

Some measures to improve transparency in land administration

Paul van der Molen
School for Land Administration Studies
ITC and Kadaster for United Nations University



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Forms of Corruption (UN/Habitat)

- Bribery: benefit third party and private gain
- Fraud: private gain
- Favourism, nepotism, clientelism: clan-gain



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the Netherlands

- TI rank 11 (2005)
- 3.2% civil servants
- 5.2% politicians
- poll: 3 and 5 times higher (2006)
- supervising authority for the real estate market ?



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Public information on land corruption



Categories

- Bribery (Bangladesh, India, Nepal, Lithuania, Kenya, Czech, Vietnam, Ireland, Netherlands, Georgia, Russia, Mozambique, China)
- Fraud (Malaysia, Vietnam, Australia, Cambodia, Tanzania, Ghana, China)
- Favouritism (Kenya, Uzbekistan, Vietnam, Botswana, Cambodia, China)



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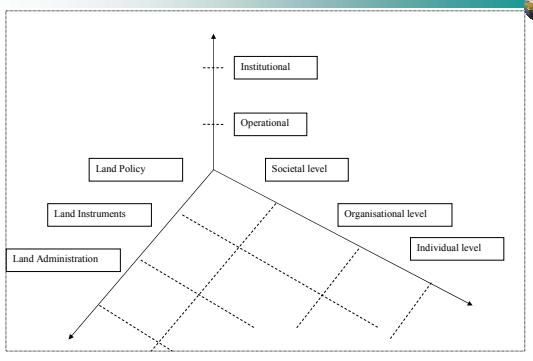
Suggestions from the field

- legal frameworks
- no loopholes in law,
- clear definition of land tenure
- enforcement of the law
- specific standards and procedures
- open bidding
- privatization of farmland
- enhanced supervision
- ban intermediate agencies
- public participation,
- monitoring illegal land sales,
- anti corruption bureaux
- moratorium sales, ensure accountability,
- preparation of land use plans
- inventory of public lands
- disclosure illegal land swaps
- fee structure for services
- corruption issues in school curriculum
- computerization of land records
- creation land tribunals

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Magnitude of solutions

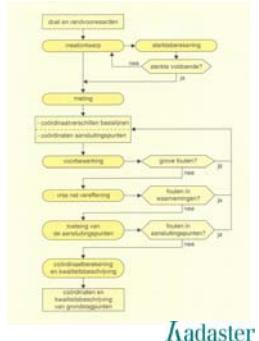


Example: conflict resolution

- Land Policy: objective peaceful enjoyment and fair access to land resources....
- Land instrument: definition principles in land tenure, market, planning, taxation....
- Land administration: specific processes
- Institutional: legal framework and mandates
- Operational: manual for courts, tribunals, mediators
- Society: integrity pact
- Organisational: corporate integrity measures
- Individual: code of ethics for judiciary

Categories potential solutions

- availability information
- open access to land information
- standardized procedures
- supervision and appeal
- computerization



Availability land information

- Nature of non-transparency is secrecy
- Ownership should not be hidden
- Ownership of movable and immovable things
- Core cadastral domain model (resp. social tenure domain model)

Open access to land information

- Not accessible for elites only
- Public as large should have constitutional rights
- Opportunities for monitoring illegal land transactions and land grabbing
- Discussion privacy and openness

Standardized procedures

- No change of registers in a hidden way
- No change without recorded source document
- No complexity, monitorable
- Witnesses to make hidden visible
- Using standards makes anomalies visible, such as suspect processing times, fees, changes

Supervision and right for appeal

- Openness does not prevent corruption
- Public and corporate audits will reveal illegal manipulations
- Accountability is a key issue
- Link codes of ethics etc. with administrative and criminal sanctions
- Open procedures for appeals



Computerization

- Availability and access impossible without computerization
- Less land officials' operations, less direct contacts with public, easy access and easy monitoring
- Georgia: creation front and back office, system integration, online services, better auditing and internal control
- Bhoomi: increase efficiency, shortens delays, direct influence citizen's (however.....)



Conclusions

- In general: National Integrity System (TI)
- Specific:
 1. land information system ('cadastre')
 2. guaranteed open access information (general interest vs. privacy)
 3. accountable process management
 4. land tribunals
 5. computerization



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Thank you



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Existing capacity building options in land

- MSc/BSc programs in 'land related' issues
- Single modules
- Short courses
- Not: seminars, etc.



MSc and BSc



Single Modules



Short Courses

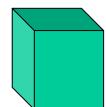


Capacity development transparency

- OECD
- APEC
- UNDP
- WB
- CW
- PAI
- UNPAN
- UN/Fao
- UN/Habitat
- IMF
- TI
- U4
- ILC
- USAID
- Passau
- ANU
- Birmingham

Buildings Blocks

- Institutional and operational aspects
- National, organisational and individual integrity
- Land Policy, land policy instruments and land tools (e.g. land administration)



Conclusions & recommendations

- Corruption in land is an issue
- Capacity development present but not too much
- Capacity development in land & governance absent
- Specific courses and courseware needed