Is Land Administration Sector (LAS) free from corruption?

Author: M.Sc. Eng., MPD, A.A. Kwitowski, The Netherlands

Key words: Land Administration, Corruption, Transparency, Cadastre; Good Governance; Guidance, Standards.

SUMMARY

The author presents different type of possible corruption in Land Administration Sector (LAS), highlighting various areas/processes within the LAS wherein corruption can occur.

Then, the potential drivers of corruption and specific examples for this sector are discussed.

Having the picture of existing and potential corruption, the paper presents the possible mitigation measures that have been concluded based on international Tools and Guidelines for good Land Administration practices, as they are recommended by FAO, World Bank, UN, etc.

1. INTRODUCTION

Generally, in well developed countries dominates the perception that corruption in Land Administration Sector (LAS) does not exists and/or has very limited scope and impact. Unfortunately, it is often wrong conclusion.

This paper is presenting more deep analyse of this topic based on extensive international literature study and author's own experience in ca. 30 countries as international expert. It is obvious that the existing and/or potential corruption in Land Administration (LA) cannot be separated from the situation/corruption in the overall Land Sector (LS).

Corruption takes different forms in different countries and contexts, ranging from petty and grand corruption to state capture.

Moreover, land corruption can be driven by poor oversight, weak institutions, a lack of capacity, and by not including civil society and other key stakeholders in the Land Administration process.

Specifically, this type of corruption is a major problem in developing and/or countries in transition. As evident



around the globe, where land governance is deficient, high levels of corruption often flourish.

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

FIG Congress 2022 Volunteering for the future - Geospatial excellence for a better living Warsaw, Poland, 11–15 September 2022 The sound, transparent and free from any corruption Land Administration Sector becomes the major fundament of the effectively and transparently administered land rights empower people by enhancing food security, incentivising eco-friendly and sustainable protection and economic prosperity. Therefore, for sure it is worth to pay sufficient attention to it.

1.1. The Linkage between Land, Governance and Corruption

Land governance it involves the 'rules, processes and structures through which decisions are made about the use of and control over land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed'. Land governance encompasses different decision-makers, processes and structures, including statutory, customary and religious institutions. Corruption in land is often the culprit or an offspring of the breakdown of a country's overall governance. Anual findings of **TI** (*Transparency International*) shows that there is very strong correlation between levels of corruption in the land sector and overall public sector corruption in a country.

1.2. The High-Level division of different type of Corruption and its Consequences

Corruption in the land sector can be generally characterised as pervasive and without <u>effective means of control.</u> It can be found in statutory, as well as in customary systems. It can vary from small-scale bribes and fraud (<u>Administrative corruption</u>), to high-level abuse of government power and political positions (<u>Political corruption</u>).

Administrative Corruption

<u>Corruption that occurs in public administration and government services is a common</u> <u>feature in the land sector</u>. It can take the form of small bribes that need to be paid to register property, and/or to register quicker, change or forge titles, solicits a land permit, acquire land information, process cadastral surveys, and generate favourable land use plans. Such <u>bribery is often facilitated</u> by complicated processes and <u>limited information</u> <u>about available services and any applicable fees</u>.

The government bodies which oversee <u>the land sector are one of the public entities most</u> <u>plagued by service-level bribery (TI survey- 2009)</u>. Only the Police and judiciary have higher levels of bribery.

The enormous prevalence of bribery in the land sector creates <u>a high informal cost for those</u> <u>trying to register or transfer land</u>. It can make Land Administration services inaccessible to people who are not able to afford these illegal payments.

Political Corruption

Political corruption in the land sector aims to gain control over a country's resources — both what is above and beneath the ground. It can be a result of opportunities created through land transactions, reforms and development projects that occur within a country, region or district. Political corruption can be extremely hard to document and effectively prosecute, however, since the acts which trigger it may fall within the law.

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

1.3. Corruption Actors

Corruption <u>can involve various actors</u>, ranging from public officials and local leaders to outside investors. Actors <u>may include government officials</u> (at the local and national level) as well as <u>individuals that command</u> <u>political and economic power</u>.

Customary and <u>communal authorities may also be involved</u>, engaging in corrupt dealings and practices. <u>Land investors, developers, owners and users</u> (including renters and slum dwellers), as well as <u>related service</u> <u>providers (real estate agents, lawyers and land surveyors)</u>, may also get tangled in corruption's web, along with civil society organisations and even the media.

1.4. Vulnerable Areas to Corruption

The socio-economic position of land, the system of land tenure used, the land markets, and the quality of institutions varies greatly from country to country and affect specific corruption patterns at the country level. The various areas of Land Administration that are vulnerable to corruption are:



- <u>Auctioning for land sales</u>: Usually in case when the subject of action are amounts of small land pieces for commercial purposes, e.g. by influence trading and bribery to secure favour for companies or individuals;
- <u>Land transfers</u>: Corruption risks include the giving and receiving of bribes to speed up processes, collusion between parties to drive prices down;
- <u>Enforcement of land rights</u>: This is simply the enforcement of the rights of men, women, companies and the government to land, e.g. via deliberate exclusion of specific subjects, deliberately allowing bribery to secure land, and companies and individuals paying bribes to circumvent slow, inefficient and unwanted regulations, and as governments to grant and refuse land rights to secure political support;
- <u>Compensation for local communities</u>: When people are forcibly or willingly evicted from their land due to its sale. These communities should be properly compensated, either with alternative living places or with compensation payments. Corruption includes officials artificially increasing compensation amounts to secure higher compensation rates;
- <u>Land valuation</u>: Corruption risks include payment of bribes to overvalue of undervalue land by the valuation officials, so that they can gain extra money;

More systematic view on **Risk Factors and Forms of Corruption in this Sector** is given by FAO and Transparency International, and it is presented in Table below

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

Area	Risk Factors	Forms
Land administration	 Inadequate land laws and procedures. Excessive or unpublished fees for land services. Lack of recognition of land uses and rights. Under-developed and non-transparent land registration systems. Absence of up-to-date and accurate land records. Existence of multiple land management authorities. Irregular practices in the collection of land taxes. Limited accessibility of services. Lack of effective complaint, grievance and independent oversight mechanisms. 	 Bribery of land administration officials and lawenforcement authorities. Fraud and production of false land claim documentation.
Customary land tenure	 Lack of legal recognition and delineation of customary land. Traditional practices of payments and exchanges. Opaque systems, absence of outside control and lack of clarity in allocation of land. Monetarisation and speculation on land sales. 	 Abuse of power by chiefs. Conversion of property and capture of revenues by chiefs and influential people. National institutions and business interests override local land rights.
Management of state-owned land	 Lack of inventory, delineation and management of state land. Irregularity of land prices for disposal and acquisition. Unclear institutional responsibilities and decision mechanisms. Absence or lack of clarity of regulations for leasing land or exercising eminent domain. Lack of effective complaint, grievance and independent oversight mechanisms. 	 Bribery of government officials to obtain public land at a fraction of market value. Manipulation of compulsory land acquisition and compensation processes by government officials and investors. Irregular conversion of property and land classification status by government officials.
Land use planning, conversion and investments	 Lack of transparency of planning processes and land allocation procedures. Opaque, slow and bureaucratic processes for issuing building development permits. Unclear land use and property rights. Lack of effective complaint, grievance, independent oversight and enforcement mechanisms. Lack of an independent media. 	 Capture of rents and profits originating from land conversion and re-zoning by government officials and investors. Abuse of government officials' discretionary power to propose real estate and land developments that increase the value of her/his personal property. Acquisition of land through state capture and/or by investors and developers having received insider information from government officials. Bribery of government officials by investors and/or developers.
Payments for environmental services (e.g. UN-REDD)	 Lack of legal recognition of tenure rights. Lack of recognition of protected areas and lands reserved for environmental protection. Opaque, slow and bureaucratic payment systems. 	 Capture of funds by developers, investors and government officials. Acquisition of parcels eligible for payments by developers, investors, and government officials.

1.5. Forms of Corruption in Land Sector

Corruption in Land Administration can take a variety of forms, ranging from petty and grand corruption to state capture. Abuse of office, nepotism, fraud and bribery are also forms of corruption that are prevalent in land corruption.

Hereby below the more detail description of various types of corruption as occurring in the Land Administration.

Petty Corruption

Land Administration and services are very susceptible to bribery. The 2013 Global Corruption Barometer found that worldwide, 20% of people who had contact with Land Administration services reported having paid a bribe (*TI 2013*).

The East African Bribery Index (EABI) has repeatedly shown that bribery is rife in the land services sector in East Africa (Transparency International Kenya 2015) with the average bribe paid to be more than US\$100 in Kenya (EABI 2012). Often, the Citizens may pay bribes to Land Administration officials to register their purchases of land, or to shorten waiting times in receiving ownership documents.

Grand Corruption

Grand corruption can occur in Land Administration when corrupt practices become institutionalised across government agencies and institutions. This usually results in government making decisions as to who owns what land, and for what purpose, based on which companies or individuals are best connected and have the most money, rather than in the public's best interests, often to benefit colleagues, superiors or family members can be made instead of decisions in the interests of the public good. Often this is issue is linked to land valuation.

Patronage

Indeed, land rights and the ownership and ability to grant land use to others can be regularly abused by political elites to gain and maintain power bases among electorates and other stakeholders, and is seen as a widespread practice e.g., in modern Africa. Patronage can be used to buy votes in elections and referenda.

State Capture

When land governance is weak, the powerful are able to dominate the competition for scarce land resources. When governments are involved, this can take the form of "state capture". It refers to "a situation where powerful individuals, or groups within or outside a country use corruption to shape nations polices, legal environment and economy to benefit their own private interests" (TI 2009).

Rent Seeking

Linked to governments groups of interests dominating the state is the practice of rent seeking that can come out of large-scale government ownership of land rights. If a government legally controls vast swathes of land, it can extract inflated rents. This has been the case with

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

particular local community chiefs, who have used their privileged positions to extract rents from other local people.

Gender Specific Corruption

Women are regularly at a disadvantage as they are not made aware of their rights to own property and land, and corruption in the land sector has a disproportionate effect on women. Women are often excluded from negotiations on land deals and left out of community discussions on potential land sales with investors or able to manipulate women's rights.

1.6. Drivers of Corruption

There are a number of elements in LA systems that can create potential entry points for corrupt activities. These include <u>weak legislation</u>, <u>weak institutions</u>, <u>institutional capacity</u> <u>challenges</u>, <u>a lack of transparency</u>, <u>lack of effective oversight and limited public participation</u>.

Legal Limitations

Legislation governing Land Administration can be complex and unclear. How land is maintained, bought, sold and owned varies from country to country, and <u>often unclear and</u> technically challenging, and involves long and complex processes. This increases the opportunity for laws to be abused by corrupt officials acting in their own interests. Tenure systems also tend to vary widely across a single country, with differences between urban and rural systems, as well as along regional and ethnic lines (*World Bank 2011*). Often in some countries Land Administration is governed by different laws that can easily be dominated by government officials, missing the provision for oversight, give total monopoly on land acquisition deals to the government, and give discretionary power to officials, (*TI 2015*).

Institutional Limitation

A lack of clarity, in terms of roles, responsibilities and mandates of institutions can greatly increase the opportunities for officials to make decisions based on their own discretion, rather than via proper procedures. This undermines good governance, and can encourage informal bonds and relationships to emerge, which all provide fertile ground for corrupt activities to emerge. Linked to this are <u>highly centralised land agencies</u>, which can also increase the opportunity for corruption to occur. If a LA institution is centralised, it can dominate all aspects of land rights in a country, and can use this power to make money and gain influence.

Having only one decision-making body over land rights and regulation reduces the possibility for meaningful oversight to take place and brings all decision-making into the hands of a very small group of individuals. <u>Over-centralisation can cause delays and inefficiencies</u> and can also suffer from poor training, resourcing and support, less effective and allowing greater opportunity for corruption to take root.

Deliberately complex procedures for land rights applications or slow bureaucracy or opaque processes can also lead to additional corruption risks as people may become more likely to attempt to speed up processes by paying bribes.

Capacity Challenges

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

If staff have inadequate training, or lack the ability to complete their work effectively or efficiently, then corruption risk increases due to the potential for bribes and other illicit work to be missed through incompetence. This is especially true in LA services, which are notoriously complex and require a high level of training and professionalism. Moreover, Land Administration departments may also be understaffed, and staff may be underpaid relative to the work they do (as it is in many countries), providing further incentive for them to seek out or accept bribes in their daily work.

Lack of Transparency

It is often hard for local communities, eternal parties to obtain even basic information about negotiated land deals, or ones that are still under negotiation. Linked to this, a failure to disclose information on processes and general decision-making practices increases the opportunity for corruption and decreases the accountability of Land Administration staff, who can act almost with impunity, safe in the knowledge that they are unlikely to be caught acting corruptly. This lack of transparency allows official documentation, such as land ownership certificates, to be falsified or tampered with.

Lack of Effective Oversight

If countries lack well-developed and effective oversight mechanisms, this can drive instances of corruption. Poor communication and support from central LA bodies of local and regional offices can allow complaints about land registration, for example, to be poorly investigated and can allow corruption and bribery to infiltrate the processes.

Limited Public Participation

Local communities are frequently left out of land deals that concern land they are living on, or community land that is in theory owned by the community. If there is a lack of public participation in LA deals, the needs and views of local communities can be ignored.

2. MITGATION MEASURES and RESPONSES

2.1. Introduction

Having in mind the above presented picture on corruption in Land Administration Sector as experienced internationally, then there must be also ways to mitigate these corruption risks. <u>Tackling corruption in the land sector is intrinsically linked to improving its governance</u>. However, <u>truly successful cases of Land Administration reform and anti-corruption are hard to come by</u>. <u>However, the increased transparency, the fair and open inclusion of local communities in decision-making processes, strong legislation and the influence of international donors can all make a difference in tackling corruption.</u>

There are also international standards and guidelines available that provide recommendations for good governance in LA. They constitute a good first step by providing

standards by which civil society, can hold governments to account. However, these standards have rarely been enforced, thus their impact has largely been inconsistent and limited.

Land governance and anti-corruption feature also in the agenda of multilateral organisations such as the FAO, World Bank and UN-HABITAT.

<u>An initial step</u> of land governance reforms would be for states <u>to provide legal recognition to</u> <u>tenure rights</u> that are considered legitimate but <u>are not correctly protected by law</u>, especially for people to protect their resources against illegal acquisitions of land, e.g. to protect customary and communal lands from corruption and guard against new pressures from development.

<u>A second step</u> to strengthen land governance would be <u>to promote more transparent and</u> <u>effective land certification and registration systems</u>, promoting simplifying the process, monitoring and coordination between actors, incl. open access to information and ensured the incorporation of accountability mechanisms to get citizens engaged.

2.2. Specific Measures and Responses

The following the selection of mitigation measures that can be implemented is given, depending on a country's context, to help reduce corruption in Land Administration.

Land Administration Legislation

To effectively reduce corruption in Land Administration, <u>legislation that governs the sector</u> <u>should be clear and encompass all aspects of LA</u>, recognising the rights of existing land users, allowing the owners to enforce their rights easily and enable them to work in a way that benefits society. For example, security of tenure should be provided by law to all members of society, incl. protecting customary and traditional rights, as well as intermediate forms of tenure. Evictions should be avoided wherever possible; where absolutely necessary, they should be carried out according to national law and international standards related to due process and with fair and just compensation.

Furthermore, legislation should ensure that auctions for land sales are conducted in a fair and open way and must adhere to competitive principles to help reduce the opportunity of one being favoured over another. Direct negotiations must be eliminated.

It should also be complemented by the adoption and enforcement of anti-corruption legislation, supported by parliamentary and civil society oversight.

Increased Accountability

Respect for <u>LA legislation depends on strong and effective oversight institutions</u>. Such institutions might include parliamentary committees, anti-corruption commissions and law enforcement bodies (*TI & FAO 2011*). An increase in accountability requires increased

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

strengthening of institutional accountability measures. These might include financial inspections and independent audits of land surveyors, and public reviews of draft, approved and actual compensation plans by independent committees. The findings of these institutions would need to be made public to ensure independent accountability, but would help to reduce abuse, as well as reducing rent seeking.

Moreover, the methods by which information is recorded and made public should be standardised to ensure that documentation and other information cannot be tampered with by officials.

Land Management Bodies

Finding the <u>correct balance between centralised and decentralised land management bodies is</u> key to limiting corruption risks.

<u>Decentralisation</u> should be considered when local demands vary widely throughout a country, and where local government is strong and effective. In this situation, decentralisation allows LA institutions to tailor their processes to take into account the demands and traditions of local peoples. At a local, decentralised level, institutions should provide all services for registration of land rights and other processes to avoid the duplication of work and the existence of multiple coexisting registries.

<u>Centralisation</u> should be preferred when demands for service are homogenous and beneficiaries are distributed across wide geographic areas, two features that mean streamlining work into a smaller number of offices can be more efficient.

Finally, <u>the implementation of an independent</u>, formal land dispute resolution body can help reduce the potential for corruption to play a role in dispute resolutions and appeals processes.

Staff Level Changes

Having <u>Codes of Conduct and Ethics</u> that apply to all LA staff can help to reduce the likelihood of corruption among officials as they provide the possibility for criminal and administrative sanctions to be brought against them. Staffing procedures and guidelines should also specifically prevent individual staff members having the power and opportunity to make important decisions alone, especially decisions giving final approval and signing off on deals, as the opportunity for bribery in such cases is high.

Staff in Land Administration should also be subject to stricter standards than in other areas of government due to the potential corruption risks that, e.g., including mandatory <u>asset</u> <u>declarations and publication of the declarations</u> for high level officials.

Increased Transparency

The public should have <u>access to key LA documents such as land plans, maps, and urban</u> <u>plans</u>. This is also a key to reducing the opportunities for corruption in Land Administration. This transparency should also extend to the processes by which decisions are made in land allocation deals, and the final price paid should be made public too, incl. full public

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

disclosure of all documents surrounding investment deals, final contract and any documents or information that may exist in relation to bids at land auctions or plans submitted for changes in land usage. Documents such as <u>land title certificates should also be made available</u> for public viewing before the final sign off has been completed.

Public Consultation of local communities and indigenous peoples

The meaningful <u>inclusion of indigenous peoples and local communities</u> in decision making processes surrounding land deals must be enshrined in law and enforced universally. It is important to ensure the free, prior and informed consent of those people whose land is being considered for sale and development, and is known as free, prior and informed consent. Most importantly in this principle is that of being "informed". Public consultation mechanisms should also involve customary and collective tenure systems which make use of local expertise and also respect the rights of local populations.

Equality of Women's Land Rights

Improving the access of women to fair and equal rights to land is a hard challenge to land governance and administration in many developing countries. Legally enabling women to register as the sole or joint owner of land can protect women against corruption in LA as it allows women to be responsible for and involved with any deal done regarding their land. Another potential method is the modification of the legal understanding of the "head of the household" concept, so that women can be recognised as such. In practice, however, this has received mixed results.

The use of (ICT) Technology

Digitalisation of registers and a wider use of Information Technology (IT) in Land Administration can be used to increase efficiency and decrease corruption risk. Increased use of IT can also give easier and faster access to information and documents, as opposed to having to provide actual hard copies of documents to people who request them.

International Tools and Guidelines

There are <u>number of international tools in place to provide definitions and improve good Land</u> <u>Administration practices</u>, and to help tackle land corruption.

The most notable one was published by the FAO and the Committee on World Food Security.

In 2012, they published their *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forest*, the first and only global framework that sets out principles and international accepted standards on how land should be governed. They include legal reform, land transfer, compensation, administration, protection for local communities and oversight.

The guidelines are, however, nonbinding, and while the guidelines have received global recognition from the G8, G20, and Rio+20, organisations like the World Bank, and even private sector giants such as Coca-Cola and Pepsi-Co, progress on their implementation has been slow.

In addition to the voluntary guidelines, the World Bank has also developed *The Land Governance Assessment Framework*.

INTERNATIONAL TOOLS AND GUIDELINES ON LAND ADMINISTRATION

The FAO "Voluntary Guidelines on the Responsible Governance of Tenure"

These guidelines provide a set of declarations which countries should take into account when considering land administration. One of these guidelines is that "states and non-state actors should endeavour to prevent corruption with regard to tenure rights", and the document lists several ways in which states can act to reduce corruption, including addressing conflicts of interest and allowing for judicial review. See: www.fao.org/nr/tenure

The Land Governance Assessment Framework

The LGAF aims to provide a diagnostic review of land governance at the country level. This can help donors and governments to identify priorities and learn from other countries that have solved governance problems.

See: http://go.worldbank.org/4ROUS8GZG0

The Global Land Tool Network Land Tools The Global Land Tool Network, facilitated by UN Habitat, provides details on various land tools, as well as on cross-cutting issues including land governance. The network provides details of land projects in several countries and other resources.

See: www.gltn.net/index.php/land-tools

It is a diagnostic tool designed to assess the status of land governance at the country or sub-national level. It uses a

participatory and country-driven process, drawing on local expertise and existing evidence (*World Bank 2011*).

The framework provides a framework against which they can monitor a country's Land Administration systems. However, reviews of early uses of the tool show that its scope is not comprehensive enough as it does not cover areas such as financial management, gender and access to land, climate change and natural resources management.

There are also <u>some regional mechanisms</u> in place that review the state of a country's Land Administration and provide advice on what more can be achieved. For example, the *African Peer Review Mechanism* (*APRM*) is an instrument established in 2003 by the African Union. Another example is **the** *Global Land Tool Network* (facilitated by UN Habitat), an alliance of global, regional and national partners contributing to poverty alleviation through land reform, improved land management and security of tenure. The network has also developed a series of tools that can help solve problems in Land Administration and management. A widely discussed international initiative is the so-called *Land Transparency Initiative* (*LTI*). In 2013, the Oversees Development Institute presented to the G8 summit a document outlining a possible global initiative 2013). However, there are some concerns that this initiative will not stop land grabbing and may, in fact, undermine the implementation of the FAO guidelines (Transparing) and may in fact, partners and and and and and and and and management and management and management and management and set in the sone concerns that this initiative will not stop land grabbing and may, in fact, undermine the implementation of the FAO guidelines (Transparing) and the sone concerns that this initiative and the sone concerns that the sone concerns the sone concerns that the sone concerns the sone concerns that the sone concerns the sone concerns the sone concerns the sone concerns th

ISO, as independent, non-governmental international organization has also paid attention to the Client/Customer Satisfaction aspects, including the corruption and other poor behaviour

FIG Congress 2022 Volunteering for the future - Geospatial excellence for a better living Warsaw, Poland, 11–15 September 2022

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

The best example for it, is probable the WB/FAO publication from 2006 called "Good Governance in Land Administration – Principles and Good Practices".

From this publication we could recommend the following principles for implementing the good governance in Land

Good Governance in Land Administration, that is a best tool eliminating various types of corruption and not proper behaviour.

Administration, identifying also all kind of possible type of corruption, drivers, actors, and available measures against this type of corruption. To summarize it, hereby some recommendations for

It is expected that above presented chapters provide sufficient picture on possible corruption, in Land

described in ISO10002 (2014&2018)-Ouality Management-Customer Satisfaction – Guidelines for complaints handling in organisations, and ISO 37001 (2016)-Anti-bribery management system.

of employees. To achieve better Clients Satisfaction and combat

corruption ISO recommends establishing the adequate systems

2.3. Role for International Donors

In the previous chapter a number of possible measures that can be taken by the national governments have been described, but hereby, in order to get as much as possible full picture, also but only very shortly the role of international donors is presented.

ISO 37001

The main responsibility for reducing corruption in Land Administration rests in the hands of domestic governments. International donors' first priority should therefore be to support these efforts. Doing so will involve supporting both general anti-corruption efforts in the country and specific measures to improve land governance. This can be through supporting land titling, the use of IT systems, mapping, public awareness, and the establishment of conflict resolution mechanisms, etc. In doing so, both donors and governments can refer to international tools and guidelines on Land Administration that have been created by international organisations (see box in the next chapter below).

3. TO SUMMARIZE

Administration.



the as

Principles of good governance in land administration

Efficiency Efficiency Effectiveness	Procedures to register property transactions should be short and simple. The fewer steps there are, the less opportunity for informal payments. The effectiveness of land administration depends on capacity building and financial provision, as well as on the general socio-political conditions, such as political will and commitment, the rule of law, regulatory quality and political stability.
Transparency, consistency and predictability	Transparent recruitment of staff and transparent service standards and costs of service will contribute to higher efficiency, accountability, fairness and confidence in agency integrity.
Predict accountability	Accountability in land administration can be improved through the imple- mentation of uniform service standards that are monitored, codes of con- duct for staff (as well as mechanisms of sanction) and incentives such as awards for outstanding employees.
Subsidiarity, autonomy and depoliticization	Increasing the autonomy of local land administration, while introducing checks and balances at the national level, can improve services and reduce corruption.
Civic engagement and public participation	Client orientation and responsiveness in land administration can be achie- ved through improved access to information, customer surveys to measure customers' satisfaction and hotlines to enable customers to report corrup- tion and misconduct.
Subsidiary Equity, fairness and impartiality	All people should have the same access to services and receive the same service standards independent of their political or economic status. The introduction of counter offices and a numbering system for customers' arrival ("first come first served") may achieve this objective.
Legal security and rule of law	Good governance in land administration requires a consistent and coherent legal framework, a fair and transparent judiciary and general prevalence of the rule of law to protect property rights.

Then in order to evaluate the quality of governance in Land Administration in a country, it is worth to answer the following questions.

- Is information on properties and land ownership available to the public?
- Do the land records cover all social groups and all geographical areas, or are certain groups or areas marginalized?
- Is there a state land inventory and is it available to the public?
- Are there clear, fair and transparent rules for state land management (including regulations for leases, concessions etc.) and are they consistently applied?
- Does the government have clear, transparent and well-functioning procedures of disposing state land, including mechanisms for control and sanctions?
- Are there public displays in case of boundary demarcation, adjudication or systematic registration?
- Is there any evidence of corruption in court decisions with respect to land disputes? If so, what is the government doing about it?
- Is there any evidence of corruption in customary land administration? If so, what is the government doing about it?
- Is there any evidence that poor people are deprived of their property rights due to weak governance in land administration?
- Is there any evidence that legitimate landowners are deprived of their property rights due to their customary origin (vague boundaries, oral proof only etc.)?

- How many days/weeks/years does it take to register a property?
- How many steps are needed to register a property?
- How much informal payments have to be paid for land registration (as percentage of total registration costs)?
- Are the registered rights protected under the law?
- Are there clear and appropiate service standards?
- Are these service standards easily known to the public? Are they known by the clients?
- Is the application of these service standards regularly monitored?
- Are their complaint mechanisms for people who are not satisfied with land registration (e.g. hotline, customers' survey, complaints box)?

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

FIG Congress 2022 Volunteering for the future - Geospatial excellence for a better living Warsaw, Poland, 11–15 September 2022

4. References / Relevant Literature

- Annual WB Conference Proceedings. March 23-27/2015, Sustainable Governance of European Cadastre and Land Registry Agencies (Mika-Petteri Törhönen, Martin Salzmann, Romualdas Kasperavicius, Eugenia Sas, Jani Hokkanen and Dimitris Rokos)
- Branko, DIMESKI, St. Kliment Ohridski, Mladen, KARADZOSKI, 2017,- Ethical behaviour within the public cadaster in Macedonia: Is there a light at the end of the "Tunnel"? HOLISTICA Vol 8, Issue 1,
- **Council of Europe/ European Union, 02/2011** *Technical Paper Risk Assessment: Corruption in the Albanian System for Registration of Immovable Property*
- FAO, 2007 Good Governance in Land Administration and Land Tenure
- **FAO**, **2012** Voluntary Guidelines on the RESPONSIBLE GOVERNANCE OF TENURE on Land, Fisheries and Forests in the Context of National Food Security
- FAO/Transparency International, 2011 Corruption in the Land Sector
- **FAO/WB, 2006** Good Governance in Land Administration Principles and Good Practices (W. Zakout, B. Wehrmann, M-P. Torhonen)
- FIG Publication No. 17, 2011/06/08 Statement of Ethical Principles and Model Code of Professional Conduct
- FIG Commission 1 Working Group 2 on Business Practices, 02/2012 Business Matters for Professionals - A Guide to support professionals in the task of business management
- FIG XXII Int. Congress Proceedings, 04/2002 FIG Model Code of Professional Conduct: Moral & Ethical Components (W.A. Schmidt, USA)
- **FIG XXIII Int. Congress Proceedings, 10/2006** Corruption in Land Administration (*P.van der Molen, A. Tuladhar (NL)*)
- **FIG Congress Proceedings, 2014** Why Technical Standards are not Enough for Professionals Working in Land, Property and Construction and the Importance of International Standards on Ethics (G. STRONG and D. PILLING, UK)
- FAO, 2007 Good Governance in Land Administration and Land Tenure
- FAO/Transparency International(TI), 2011 Corruption in the Land Sector
- **FAO/WB, 2006** *Good Governance in Land Administration Principles and Good Practices (W. Zakout, B. Wehrmann, M-P. Torhonen)*
- **FAO, 2012** Voluntary Guidelines on the RESPONSIBLE GOVERNANCE OF TENURE on Land, Fisheries and Forests in the Context of National Food Security
- Humboldt University Berlin/ISLE, 2017 Handbook on Land Corruption Risk Mapping
- **INSPIRE Conference, 2016** *Reginal SDI Cooperation and its Role in Improving Land Governance (V. Stanley, G. Gruevski)*
- **ITC The Netherlands, 03/2010, Aida Custovich** *Institutional Reform in Land Administration: Does simplification create the transparency?*
- ISO 26000 Discovering ISO 26000 (<u>www.iso.org</u>)
- **ISO 10002, 09/2010, -** *Quality Management Customer Satisfaction, Guidelines for complains handling in Organisations*

Is Land Administration (LA) Sector Free from Any Corruption? (11379) Andre Kwitowski (Netherlands)

- **ISO 10002:2014, 07/2014** *Quality management -- Customer satisfaction -- Guidelines for complaints handling in organizations,*
- ISO 37001, 2016 Anti-bribery management system
- National Cadastre and Mapping Agency, the Netherlands, 2018, Kwaliteitshandvest
- National Cadastre & Mapping Agency, the Netherlands,2018, Naleven Code Goed Bestuur
- **Oxford Brookes University, 2017** (Update) Good Governance in Land Administration and Land Tenure (R. Grover, UK)
- Queensland Government 12/2015 Receipt of Gifts and Benefits by Employees of the Department
- **TI (Transparency International) Working Paper, 2011** Corruption in the Land Sector
- The Office of the Commissioner Canada, 22/07/2015 Values and Ethics Code for the Office of the Commissioner of Lobbying Conflict of Interest and Post-employment
- **U4 Anti- Corruption Resource Centre, 2016** Corruption risks and mitigation measures in Land Administration
- **U4 Anti- Corruption Resource Centre, 2013** *Corruption in Land Administration: Roles of Donors to minimise the problem*
- WB Doing Business, 2018 Reforming the Business Environment in 2016/2017
- Innovations in Land Rights Recognition, Administration, and Governance
- <u>https://books.google.de/books?id=rIgyDAAAQBAJ&pg=PA285&lpg=PA285&dq=servic</u> <u>e+standards+cadastr&source=bl&ots=6I9du3RKUk&sig=dKtndwksr0t6O2qT5UZ0ZLi-</u> <u>TWw&hl=nl&sa=X&ved=2ahUKEwjYtqW_sJLeAhWLIsAKHWn4DyI4ChDoATABeg</u> <u>QICRAB#v=onepage&q=service%20standards%20cadastr&f=false</u>

BIOGRAPHICAL NOTES

Mr. Kwitowski is a Senior Expert/Manager from the Netherlands with > 25 years of international consultancy experience (EU, World Bank, ADB, UN, etc.) in the Land Administration Sector in 30 countries, focusing on variety aspects like e-Government, e-Agriculture, ICT, Business Process Engineering, Code of Conduct and Ethics, development of strategies, new programmes definition. He is member of Netherlands Society for Geo-Information; WB's Doing Business Correspondent; Member of UN Working Party on Land Administration (WPLA), Member of FAO's LANDNET. He has been providing lectures as guest lecturer on various Universities all over the World, and is often the key speaker on many international Summits/Congresses/Workshops.

CONTACTS

M.Sc. Eng., MPD, Andre Kwitowski, The Netherlands AKADIS b.v. The Netherlands Tel. + 31 651553658 Email: andre.kwitowski@telfort.nl