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Presentation by Senator Juan Martin Caicedo Ferrer in the Colombia Session, within the framework of the GSDI 5 Conference

Territorial information, decision making and regulation of space: a perspective from the legislative branch

Introduction

Geographic information acquires every day greater importance for decision making. This is so, simply because any decision affects and refers to a portion of the territory: neighborhood, municipality, region, department.

The increasing demand by society of natural resources, land for farming or development, public utilities and infrastructure for development and the limited economic resources available to meet them, makes the need to have a timely and quality information a priority, for the consideration of the opportunities and options to meet such demands.

In other words, decision makers, at all levels, need to have a clear and exact image or visualization of the phenomena, the problems and the resources of the territory.

The case of the Territorial Regulation: The legislative experience

Since 1994 when I arrived to the Senate of the country, among the priorities of my legislative work, I paid special attention to the subject of territorial regulation, to which I had been close for some time, when I introduced the bill that became Law 388 of 1997, which modified the law on urban reform of the country, intended to favor a harmonic development of our population centers which are more than 1089, based on the integral development of the territory and the community.

In this process I had a more detailed knowledge of what I had already experienced as Mayor of the country's capital, on the usefulness of geographic information to support the decentralization and territorial autonomy processes.

Without proper information on spaces, which will be reliable and easily accessible, within the context of the decentralization strategy set forth by our Constitution, it is very difficult that local and regional authorities will be able to adopt accurate decisions, reach a greater efficiency in public investment and, in general, improve management and the exercise of the competences of departments and municipalities.

Naturally I also had knowledge of process even more complex of urban development, such as the problems faced by planners when they do not have uniform, accurate and quality information on issues such as uses of the soil, location and characteristics of constructions, value of soil, areas of homogeneous development and ownership of the land, among others.

Under these circumstances the legislator finds himself between the conception of a regulation and the possibilities for its adequate application. Within this context, one of the major limitations is the availability of proper information.

If we refer to basic information, the country has the tradition and experience of the Agustin Codazzi Geographic Institute (IGAC), but it is also a fact that when Law 388 was passed and it was ordered, perhaps with more enthusiasm than actual possibilities, that in a period of one year all the 1089 municipalities should adopt a plan for regulation of their territory, the IGAC found that it had not sufficient financial resource to meet a collective demand of such proportions.

It was then necessary for the municipalities and their advisors, in order to complete the missing information, to resort to other complementary sources only to find that the quality and characteristics are very dissimilar in terms of their technical aspects and their form.

This situation does not favor urban and regional development since it causes inconveniences in the implementation of legal initiatives such as Law 3888, which for their effective application assume that the problem of geographic information has been solved, specially at the detailed scales required by the local regulatory processes.

But we must also be positive, Law 388 of 1997 and those that supplement it have been able to make known around the country the need to use geographic information as a basis for urban and municipal planning processes. Today every municipality knows that in order to formulate its territorial regulation plan, it needs the basic, cadastral and soil cartography produced by the IGAC, the studies on climate produced by the IDEAM, the information on natural threats shown by the plans of Ingeominas and so from other entities that supply to the planning offices the strategic data for its development.

The same reflection is valid in the case of the cities, when taking advantage of the instruments that I promoted with the processing of this Law and which are key for their development, such as value increases, expropriation by administrative channels, and the transfer of additional construction rights. Indeed, the possibility of generating investment resources through the application of this powers requires exact, homogeneous, updated and official space and cadastral information.

My position with respect to the development of the territorial information infrastructure and to the national CSDI (Colombian Spatial Data Infrastructure) initiative.

When the organizers of an event of an eminently technical nature such as this Conference proposed to me to take part in this session, my initial reaction was to keep, in a certain way, some distance. What do I have to do, as a Senator with the development of a “Colombian Spatial Data infrastructure”? However, after studying the subject and finding out that it deals with regulating an economic sector resulting from combining computers, data,

policies and specialists to support economic and social development, the situation is different and changes easily when it is applied, for example, to the case that I have mentioned previously on the information for territorial development.

That is why, regardless of my legislative initiative on the subject of territorial regulation, and even disregarding the fact that the Executive has recently announced that it will present to Congress an Organic Bill for Territorial Regulation, I consider that the country needs to have an expeditious infrastructure for producing territorial information that will guarantee that such information will flow efficiently, without duplicity of efforts, in a permanent manner and in accordance with the needs of the country.

I believe that it is also relevant to bring to public light the various causes of the problem on spatial information, among which are, no doubt, the lack of state policies and the budget situation. I am aware that the information properly produced is very costly and can not be obtained from one day to the next. On the contrary, experience, know-how and technological support are required.

Under this scenario, I welcome the fact that among the entities that produce information and among its major users, there is an integral project such as this "CSDI". I observe that this initiative clearly identifies the various fronts in which it is necessary to work in order to overcome these problems; whether it may be the case of the definition of policies on financing the production of information, copyrights, costs, competences, priorities, information safekeeping, gratuity of same, whenever applicable, and so on.

Likewise, the need has been identified and progress has been made in the solution of the problem of the still difficult access to information; and modern and expeditious mechanisms are proposed, such as the use of Internet, electronic commerce and data warehouses, that will permit to know which is the information that we have, and request it and obtain it in a speedy manner.

On the other hand, I consider that CSDI must leave the national level to place itself within the reach of regions, cities and municipalities to the extent that this initiative must favor the autonomy of territorial entities in the exercise of their competences, whenever they have available more information on their territory and the mechanisms for access and consultation of the spatial data bases are made available.

QUESTION, Mike Gould, moderator of the Session

"Senator, you talk about the role that corresponds to the territorial entities, and the benefits that may be obtained by them, within the framework of an initiative to promote the use of spatial data such as CSDI. Could you please elaborate further on this matter?"

Answer by the Senator:

In effect, the municipalities may be one of the most benefited parties with this type of initiative, since they will be a better access, more and better information available, both to carry out their planning work, and to lead and control the integral development of their territories.

In the country there is enough information but territorial entities on several occasions do not use it, in part because they do not know about it, then CSDI may make a considerable contribution, making the information more easily accessible.

On the other hand, the CSDI generates and encourages information culture; at the time that this culture reaches the municipality, it will permit its leaders to make more accurate decisions to guide the destiny of their territories. Likewise, their electors may measure more objectively the results of their work.

As a matter of fact, the passing of Law 388 of 1997 made evident the problems of the country regarding the subject of territorial information, which in a certain way reinforces the need to conceive and materialize a spatial data infrastructure.

In fact, from the perspective of the legislator, who generally does not know the minutiae and the technical details of this subject, it was assumed in 1997 that the country had adequate and sufficient geographic information to formulate and adopt, within a term of one year, territorial regulation plans for all the municipalities of the country.

Today we know that this process has not been easy for the municipalities, departments, ministries as it has not been easy either for information producing entities. Nevertheless, out of the 1089 municipalities that we have today, 439 have an approved Territorial Regulation Plan, 377 have already submitted it to the respective environmental authority and the remaining are in a formulation phase or have not yet initiated it¹.

These data give us an ideal of the large volume of geographic information that is needed in the country, not considering the information required by the municipalities that are already executing their territorial regulation plans.

This is the reason why I, as a congressman, consider very important to support the Augustin Codazzi Geographic Institute and the other entities connected to the CSDI initiative. This project requires for its consolidation, the strengthening of the entities that produce information and the recognition of their strategic nature for the development and peaceful co-existence by all the sectors of the Nation.

In conclusion, the country requires to have available more basic, integrated and updated geographic information for consultation, as well as a permanent mechanism for its dissemination, useful for the municipalities, major users and those responsible for the country's development planning, within a considerable more democratic scheme.

¹ Source: National Planning Department, April 25, 2001