Supplementary material

**Table A1: Key legal frameworks in Colombia and Cartagena for climate adaptation and land rights/tenure/relocation**

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| **Law (Level)** | **Official aim of the law** | **Specific aims regarding climate/disaster risk and housing/sanitation** |
| **Urban reform of 1989 Law 9** (National)[Link to law text in Spanish](https://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=1175) | Whereby rules are issued on municipal development plans, sale and expropriation of property and other provisions. | Provides the means for the state to provide decent urban living conditions. Municipalities should produce development plats, given means to obtain land for housing or public projects, new taxes on capital gains from luxury housing, and power to expropriate land of ‘pirate urbanisers’. While deemed highly significant, the legislation was difficult to implement and municipalities could not control the rising cost of urban land, so self-help solutions followed rather than formal housing construction (Gilbert 2014) |
| **Constitution of 1991**(National)[Link to law text in Spanish](https://www.redjurista.com/Documents/constitucion_politica_de_1991.aspx#/) | To strengthen the unity of the nation and ensure its members life, coexistence, work, justice, equality, knowledge, freedom, and peace within a democratic and participatory legal framework that guarantees a fair political, economic, and social order, committed to promoting the integration of the Latin American community. | **ARTICLE 58. Right to property** Modified by Legislative Act 1 of 1999, article 1. Private property and other rights acquired in accordance with civil laws are guaranteed, which cannot be ignored or violated by subsequent laws. When the application of a law issued for reasons of public utility or social interest results in a conflict between the rights of individuals and the need recognized by it, **the private interest must yield to the public or social interest**. **Property is a social function** that implies obligations. As such, it is inherent an ecological function. **The State will protect and promote associative and joint ownership forms**. For reasons of public utility or social interest defined by the legislator, there may be **expropriation by judicial ruling** and prior compensation. **ARTICLE 49. Right to health and sanitation** Amended by Legislative Act 2 of 2009, article 1. Which will remain as follows: Health care and **environmental sanitation** are public services provided by the State. Access to health promotion, protection and recovery services is guaranteed to all people. It corresponds to the State to organize, direct and regulate the provision of health services to the inhabitants and environmental sanitation [sic!] in accordance with the principles of efficiency, universality and solidarity. [...] **ARTICLE 51. Right to housing** All Colombians have the right to dignified housing. The State will establish the necessary conditions to make effective this right and will promote housing plans of interest social security, adequate long-term financing systems and forms associations for the execution of these housing programs.  |
| **Law 388 of 1997** (National) [Link to law text in Spanish](https://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=339) | Establishes the framework for territorial planning and land use management at the local level (Modifies Law 9 of 1989) | **ARTICLE 1: Objectives** *(among others, the word “riesgo” occurs 27 times in the whole text)*:2. The establishment of mechanisms that allow the municipality, in the exercise of its autonomy, to promote the ordering of its territory, the equitable and rational use of the land, the preservation and defense of the ecological and cultural heritage located in its territorial scope and the **prevention of disasters in high-risk settlements**, as well as the execution of efficient urban actions. 3. Guarantee that the use of the land by its owners conforms to **the social function of the property** and makes it possible to make effective the **constitutional rights to housing and residential public services**, and ensure the creation and defense of public space, as well as for the protection of the environment and the prevention of disasters. |
| **Law 1523 of 2012** (National) [Link to law text in Spanish](https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=47141) | Whereby the national disaster risk management policy is adopted and the National Disaster Risk Management System is established. | **Article 3 General principles.** The general principles that guide risk management are: 1. Principle of equality: All natural persons will have the same help and the same treatment when they are assisted with humanitarian aid, in disaster and danger situations that this law develops. 2. Principle of protection: Residents in Colombia must be protected by the authorities in their life and physical and mental integrity, in their assets and in their collective rights to public safety, tranquility and health and to enjoy a healthy environment, in the face of possible disasters or phenomena. dangerous that threaten or inflict damage to the stated values. 3. Principle of social solidarity: All natural and legal persons, whether the latter are governed by public or private law, will support situations of disaster and danger to the life or health of people with humanitarian actions. 4. Principle of self-preservation: Every natural or legal person, whether under public or private law, has the duty to adopt the necessary measures for adequate risk management in their personal and functional sphere, with a view to safeguarding themselves, which is a necessary condition for the exercise of solidarity. social. 5. Participatory principle: It is the duty of the authorities and entities of the National Disaster Risk Management System to recognize, facilitate and promote the organization and participation of ethnic communities, civic, community, neighbourhood, charitable, voluntary and common utility associations. It is the duty of all people to be part of the risk management process in their community. 6. Principle of cultural diversity: In recognition of the economic, social and cultural rights of people, risk management processes must be respectful of the cultural particularities of each community and make the most of its cultural resources. 7. Principle of public or social interest: In any situation of risk or disaster, public or social interest will prevail over private interest. Local, regional, sectoral and collective interests will yield to the national interest, without detriment to the fundamental rights of the individual and, without detriment, to the autonomy of the territorial entities. 8. Precautionary principle: When there is the possibility of serious or irreversible damage to lives, property and rights of people, institutions and ecosystems as a result of the materialization of disaster risk, the authorities and individuals will apply the precautionary principle under of which the lack of absolute scientific certainty will not be an obstacle to adopt measures aimed at preventing, mitigating the risk situation. 9. Principle of environmental sustainability: Development is sustainable when it meets the needs of the present without compromising the ability of environmental systems to meet future needs and implies taking into account the economic, social and environmental dimensions of development. Disaster risk derives from processes of unsustainable use and occupation of the territory, therefore, the rational exploitation of natural resources and the protection of the environment constitute irreducible characteristics of environmental sustainability and contribute to disaster risk management. 10. Principle of gradualness: Risk management is deployed continuously, through sequential processes in times and scopes that are permanently renewed. Said continuous management will be governed by the principles of public management enshrined in article 209 of the Constitution and must be understood in light of the political, historical and socioeconomic development of the society that benefits. |
| **Law 1753 of 2015** (National) [Link to law text in Spanish](https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=61933) | Whereby the National Development Plan "All for a new country" (2014-2018) is issued. | **ARTICLE 155 The Adaptation Fund** ([created in 2010 for recovering from La Niña](https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=41080)) may structure and execute comprehensive projects for risk reduction and adaptation to climate change, within the framework of the National Disaster Risk Management System and in coordination with the respective sectors, in addition to those derived from the La Niña phenomenon. **ARTICLE 156. Sanitation for reasons of public utility.**PARAGRAPH 2. Public entities within the framework of resettlement projects due to high risk and/or disaster, may acquire ownership, possession or improvements of real estate for housing located in these high risk and/or disaster areas, by means of exchange for the housing solution offered.**ARTICLE 157. Resettlement**. In order to reduce the risk of disasters and mitigate the impact of those that have already occurred, public entities will advance resettlement or relocation processes or plans by transferring the population located in high-risk or disaster areas to another place where provide them with a new habitat. |
| **Law 1931 of 2018**(National) [Link to law text in Spanish](https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=87765)   | Whereby guidelines are established for the management of Climate Change | **ARTICLE 6. Responsibility for adaptation.** The ministries that are part of SISCLIMA, the Departments, **Municipalities**, Districts, the Regional Autonomous Corporations and National Natural Parks of Colombia, are the entities responsible, within the framework of what is defined within this Law and its powers, for compliance with the country's goals for adapting the territory to climate change. **ARTICLE 9. Municipal and district instruments.** The municipal and district authorities must incorporate climate change management into their development plans and territorial planning plans, taking as reference the **Comprehensive Territorial Climate Change Management Plans:** of their department and the Comprehensive Climate Change Management Plans Sectoral. Likewise, they may incorporate climate change management into other planning instruments available to the respective territorial entity. |
| **Law 2079 of 2021** (National)[Link to law text in Spanish](https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=160946)   | Whereby provisions are issued regarding housing and habitat. | **ARTICLE 2. OBJECTIVES. The objectives of this law are:** 1. Recognize the public policy of housing and decent habitat, as a State policy in order to guarantee in the long term the development of the mechanisms and actions that allow its promotion, guarantee and satisfaction. 2. Establish mechanisms that allow reducing the quantitative and qualitative housing deficit in Colombia, by increasing subsidies, financing demand and promoting supply and developable land in the country. 3. Guarantee the use of the land and habitability by its owners adjusted to the **social and ecological function of the property** and that allows the constitutional rights to housing and home public services to be made effective. 4. Promote the adoption of schemes for the economic use of public space by territorial entities that guarantee their recovery and economic sustainability. 5. Promote the harmonious concurrence, co-responsibility and articulation of the Nation, the territorial entities, the environmental authorities, the decentralized entities, the territorial associative schemes, metropolitan areas and the other entities granting family subsidy and the administrative and planning bodies and authorities of territorial planning. 6. Facilitate the comprehensive execution of the urban and rural housing policy, by improving the decision-making processes regarding territorial planning. 7. Facilitate access to housing and habitat in conditions worthy of equity, transparency and differential approach, taking into account the particularities of the territories and the populations settled therein. 8. Promote strategies in territorial entities, to clean up false tradition.… **ARTICLE 5. PRINCIPLES. The actions of the entities that are in charge of activities related to the formulation and execution of public housing and habitat policy must observe the following principles:**…7. Sustainability. Priority will be given to the development of social housing that guarantees the right to housing for lower-income households, which meets quality standards in urban, architectural design, habitability and sustainable construction, in accordance with the provisions of the article 91 of Law 388 of 1997. Likewise, social housing will contribute to low-carbon development, through the formulation and implementation of measures at a territorial and differential level that promote more resilient and sustainable territories, cities, homes and communities according to with the Comprehensive Climate Change Management Plan - PIGCCS of the housing sector, the savings measures and sustainability strategies provided for in the update of the standard.…**8. Risk Mitigation.** The exercise of urban planning action will have among its basic guiding principles **the prevention of natural risks in the territory,** for which purposes the necessary studies and mitigation measures will be carried out in order to guarantee that housing developments are realised on land suitable for this purpose. |
| Civil code (National) [Link to law text in Spanish (articles concerning uscaption)](http://www.secretariasenado.gov.co/senado/basedoc/codigo_civil_pr078.html)  | This is where the prescription (aquiring land through squatting) is regulated | **ARTICLES 2513 and onwards. Adverse possession/acquiring land through squatting.** “The process of acquiring legal recognition of possession through squatting is known as "prescripción adquisitiva" or "usucapión" in Colombian law, and is regulated by articles 2513 and following of the Civil Code. According to these articles, a person who has possessed a piece of land continuously, peacefully, and publicly, for a period of ten years, and who has acted in good faith and with the intention of acquiring ownership of the land, may request the transfer of the property title from the current owner to themselves.” |
| Decision of the Constitutional Court 2021[SU016-21 Corte Constitucional de Colombia](https://www.corteconstitucional.gov.co/relatoria/2021/SU016-21.htm) | Legal Decision about the conditions that play a role in relation to evictions from public land |  |
| **National Plan for Adaptation to Climate Change (PNACC) 2012**(National)[Link to text in Spanish](https://www.minambiente.gov.co/cambio-climatico-y-gestion-del-riesgo/plan-nacional-de-adaptacion-al-cambio-climatico/) | To reduce the vulnerability of the country and increase its responsiveness to the threats and impacts of climate change. | The purpose of the national plan is to reduce the vulnerability of the country and increase its responsiveness to the threats and impacts of climate change. |
| **Sectoral plan (PIGCCS) on the****Housing Sector, City and Territory of 2021**(National)[Link to pdf](https://www.minvivienda.gov.co/sites/default/files/2021-02/anexo-resolucion-0431-2020.pdf) | To reduce the vulnerability of the sectors of housing, city and territory, and water and basic sanitation to the expected effects of climate change  | The Comprehensive Sectoral Climate Change Management Plans (PIGCCS) are the instruments through which each Ministry identifies, evaluates and guides the incorporation of greenhouse gas mitigation measures and adaptation to Climate Change in the policies and regulations of the respective sector. The present PIGCCS aims to reduce the vulnerability of the sectors of housing, city and territory, and water and basic sanitation to the expected effects of climate change and contribute to low-carbon development, through the formulation and implementation of measures at the territorial and differential level that promote territories, more resilient and sustainable cities, homes and communities. |
| **A Competitive and Climate Compatible Cartagena** (Plan 4C) of 2014 (City-level) | Climate adaptation plan of the city of Cartagena | [Consists of] five strategic lines and concrete actions to promote the development and competitiveness of its economic sectors in the long term, to reduce poverty levels in the city and in our islands and to create new sources of employment:• To promote a **climate compatible port and industrial zone**: to coordinate and encourage innovative climate actions to reduce risk and introduce adaptation and mitigation measures that project their future competitiveness.• To promote a **climate compatible tourism sector**: to involve the hotel sector, operators and tourists in the understanding and creation of adaptation and mitigation measures to ensure thatCartagena remains the main tourist attraction on the Colombian Caribbean.• To prepare **adapted neighborhoods** to the climate of the future: to promote adaptation measures that include water, basic sanitation, construction, energy, transportation, and citizens’ climate knowledge, in order to succeed in preparing both people and neighborhoods for the climate of the future.• To restore Cartagena’s **ecological balance**: to restore the ecosystems and ecological structures at the level of beaches, wetlands and swamps in order to ensure the resilience of the city and its inhabitants.• To protect our **historic patrimony** and our assets of cultural interest: to carry out restoration and protection actions to maintain their value as part of a Historic Heritage of Humanity at the service of both the Cartageneros, the people of Cartagena, and its visitors. |