

Corruption and Land Administration

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SUMMARY

The paper addresses corruption in land administration and land management. Based on information that is published in the free press, the conclusion is drawn that all distinguished forms of corruption occur (abuse of discretion for personal gain, for others against payment, for family or partymembers etc.). The extension and characteristics cannot be estimated because of the hidden nature of corruption. Then the paper pays attention to possible measures how to curb corruption.

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1. INTRODUCTION

This paper addresses corruption in land administration.

Although there is not a universally agreed definition of corruption, UN/Habitat defines corruption as 'the misuse of office for private gain' (UN/Habitat, 2004). Some common forms of corruption are

- Bribery ('abuse of discretion in favour of a third party in exchange of benefits given by the third party')
- Fraud ('abuse of discretion for private gain without third parties involvement')
- Favouritism, Nepotism and Clientelism ('abuse of discretion not for self-interest but for the interest of family, clan, political party, ethnic group etc. (based on UN/Habitat, 2004)

Corruption has the most devastating effects in developing countries because it hinders any advance in economic growth and democracy (UNDP, 1998)

'Land administration is the process of determining, recording, and disseminating information about ownership, value and use of land; when implementing land management policies' (UN/ECE 1996). As land administration is strongly related with land management (the rationale for land administration is to facilitate land management), in this paper both land administration and land management issues are addressed.

Access to land and land related benefits is an important factor to reduce poverty and create economic growth (WB, 2003)

'Abuse of discretion' might easily apply to the land issue, as the administration and management of land belongs to the domain of government authority (although cooperation with private sector and civil parties is common). Formal decisions are necessary to register a property, to grant a mortgage, to impose or lift restrictions and to allocate a certain land use, which implies discretionary powers of the public sector.

'Nepotism, Favouritism and Clientelism' might easily apply to the land issue, as access to land in many situations is dependent kinship, especially under customary law. By consequence, in a world where corruption is getting more and more an issue (see e.g. UN. Habitat 2004),(Törhönen, 2006) (OECD 2000),(UNU, 2005), paying attention to corruption in the field of land administration and land management is inevitable.

To avoid the impression that corruption is a matter of developing countries only, we commence with a brief Chapter 2 about our own country, the Netherlands, although the land issue seems not to be a dominant element here. Then we report on desk research to the

occurrence of corruption world wide. No selection was done in advance: we searched the web for free press and free publications. Although it is said that corruption is hidden, we were amazed by how much openness existed about misbehaviour regarding land administration and land management.

In Chapter 4 we try to analyze and categorize the forms of corruption, while Chapter 5 aims at providing some ideas about how to curb corruption. Chapter 6 gives some conclusions and recommendations

2. CORRUPTION IN A CORRUPTION FREE COUNTRY

Almost no country is free from corruption (UNDP, 1998).

More than two-thirds of the 159 nations surveyed in Transparency International's 2005 Corruption Perceptions Index (CPI) scored less than 5 out of a clean score of 10, indicating serious levels of corruption in a majority of the countries surveyed.

'Despite progress on many fronts, including the imminent entry into force of the United Nations Convention against Corruption, seventy countries - nearly half of those included in the Index - scored less than 3 on the CPI, indicating a severe corruption problem, says the Index (TI, 2005d)

Regarding the Netherlands -by many people considered as a corruption-free country (CSR, 2001)- the rate in the CPI is as follows:

CPI 2001	the Netherlands: rate 8
CPI 2002	the Netherlands: rate 7
CPI 2003	the Netherlands: rate 7
CPI 2004	the Netherlands: rate 10
CPI 2005	the Netherlands: rate 11

With an national integrity system that almost meets all guidelines of Transparency International (CSR 2001), an investigation of the Free University of Amsterdam for the Ministry of Justice (Huberts & Nelen, 2005), reveals as follows:

- in the public sector there are a limited number of criminal cases each year, namely 50 cases resulting in 27 convictions, 78 persons imprisoned
- within the whole public sector 130 internal investigations are conducted each year (61 municipalities and 43 national ministries, rest other bodies)
- the bulk of investigations regards purchases and subsidies, only a few cases of land transactions and housing are reported..
- a survey among 341 representatives of public organisations shows that they perceive 3,2% of all civil servants to be corrupt, and 5,2% of politicians.
- 0,5 % of Dutch respondents perceive being confronted by corruption by civil servants.

These two last conclusions were challenged by an investigation by an opinion poll bureau, that found that 800 citizen-respondents perceive that civil servants and politicians are respectively 3 and 5 times higher than that of the University reports (Elsevier, 2006)

The 2005 Annual Social Report of the Dutch Central Government reports that the number of civil servants in ministries which are guilty or suspected of corruption is doubled from 59 in 2004 to 136 in 2005 (NRC, 2006)

The investigations mentioned above don't indicate an important role of the land sector in corruption. However, making regarding corruption in the form of fraud (use of knowledge for private gain, without necessary involvement of third parties) (Huberts & Neelen 2005), there is general concern about fraud in the real estate market. It is said that this market has to contend with a worsening image, caused by long drawn-out affairs in the realm of the national building- and construction fraud, and a series of liquidations in the criminal circuit regarding real estate transactions. These factors harm the overall picture of the estate market in such a way, that there are suggestions to create a 'supervising authority for the real estate market' with the power to spot suspected transactions, and bring these to the knowledge of the public prosecutor (Eichholz, 2006).

3. LAND AND CORRUPTION: RESULTS OF A BRIEF DESK RESEARCH

Desk research (including internet-search during March and April 2006) reveals that land management and land administration are not free from corruption. Of course our observations cannot include an estimation about the extent and nature of corruption regarding land, as the nature of corruption is that it takes place in a hidden way. We report about the cases which are documented and reported in free press and publications.

A household study in Bangladesh (TI, 2005a) under 3000 households shows that 97% households that bought land had to pay bribes for land registration, 85% of the households who mutated their land ownership had to pay bribes for land mutation, 85% households who collected land related documents had to pay bribes, 83% households had to pay bribes for land survey, and 40% households who received land had to pay bribes.

The India Corruption Study (TI, 2005b) states that 79% of those interacting with the Land Administration Department in the country had agreed that there is corruption in the department. Only 5% of respondents felt that there is no corruption in the department. Of those who paid bribes, more than 36% had paid money to department officials, whereas 33% had paid money to middlemen like document writers, property dealers etc. to get their work done. Work for which bribes were paid, concerned 39% property registration, 25% mutation, 12% land survey and 4% obtaining property documents.

A household survey in Nepal (TU 2003) concludes that the respondents perceived land administration as the most corrupt sector, followed by the custom department, police and judiciary. 6,6% of those who were taking service from the land administration sector during 2002 pointed out that they had faced corruption. Tehsilders (revenue officers) were found to be the main actors of corruption in land administration, followed by land surveyors.

In Pakistan (TI 2002b), 133 out of 1724 respondents recalled contacting the land administration department and faced corruption. Main reasons to contact the department were transfer of property (25%), buying land (24%) and selling land (17%). Surveyors and tehsilders (revenue officers) appeared to be the most involved.

A land revenue officer in Pakistan was accused to have misused his official position and accumulating personal assets instead of facilitating land transactions amongst members of the civil society. He got 5 years prison. (Shahna, 2002)

A magistrate in Pakistan reported to be concerned that valuable state property under the control of city council, was being used to the advantage of the property grabbing mafia, while the city council getting a cut of its ill-gotten gains (Daily Times, 2002)

Investigations demonstrate that the land administration sector is in the top three sectors prone to corruption in Bangladesh (rank 3), India (rank 3), Pakistan (rank 1), and Sri Lanka (rank 3). (TI, 2002c)

In Lithuania (UNDP, 2004) 34% of the residents believe land use planning divisions are amongst the very corrupt institutions.

The Kenya Bribery Index 2001 and 2002 ranked the Ministry of Lands and Settlement 4th and 13th. (TI, 2001a, 2002a)

The Kenya Bribery Index 2005 (TI 2005c), shows that 65,7% of the people visiting the Ministry of Lands might be asked for a bribe, 36,3% of declinations resulted in service denial.

The Minister of Lands and Settlements of Kenya says that since independence land has been used as a pay-back system for political supporters, though limited to certain groups of people. Also he observes that the state has large chunks of land for development and research that were irregularly subdivided and sold. The coordinator of the Kenya Land Alliance reports that all land registries, land boards, the land rent collecting offices and the central registry in Nairobi are very prone to corruption. Equally prone to corruption are the offices of the provincial administration because they are in charge of the executive administration of land within their administrative areas. Others include the survey offices, and the land tribunal offices right from the chief, district officer to heads of municipalities. All services offered in these offices are highly prone to corruption, he said. Also the management of trust lands, land which is under the county council for the purpose of nomadic lifestyle and where some leaders have grabbed lands on the river banks, is prone to corruption, he said. (Adili, 2003)

Schools and other bodies that had their land grabbed, now have the Government's permission to seize it back, even if they have to use force to do so, and not waiting for the Land Tribunal (Daily Nation, 2005a) although this order to seize land without seeking court orders attracted angry reactions such as from the Law Society of Kenya and the Catholic Church: 'the government should not act as a gangster and not respect the rule of law...' (Daily Nation, 2005b).

Mwathane writes about a syndicate that prepares parallel titles for registered and unregistered parcels: 'approval letters could be designed, survey records simulated, deed plan prepared,

and title issued outside the Government system. He presumed a heavy hand of insiders collaboration at work (Daily Nation, 2006)

Business men and politicians related to the Goldenberg corruption case were active in fraud cases with irregular transactions with real estate and hotels in Nairobi (NRC, 2006a)

September 2005 president Kibaki from Kenya decided illegally to downgrade Amboseli National Park from a park to a reserve and give it back to the Masaai, in an attempt to buy votes for the new constitution (NG 2006).

Fr Gabriel Donan and three human rights activists were released from Kenyan police custody. The four were protesting against land grabbing. The Government has subsequently agreed to investigate how the land in question was allocated to senior government officials. (Catholic, 2003)

A prominent cabinet minister has accused certain government officials of facilitating the illicit titling of 4,000 acres of land in the Masaai Mara Game Reserve in southwest Kenya. The minister told the press that Ministry of Lands officials were stealing the land that belonged to the Masaai. (Weekly, 2002)

The Ndungu Report (December 2004) gives full and detailed overview about land and graft in Kenya. It talks about 'unbridled plunder' of urban, state and ministerial lands, of settlement schemes and trust lands, and of forestlands, national parks, game reserves, wetlands, riparian reserves and protected areas, facilitated by the extensive complexity of professionals (lawyers, surveyors, valuers, land registrars, etc.) (Southall, 2005)

Even the former American embassy was constructed on lands illegally allocated under the track of the Southern By-pass of Nairobi (Mwathane, 2004)

The Institute of Surveyors of Kenya recommends re-engineering of land administration processes with the aim of reducing the discretionary authority of officials. Computerized and well administered land information systems would help to ensuring transparency and accountability and cases of missing files, double allocations and delayed transactions would be eliminated. Professionals should be increasingly be reminded their ethical responsibility (Makthimo, 2004)

Bribes to speed up cadastral procedures in the Prague's land registry urged to a radical change in the management of the office since October 2003 (Czech 2003).

The Malaysian minister of Lands Kasitah Gaddam was arrested for misusing his position of chairman of the state lands body to approve the sales of shares it held in plantations, holding 25% of the sales for himself (worth 10 million \$). (Tapei, 2004)

In January 2003 in Uzbekistan the father of a large family committed suicide, because for years he had been in conflict with the local authorities; they had taken the land he cultivated for years because the relatives of a prosecutor were interested in it. (ISHR, 2003)

A recent survey on corruption in Vietnam showed that land management tops the list of ten fields accused of corruption. There are a multitude of land corruption crimes committed, but the three most popular are (1) taking advantage of state projects to appropriate land, share land, especially in forestation, residential areas and resettlement programmes, (2) making corrupt use of power to confer land for example leasing land plots of large areas, favourable positions, low prices, quickly completing related formalities and seeking profit through land conferring, especially for investment purposes, and (3) authoritarian behaviour, asking for presents and money while performing formalities related to land, such as land allocation, land lease, land rights transfer, land use certificate granting, land compensation and site clearance (Vietnam, 2005)

A reporter for the newspaper Matichon in Pichit in central Thailand was found dead, shot in his car on 10 January (1998), after reportedly agreeing to meet an unknown source. The reporter was known to have been investigating land development corruption, and had reportedly rejected a bribe to halt his reporting (WAN 1998)

Corruption was reported in a Local Aboriginal Land Council in Australia registering false transfers of land in the Land Titles Office (ICAC, 2002)

An official in the Land Registry in Dublin (Ireland) has been suspended and is facing 47 corruption charges for allegedly illegally receiving money over a 2,5 year's period for documents he sold to a Dublin-based law agent (Irish Post, 2006).

In the '80 an employee involved in land registration in the Netherlands (office Amsterdam) was fired and convicted because of discharging mortgages in the land book against payment by land owners/debtors (not documented, personal knowledge)

The Directorate on Corruption and Economic Crime in Botswana is investigating 73 cases of land corruption. The head of the Directorate reported that the Directorate received 238 allegations relating to lands that were allocated illegally, in the last ten years. (MMEGI, 2004)

A special rapporteur of UN on housing rights visiting Cambodia reports main concerns about significant land grabbing which appears to be exacerbating land disputes and skewed land ownership patterns to the disadvantage of both the rural and urban poor; the land management system in place has been unable to address this situation as a combined result of (1) the absence of land records, (2) an underdeveloped and non-transparent land registration system, (3) the absence of cadastral index maps, (4) inadequate land laws and procedures, and (5) unclear delineation of state land and (6) the weakness of the justice system. Furthermore the rapporteur observed a considerable number of forced evictions cases often with violence, a growing number of evictions ordered by courts without sufficient investigation concerning the legality and legitimacy of the relevant land titles, and a great number of land 'swaps' taking place all over the country, which transactions may be illegal and have been carried out with lack of transparency and public participation (UN, 2005)

Insecurity of tenure contributed to land grabbing, often by soldiers or companies with connections to local officials. Legal Aid of Cambodia represented more than 8 thousand families, or about 43 thousand people, in land cases most of which involved military and local officials. In a significant case that was first brought to court in March 2001, indigenous villagers in Ratanakiri province launched a legal appeal against a military general who fraudulently obtained title to their ancestral lands, putting some 9 hundred villagers at the risk of landlessness (UNCHR, 2003)

President Kikwete (Tanzania) said that he would sack officers if discovered that they allocated land to more than one person. Speaking when he visited the Ministry of Lands and Natural Resources, the names of the officers who double allocated the land would be forwarded to the Prevention of Corruption Bureau for legal action (Guardian, 2006a).

In Georgia, 0.5% of all corruption regards the registration of property ownership (WDI, 1999).

In Russia it is estimated that annually 36 billion \$ is paid for bribes, of which 11 billion to government officials to acquire permits (NRC, 2002)

One of the slogans in the first anti-corruption campaign in Mozambique was ‘don’t pay high administration costs asked for by land officers for the registration of land property’ (IS 2004)

In Ghana, struggle for land and the role of the chiefs is related. Although according to customary law the chief should administer the land in the interest of the community, in approximately 65% of case studies the chief himself is the main beneficiary of land sales, giving rise to much local resistance. (Ubbink, 2004)

China’s Ministry of Lands and Resources announced new measures to crack down on corruption and inefficiency in the land sector. The new rules forbid officials to receive personal benefits from parties under their administration. It is estimated that in 2003 the country faced 168,000 violations of its Land Law (China Daily, 2004)

Complaints about corruption in the land and mining sector have increased in recent years, which mainly focused on the illegal approval of using farmland for construction and the rights of mining mineral resources at very low price or even free of charge (People’s Daily, 2005).

A former minister of land and resources was expelled from the Communist Party of China Central Committee and deprived of Party membership on corruption charges. The minister took bribes of about 600,000 \$ for misusing his powers (China Daily, 2006).

The Chinese prime minister Wen Jiabao has warned that the rampant seizure of farmlands for development is threatening social stability amid a rising wave of violent protests in the countryside. There are more than 230 demonstrations every day. With urbanization growing fast, about 6,7 million hectares of land were converted into roads, factories, and residential areas, creating problems of food self-sufficiency and left millions of farmers homeless.

Because the state or village collectives own the land, farmers have only fixed term usage rights and minimal legal protection. When land is seized it is often done without compensation. As there is no independent court system, it is usually impossible to seek legal redress so farmers have little choice but to protest. Disputes over land have emerged alongside –often related- issues of pollution and corruption. The minister said there were 87,000 protests last year (Guardian, 2006b)

Transforming China's countryside into a model of rural development will require more than rhetoric and billions of dollars. Implacable, deep-seated, corruption lies at the heart of peasants; complaints about local officials who enrich themselves by taking their land and poisoning their environment. More than 40 million farmers have been displaced from their land and the number is increasing by more than 2 million a year. Land-less farmers are now among the poorest people in the country. (Asian Times, 2006)

4. ANALYSIS OF CORRUPTION IN LAND ADMINISTRATION

The wide variety of forms of corruption appears to exist in the land sector as in any other sector, for example:

- Bribery (abuse of discretion because of payments by third parties). It appears that registration of property rights, registration of change of title, acquiring land information, cadastral land survey and land use planning are subject of corruption (in Chapter 3 reported from Bangla Desh, India, Nepal, Pakistan, Lithuania, Kenya, Czech Republic, Vietnam, Ireland, the Netherlands, Georgia, Russia, Mozambique and China)
- Fraud (abuse of discretion for personal gain without third part involvement). It appears that sales of land and dealing in shares of plantations etc. are not free from corruption (in Chapter 3 reported from Malaysia, Vietnam, Thailand, Australia, Cambodia, Tanzania, Ghana and China)
- Nepotism, Favouritism, Clientelism (abuse of discretion for benefit of family, friends etc.) . It appears that issuing such property rights to land that belong to others (also the State) is subject of corruption (in Chapter 3 reported from Kenya, Uzbekistan, Vietnam, Botswana, Cambodia and China)

We are aware that our way of desk research may suggest that the mentioned countries are the only ones dealing with corruption. Of course this is not the case. It is just a matter which reports and cases are published in the free press. Our Chapter 2 aims at making clear that no country is exempted from corruption.

Anyhow, is it obvious that the sector of land administration and land management is subject to corruption in all its forms; the exact reach and precise nature are difficult to estimate.

5. HOW TO CURB LAND CORRUPTION IN LAND ADMINISTRATION

Transparency is widely recognised as a core principle of good governance: transparency means 'sharing information and acting in an open manner', 'it allows stakeholders to gather information that may be critical to uncovering abuses...' (UN/Habitat 2004). The toolkit developed by UN/Habitat and TI ranges from assessment and monitoring tools, improved

access to information and public participation, promotion of ethics, professionalism and integrity, towards increased transparency through institutional reforms. The World Ethics Forum urges for increase of emphasis on ethical leadership and public integrity (UNU, 2006). OECD asks attention for public service as a public trust, for which public service ethics are a prerequisite (OECD, 2000).

A brief summary of recommendations included in many reports and news-items form a sort of long list of options for measures to curb land corruption.

What the Chinese rural population need, is a legal framework that protect their interests. Since there is no law in China that prevents farmland from being taken for e.g. industrial purposes, and also no legal guarantee of fair compensation for farmers, it is far too easy for local officials to grab land and at the same time strike lucrative deals for themselves with developers; the fact that land remains collectively owned in China also works against farmers. Critics say that the real test of the government's commitment to helping the rural poor lies in Beijing's willingness to go a step further and allow privatization of farmland. At present farmers can only lease land for 25-30 years (Asian Times, 2006)

Also the system of public bidding for the rights of land use and mining should be further improved to make the market more transparent (People's Daily, 2005)

New measures of the Chinese Ministry of Lands and Resources comprise that land officials must publish specific standards and procedures on the use and rights of pieces of land and mineral resources, under enhanced supervision. The measures also ban officials from designating intermediary agencies –some of which included where even family members- for land and mineral development projects. The right to designate is revoked. (China Daily, 2004).

Names of officers in Tanzania who double allocate land parcels will be forwarded to the Prevention of Corruption Bureau (Guardian, 2006a).

The UN expert on housing rights, visiting Cambodia, recommends (inter alia) (1) the preparation of a land use plan that clearly identifies the different types of state land and the respective authorities in charge of its management, (2) strengthen public participation, (3) strengthen the monitoring of illegal land sales, (4) announcement of a moratorium on land 'swaps' and land concessions, (5) declare a moratorium on land sales affecting indigenous people, (6) ensure accountability by disclosing a list of all illegal land 'swaps' that have or are being negotiated by local authorities, (7) effectively enforce the 2001 Land Law (UN, 2005)

In Vietnam the first thing to do is abolish or amend land related legal documents to cover the gaps that corruptors can use to seek benefit. Supervision should be strengthened, especially inspection and sternly punish violators, policies and laws on land are not competent and have many loopholes, the enforcement of the law is not very strict, the state sets prices much lower than the market price, too loose management of land. (Vietnam Net Bridge, 2005)

To avoid illegal payments to land officers to provide titles more quickly than the ‘months and years’ it takes in the Prague land registry (Czech republic), it is suggested to create an ‘express handling fee’ the chairman of the Czech Office for Land Survey and Registry states that it would be difficult to direct these fees back to the organization because they would be treated as treasury income and not as income for the office (Czech, 2003).

The household survey in Bangladesh recommends (1) better political will, (2) setting up an anti-corruption commission, (3) setting up a special judicial branch, (4) free flow of information, (5) appointment of a sector -wise ombudsman, (6) policy and institutional reforms, (7) social movement against corruption, (8) freely functioning media, (9) inclusion of corruption issue in the curriculum in schools. (TI, 2005a).

The Ndungu Report in Kenya recommends (1) inventory of public lands, (2) computerization of land records, (3) comprehensive land policy, (4) the creation of a Land Title Tribunal in charge with reviewing each and every case of suspected illegal or irregular allocation of land, and (5) embarking upon a process of revocation and rectification of such titles (Southall, 2005).

Furthermore the Minister of Lands placed a sign ‘corruption free zone’ at the entrance of the ministry, and at all lifts and corridors to enhance awareness amongst officials, there will be better access to services and the cash office will be open over lunch time.

Also he opened a complaints center. Moreover he urges for harmonization of land related laws, embedded in a new national land policy. Computerization will be introduced to enhance efficiency, for instance in tracking the transaction process. The other thing is access to information and who is in charge of the information. This will reduce bureaucracy and rent seeking opportunities, which cause corruption (Adili, 2003).

In Mozambique the role of northern donors is considered as promoting corruption, being under pressure to increase aid to meet international targets, proving the viability of neo-liberal agendas, or justifying existing levels of aid to conservative governments, and having to showcase development success stories (Hanlon, 2004).

In Zambia, analysis of the land delivery process lead to numerous (27!) recommendations to curb ‘white collar malpractices’ by redesigning work processes, redefining roles of officials and openness (Mwamza, 2004).

Computerization of land records under the project ‘Bhoomi’ in Karnataka, India, proves to increase efficiency, shorten delay and curb corruption. (New Indian Press, 2001)

This is in line with the recommendations of the (TI, 2005b) that suggests (1) use of technology, (2) reducing the role of the ‘deed writer’, (3) re-forming stamp paper, (4) improvement of public dealing, (5) citizen’s charter, (6) independent complaint redressal cell (TI, 2005b). The report describes the situation prior and after ‘Bhoomi’ confirming the above mentioned result of the project.

Based on the India Corruption Survey 2005, the Centre for Media Studies recommends inter alia (1) simplify the procedures, (2) create user committees, (3) outsource certain services, (4) create transparency through access to information, (5) use of technology, (6) public hearings,

(7) separate regulation and service functions, (8) customer satisfaction surveys (Tahiliani, 2005)

The free media, civil society, and the private sector are necessary partners of a government in curbing corruption (IS, 2001), although the anti corruption TV program '60 minutes Georgia' demonstrates that being informed as such does not automatically lead to better governance (IS, 2003)

Utstein recommends anti corruption measures in the land sector comprising (1) integrity pacts, (2) dedicated agencies, (3) holistic approach to tackling corruption, (3a) legal measures, (3b) capacity building, (3c) mobilizing civil society, (3d) mobilizing the private sector (Utstein, 2006)

The Corruption in *South Asia* report 2002 recommends (1) institutionalize user surveys in order to enhance the influence of public feed back to the policy environment, (2) strengthen accountability in order to close the 'accountability vacuum', (3) set norms and standards in order to make officials accountable for the service delivered, and (4) enhance citizen participation in governance in order to mobilize the role of civil society as a force for improvement of services (TI, 2002c)

If we summarize these scattered 'real life' recommendations, the following elements might play a role in curbing corruption in the land sector.

- Sound legal framework for protection of property rights (reported from China and Kenya)
- Clear definition of land tenure (reported from China)
- Enforcement of the law (reported from Vietnam)
- Open bidding on land (reported from China)
- Standardized procedures for land dealings and supervision (reported from China Vietnam, Zambia, India and South Africa)
- Investigations by Anti Corruption Bureau (reported from Tanzania)
- Preparation of land use plans (reported from Cambodia)
- Monitoring illegal land sales (reported from Cambodia and Kenya)
- Disclosure of illegal land swaps (reported from Cambodia and Kenya)
- Fee structure for services which prevents bribery (reported from Czech Republic)
- Free flow of information (reported from Bangladesh, Kenya and Georgia)
- Corruption issues in school curriculum (reported from Bangladesh)
- Inventory of public lands (reported from Kenya)
- Computerization of land record (reported from Kenya and India)
- Creation Land Titles Tribunal (reported from Kenya)

Based on these real life proposals, the Land Administration Guidelines (UN 1996), and the Transparency Toolkit (UN/Habitat 2004) we categorize the potential measures against corruption in the land sector as follows.

- Creation of inventory of existing land tenure ('cadastre'):
 - no ownership possible without being recorded, to prevent land grabbing
- Open access to information about ownership, value and use of land
 - open for public inspection, to monitor illegal land sales
 - limited personal privacy protection, to prevent to hide illegal interests
- Standardized procedures for determination, recording and dissemination of information
 - no change in inventory without source document that justifies the change (title application, deed, other document), to prevent illegal land transactions
 - limited discretionary competences, to prevent concentration of powers
- Supervision and possibility of appeal
 - independent audits, to monitor illegal operations
 - working with witnesses
 - special Land Tribunals to avoid normal courts to be clogged up
- Computerization
 - dealing with large amounts of data cannot do without.
 - give people direct access to services
 - better monitoring of progress processes

The proposals of TI and UN are very suitable to be met by the land sector, as possession of land is visible to anyone, land cannot be hidden, and making an inventory of land tenure (a 'cadastre') already contributes a lot to openness, transparency and availability of information (the fundamental meaning of the 'old' principles of land registers and cadastres of 'publicity' and 'specialty' has always been the provision of transparency in the land market...).

6. CONCLUSIONS AND RECOMMENDATIONS

Combating corruption in the land sector, most likely cannot be successful as an isolated action. It should be part of a national integrity system as proposed by Transparency International (TI, 2001), as various general national anti-corruption measures directly might be applicable at the land sector such as:

- Complaints and ombudsman office
- Independent audit function
- Independent anti corruption agencies
- Disclosure of income and assets
- Ethics training.

For the land sector some specific measures might apply

- Land information should be available (create sort of 'cadastre')
- Guaranteed open access to all information (general interest priority over private interest)
- Accountable process management (e.g. no change in register or map without a legally valid source document)
- Land Tribunal (to enhance efficiency judiciary)
- Computerization otherwise no efficient data-handling.

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