the most recent precedent-setting *en banc* unifying judicial ruling on this issue handed down by the Colombian Constitutional Court (SU-288 of 2023).<sup>i</sup>

During this process, field verification activities have been oriented toward gathering information for land regulation and *saneamiento* “ordering”. This ordering process is intended to resolve tenurial conflicts and eliminate defective titles. It also involves *clarificación* to determine whether occupied lands are legitimately private property or common lands for subsistence use under state-ownership; and (where applicable) it may also encompass *recuperación* to recover illegally occupied state-owned lands with respect to land occupants on the ground. No ASOCAAFA members were explicitly identified during these ANT field visits. This suggests that the state land authority has prioritised administering the Subdirectorato of Agrarian Processes (known as SPAGJ under its Spanish acronym) over other direct purchase or award processes, ignoring our urgent (community) need to access the land. Additionally, high staff turnover within the ANT, the lack of coordination between departments and the lack of interest in ASOCAAFA concerns have prevented us from pursuing other avenues with other departments such as the Directorate of Access to Land (DAT) or the Subdirectorato of Access to Land for Focused Areas, even though all our families are included in the Registry of Subjects of Land Use Planning (RESO).

**2. CLOSURE OF THE RESTITUTION ROUTE (Land Restitution Unit - URT):** For the third time, we have sought restitution without results. In October 2024, following the Unit's suggestion and under the promise of priority status via the "*Ruta Campesina*" (Peasant Route), we filed new applications that remain mired in the "preliminary analysis phase". This systematic obstruction revictimises our struggle, ignoring the fact that previous applications have specifically concerned the "La Candelaria" and "La Franja" properties, territories from which we were violently dispossessed in a sequence of victimising events: first in 2004 when we were expelled from "La Candelaria," and later in 2015 from "La Franja", where we suffered the burning of our huts and further displacement.

The most recent and perfunctory response to our new application on 18 September 2025 merely informs us of a "preliminary status", refuses to provide us with information about the application status of other members, and once again ratifies the initial denial of the case (Resolution RB 0959 of 2016), in which, due to deficient handling of our claim, our status as possessors of the farm was disregarded.

This institutional position is contradictory and unacceptable, as the Unit itself validates on page 24 of its Preliminary Study (UAEGRTD, 2022) the content of Official Letter 20224300749831 from the ANT. In that document, the State formally acknowledges that, in the absence of private ownership, the strip of land making up the "La Franja" property is presumed to be state-owned public 'vacant' land, stating verbatim that: "*it is understood that the land known as 'LA FRANJA' is vacant land belonging to the nation, on which the community has exercised uses and customs*". Accordingly, in processing our (land) claim, the State is denying us what it has already recognised on paper.

**3. WATER CAPTURE AND INSTITUTIONAL CONTEMPT (Rural Development Agency - ADR):** The Irrigation District administration continues to operate under a model that excludes *campesinos*. A court ruling in response to the constitutional protection lawsuit (*tutela*) filed by ASOCAAFFRO (Case No. 2023-00045) ordered the defendant entities (ANT, ADR, the Ministry of Agriculture and Rural Development, MADR by its acronym in Spanish and the Superintendency of Notary and Registry, SNR by its acronym in Spanish) to provide information to the Association and mandated **inter-institutional coordination** that the entities pretend to comply with without providing any tangible solutions.

Despite the oversight of the Agrarian Procurator's Office, the ADR proceeded to extend Contract No. 756 of 2019 until 7 April 2026, maintaining a direct contracting model (Law 41 of 1993) and evading public tender (Law 80 of 1993). The Agency has chosen to ignore the serious allegations against the management of USOMARIALABAJA and the findings documented in the journalistic report: "*The strip of land that pits peasant farmers and palm growers against each other in Maríalabaja, Bolívar*" (Editorial Board, 2023). This decision allows for the continuation of a model without technical measurements of water flow, ignoring the obligation to keep strict records of irrigated areas (Resolution No. 650 of 2017) and allowing a strategic public good to be managed as a private monopoly.

**OUR DECISION:**

Given the evidence that State institutions prioritise bureaucracy over the right to food, real access to land and the effective guarantee of our agrarian rights, we declare the legitimate recovery of the district's public strip. This action is consistent with the national policy that agencies in the sector refuse to implement. We are not invaders; we are beneficiaries of the RESO and protectors of the territory and waters, and we are demanding that the Agrarian Reform cease to be mere rhetoric and becomes tangible justice in Montes de María and the municipality of María la Baja.

**ASOCAA Afro** *María La Baja, Montes de María.*

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<sup>i</sup> Translation note: “*Jurisprudencia Unificada*”, the term used in the Spanish original translates to “unifying jurisprudence” in English. It is a legal term in Colombia that refers to special Constitutional Court judgments designed to harmonise or consolidate the Court's interpretation on constitutional issues where there have been conflicting or inconsistent rulings. The “SU” prefix stands for “Sentencia de Unificación” (Unification Judgment).