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TACKLING LAND CORRUPTION IS VITAL TO ACHIEVING LAND RIGHTS AND THE 2030 SDG AGENDA

Policy position on land corruption and the SDGs

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INTRODUCTION

Land is a vital resource that sustains livelihoods, underpins culture and identity, and homes important natural resources. However, effective and transparent land governance - and the enjoyment of associated rights - is undermined by corrupt practices in land administration, the management of state-owned land and decisions related to land use planning.

Tackling land corruption must be a key strategy towards achieving the UN Sustainable Development Goals (SDGs) since land is at the heart of poverty eradication, food security, tenure security, gender equality, decent work, water management, sustainable cities, ending climate change and protecting biodiversity.[1] Land governance is essential for the achievement of the Sustainable Development 2030 Agenda and is intrinsically linked to the protection of human rights, especially of those most vulnerable and marginalised. Land rights can prevent human rights violations, reduce inequalities and improve access to housing, food security, and sustainable, social, and economic growth.

CORRUPTION RISKS IN THE LAND SECTOR: LAND GRABBING, POOR LAND ADMINISTRATION AND MANAGEMENT, AND URBAN CORRUPTION

Obtaining a clear view of the scale and scope of land corruption can be very difficult, given its hidden nature and the limited data available in the land sector. However, recent research and data initiatives have begun to uncover the nature of land corruption and identify some of the most pertinent areas of risk. These include:

Land administration

According to Transparency International's [Global Corruption Barometer,](#) the land sector exhibits one of the highest bribery rates among public services, affecting one in five people globally.[2] In Kenya, Uganda and Burundi, land services are among the most corrupt public services.[3] In Mexico, land services rank among the top 10 administrative sectors with the most bribery[4] and in Bangladesh they rank in the top three.[5]

Corruption in land administration can include political corruption, bribery, sexual extortion, fraud, and patronage.[6] Overlapping mandates, high levels of discretion, opaque processes and fees, and slow and inefficient regulations can present opportunities for corruption to speed up or circumvent processes to secure land, negotiate prices, or value land. Fraud can facilitate the double allocation of land, fake measurements of land boundaries or land grabs. Corrupt processes keep people from registering or documenting their rights and increase informal land tenure by encouraging people to operate outside formal systems. Corruption can also impede access to dispute resolution in both formal judicial systems and in alternative or customary adjudication systems.

Land-based investments and land grabbing

Since 2007-08, a boom in agricultural commodity prices has led to what has been called a global rush for land. Many of these acquisitions fit the description of land grabs, with unconsulted and uncompensated communities deprived of their land, with social, economic, and environmental consequences. Corruption fuels land grabbing in a variety of ways – from opaque deals that allow companies and groups to access the land and bypass

consultation and regulatory processes, to documentation forgery and manipulation of land titling processes, to extortion against the legitimate occupants of an area. The results can be devastating for the environment and for communities.

There is a correlation between corruption and poor governance, and countries with a higher number of land deals. 75% of the 56 countries where land deals were agreed between 2000 and 2011 scored below average on governance indicators such as voice and accountability, regulatory quality, rule of law and control of corruption.[7] Many companies investing in large-scale land acquisitions are registered in tax havens, obscuring the origins of the company, and presenting challenges for taxation, accountability and transparency.[8]

Urban corruption

By 2050, two out of every three people are likely to be living in cities or other urban centres, according to the UN.[9] Urbanisation can drive development and improve lives, but it can also have a debilitating impact when corruption is involved. Urban planning is particularly prone to corruption, with devastating impacts for the long-term lives and livelihoods of entire communities.[10] Decisions taken by planning professionals and departments are frequently made to secure private gains – whether for financial, political, or social advantages – at the expense of the public good.

Urban corruption can result in collusion between firms and officials on big infrastructure projects, leading to the diversion of funds from sustainable urban development. It can also result in public officials renting out public social housing units for personal profit[11]; and violations of regulations and policies to protect citizens, thus endangering their health and wellbeing. Urban planning policies may be co-opted by elites, excluding those who are meant to benefit from those programmes.

LAND CORRUPTION AND THE SDGS

By reducing land corruption and the associated environmental and social costs, governments will contribute to key development outcomes by 2030, including: addressing poverty and hunger, promoting women's empowerment, enabling sustainable economic growth and decent work for all, and building effective, accountable and inclusive institutions.

Security of tenure is key to addressing poverty, food security and gender equality. Prindex has reported a strong correlation between their global survey on security of tenure and Transparency International's Corruption Perception Index – the strongest they found with any development index.[12] A lack of trust in authorities, unclear administration processes, differentiated treatment and petty bribery may contribute to fear of eviction and insecurity of tenure, even in cases where formal land markets exist.

Corruption also exacerbates inequalities in society. Women experience, perceive and are affected by corruption in different ways to men. Given women often occupy the role of caregivers, women are more likely to be exposed to corruption in health, education, and other public services.[13] Land corruption hits women hardest due to their frequent exclusion from decision making spaces, their reliance on land and their vulnerability to specific types of corruption, like sexual extortion.

When corruption taints land investments, the principles of free, prior, and informed consent may not be followed, allowing elites to capture the negotiations. This can result in investments that primarily benefit elites and their networks, often to the disadvantage of women and other marginalised groups.[14] Corruption may undermine land distribution programmes that aim to achieve several SDG targets, including equal control of land and property and equal inheritance rights. A lack of tenure security, inequality, and loss of access to land for subsistence farming and natural resources use has implications for SDG1 and SDG2 (eradicating poverty and hunger), as well as for SDG5 and SDG10 (gender equality and reducing inequalities). Urban corruption also undermines tenure security and endangers the achievement of SDG11 (sustainable cities and communities).

RECOMMENDATIONS

The recommendations included in this policy brief aim to contribute to more transparent and effective land governance and the achievement of its SDG-related targets. These recommendations seek to strengthen the capacity of governments to minimise corruption in land administration, land management and investment management, and enable its sustainable and equitable access. We urge governments and donors to:

Monitor land governance

To effectively monitor the governance of land and the achievement of land-related SDG targets, countries should ensure their SDG monitoring mechanisms and Voluntary National Reviews include advances in land governance based on established principles like efficiency and effectiveness; transparency, integrity and accountability; public participation; equity, fairness and impartiality; as well as rule of law. These are key components to achieve the 2030 agenda for sustainable development.

Close the legal and regulatory loopholes that enable corruption in land

Complex, ambiguous, and sometimes contradictory laws regarding land status and acquisition create loopholes that facilitate corrupt practices, including bribery and nepotism. To avoid these practices, governments should:

+ Review land regulation policies and legal frameworks, including customary laws, to ensure that they define and recognise all people's land tenure rights. A specific focus should be given to the rights of women, indigenous communities and other vulnerable groups.
+ Align land regulations with other institutional and legal frameworks, such as environmental regulations, to avoid duplications and contradictions.
+ Assess and adapt the regulatory framework's levels of enforcement, to gradually improve rights to land. When assessing the levels of enforcement, it is key to review whether land administration services are accessible, affordable, and sustainable - especially for women and vulnerable groups.

Make land information accessible and understandable to all

By ensuring transparency and accessibility in information related to land ownership and access, registration, and other land-related processes, the room for ambiguity and negotiation should be minimised, making procedures less vulnerable to corruption. To make the information on land more transparent, governments should:

+ Publish all information regarding the decision-making process on land usage and planning. It will allow relevant stakeholders such as donors, companies, citizens and civil society organisations (CSOs) to scrutinise the data and understand the reasoning behind the decisions that are being made.
+ Increase access to sufficient, relevant, and up-to-date information on land rights, ownership, and administrative procedures. The information should be gender sensitive and broken-down by relevant sociodemographic criteria.
+ Use open data to publish up-to-date land tenure and ownership information. It can be done through public land registries or cadastres that specifically breakdown the information by types of tenure and tenure holders[15]. The data should be disaggregated by gender and other sociodemographic data to inform policy making.

+ Publicly disclose the information to register and access other land-related procedures. These should include the steps, fees and timelines.

Foster accountability in land management

By defining clear roles and responsibilities in land management, citizens, CSOs and businesses will be aware of the relevant lines of responsibility. Government agencies should be responsive to complaints and inquiries from stakeholders, and corrective mechanisms should be implemented to hold decision makers accountable. To advocate for a higher accountability in land management, governments should:

+ Define clear mandates and functions between government agencies responsible for land management, tenure, and acquisition. These mandates and functions should be publicly available and communicated to citizens.
+ Land policy should include detailed objectives, clearly defined institutional responsibilities, allocated resources for successful implementation, mechanisms for monitoring progress, and a specific focus on gender and inclusion. Furthermore, land policies should be publicly available and easily accessible to all citizens.
+ Develop and monitor SDG-related indicators on the performance of land management authorities at the local municipality and national level by oversight institutions.
+ Ensure access to dispute resolution mechanisms. These should be transparent, independent, accountable, safe and easy to use.
+ Establish whistleblowing and public reporting channels, such as hotlines and online platforms, to allow those who detect corrupt practices and wrongdoings to report them in a protected manner.

Leave no one behind in land decision-making

In many cases, citizens are often excluded from decision-making processes concerning their land and territory. Women and vulnerable groups are the most affected, and they are especially marginalised by restrictive roles within customary and traditional institutions that can hinder their access to land. To face these challenges, governments should:

+ Review customary laws to address practices and traditions that hinder women and other vulnerable groups' access to legal information regarding land services and decision-making processes.
+ Ensure an inclusive participation of citizens, with a special focus on women and marginalised groups, in land-decision making. Their voices need to be included in city, municipal and territorial planning.
+ Create participatory spaces, such as open forums, for citizens to receive information on the management of land, verify their land titles, access free legal advice, and engage with organisations that support people affected by land mismanagement and corruption.
+ Include social participation mechanisms as a requirement of land administration deals. These should incorporate previous consultations on decisions regarding compensation and resettlement of local and indigenous populations.
+ Define accountability relations between the actors responsible for regulation, policymaking and policy implementation within the land sector.

Establish stronger controls to fight corruption in the governance of land

To enable equitable and sustainable access to land in alignment with the SDG Agenda, governments need to reduce opportunities for malpractice, bribery and capture. Controls against corruption in land governance should be included at all levels, including individuals (public officials and citizens), businesses, communities, and state agencies in charge of decision-making processes. To establish stronger controls against corruption in land management, governments should:

+ Carry out integrity risk assessments in the sector, identifying which are the main compliance loopholes and defining controls to prevent and mitigate them.
+ Establish anti-corruption controls in the awarding of land titles and licenses to use land for specific economic purposes.

+ Develop strong integrity measures within land agencies. These measures may include a code of ethics, clear commitment from the top management, compliance, incentives and disciplinary sanctions for public servants, and complaint and whistleblowing mechanisms, among others.

ANNEX: SDGS, TARGETS AND INDICATORS RELEVANT TO LAND CORRUPTION

Goal 1: No poverty

Target 1.4: By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services including microfinance.

+ **Indicator 1.4.2**: Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure.

Goal 2: Zero hunger

Target 2.3: By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.

+ **Indicator 2.3.1**: Volume of production per labour unit by classes of farming/pastoral/forestry enterprise size.
+ **Indicator 2.3.2**: Average income of small-scale food producers, by sex and indigenous status.

Goal 5: Gender equality

Target 5.a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

+ **Indicator: 5.a.1:** (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; (b) share of women among owners or rights-bearers of agricultural land, by type of tenure.
+ **Indicator 5.a.2:** Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control.

Goal 11: Sustainable cities and communities

Target 11.1: By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

+ **In Indicator 11.1.1:** Proportion of urban population living in slums, informal settlements or inadequate housing.

Goal 16: Peace, justice and strong institutions

Target 16.5: Substantially reduce corruption and bribery in all its forms.

+ **Indicator 16.5.1:** Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official or were asked for a bribe by those public officials, during the previous 12 months.
+ **Indicator 16.5.2:** Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months.

Target 16.6: Develop effective, accountable, and transparent institutions at all levels.

+ **Indicator 16.6.1:** Primary government expenditures as a proportion of original approved budget.

ENDNOTES

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