

4 December 2023

English only

Tenth session

Atlanta, United States of America,
11–15 December 2023

**Statement submitted by Transparency International, a
non-governmental organization in consultative status with
the Economic and Social Council***

The following document is being circulated in accordance with paragraph 1 (i) of resolution 4/6 of the Conference of the States Parties to the United Nations Convention against Corruption and rule 17, paragraph 3 (b), of the rules of procedure for the Conference.

* The present document is processed in the form in which it was received.



Understanding and addressing corruption in the land sector

Submission by Transparency International and the International Land Coalition to the 10th Session of the UNCAC Conference of States Parties (CoSP)

We call on the UNCAC CoSP to review the role and impact of corruption in the land sector, and to task the UNCAC Intergovernmental Working Group on Prevention to develop and disseminate knowledge and best practices on land corruption risks, in coordination with the Food and Agriculture Organization of the United Nations (FAO) and other relevant agencies. We also call on Member States to take targeted actions to prevent and address corruption in the land sector, including via increased international cooperation amongst law enforcement and knowledge sharing.

Land corruption – corrupt practices in the land sector – threatens the lives and livelihoods of people and communities, the environment and climate, food security and political stability.¹ Its impacts are particularly acute for 2.5 billion people who live on and from the land.² Addressing it requires a dedicated focus and assessment of land related institutions across different national contexts.

A report by the FAO stresses that land corruption has not been effectively or systematically addressed by either the anti-corruption community or land governance professionals.³ The report argues that by focusing primarily on financial corruption (anti-corruption practitioners) and technical solutions (land professionals), both communities have yet to develop an effective approach to understand and tackle grand corruption in the sector. Through the abuse of power in the management of land, corruption contributes to elite capture of land policies, unfair allocation, and the use of land for political patronage.

A wide range of stakeholders and approaches are required to address these challenges. This includes the recognition of grand corruption and how it relates to land, collaboration between the anti-corruption and land governance communities, international cooperation between State Parties, and the adaptation of anti-corruption instruments for the land sector.

Manifestations of land corruption

Two areas identified as highly vulnerable to corruption are land administration and investments:

In **land administration** – how ownership, value, and use of land is determined – corruption is prevalent, ranging from political corruption, bribery, fraud, and patronage. Corrupt actors make use of overlapping mandates between agencies, high levels of discretion among land officials, unclear processes and fees for services, and ambiguous, absent, or inconsistent legal frameworks to speed up or ignore processes to secure or value land.⁴ The sector exhibits one of the highest bribery rates, **affecting one in five people globally.**⁵

¹Transparency International, *Land Corruption Topic Guide*, 2018.

² Oxfam International, *Common Ground: Securing Land Rights and Safeguarding the Earth*, 2016.

³ Knight. R., *Tackling land corruption by political elites*, FAO Legal Papers, 2022.

⁴ Transparency International, *Understanding Land Corruption as a Basis for Prevention*, 2019.

⁵ Transparency International, *Global Corruption Barometer*, 2013.

Corruption is often a feature of **land-related investments**, ranging from large-scale deals⁶ to acquisition of smaller plots of land by local actors.⁷ Corruption can be used to overcome obstacles to acquiring land, including circumventing community consent, environmental or social safeguards, or regulations related to the use of land.⁸ Land investments facilitated by corruption have been documented in the extractive sectors; in constructions and infrastructure; in food production and agriculture; and even in conservation, renewable energy, and land-based climate mitigation.⁹

Impact of land corruption

Land corruption harms people, as it deprives them of what might be their only asset and source of livelihood, home, lifestyle, and identity.¹⁰ Corruption impacts the tenure security (people's security in their land and property rights) of millions worldwide, leads to evictions and forced migration, and contributes to food insecurity and hunger.¹¹

Land corruption is enabled by and reinforces **state and policy capture**. Elites can distort decision-making processes related to land allocation, use, and tenure to increase their control over land resources or to legalise land grabs.

Land corruption disproportionately impacts women due to their frequent exclusion from decision making spaces, their reliance on land and their vulnerability to specific types of corruption, like sexual extortion.¹² It threatens other vulnerable groups including Indigenous Peoples, pastoralists, local communities, and the rural landless, and exposes communities that resist it to violence.¹³

Land corruption **entrenches inequality and even creates incentives for conflict**.¹⁴ Localised contestation over land is prevalent, particularly in contexts of scarcity, which can lead to forced displacement.

Land corruption **harms the environment**, driving land grabbing and misallocation of land which can lead to deforestation, degradation, and land conversion, among other impacts. Land corruption erodes the effectiveness and credibility of efforts to address the climate crisis.

⁶ Global Witness, *Tainted Lands: Corruption in Large-Scale Land Deals*, 2016.

⁷ Transparência Internacional Brasil, *Weak Land Governance, Fraud and Corruption*, 2021.

⁸ Knight, 2022; Global Witness, *Decade of Defiance*, 2022.

⁹ Transparency International, *Addressing Land Corruption for Climate Justice*, 2023.

¹⁰ Knight, 2022.

¹¹ Transparency International, *Tackling Land Corruption is Vital to Achieving Land Rights*, 2023.

¹² Transparency International, *Women, Land and Corruption*, 2018.

¹³ Transparency International, *Defying Exclusion*, 2021.

¹⁴ Oxfam International, *Uneven Ground*, 2020.

What can we do against land corruption? How can the UNCAC COSP respond to the issue?

Despite policy progress¹⁵, land corruption continues to be prevalent. State Parties to the UNCAC have an important role to play as do UN implementing agencies.

We ask UNCAC CoSP Member States to take the following actions to prevent and address corruption in land administration and investments:

1. Close the legal and regulatory loopholes that enable land corruption, by reviewing land legal frameworks and customary laws (including their levels of enforcement); avoiding duplications and contradictions by aligning land regulation with other frameworks, such as the environmental.
2. Publish accessible, sufficient, relevant, and up-to-date information on land usage, access, allocation, land rights and administrative procedures, including open data on updated land tenure and ownership.
3. Foster accountability in land management by defining clear mandates and functions between relevant agencies and reducing discretion. A detailed land policy, indicators to monitor land management, and access to dispute resolution mechanisms should be in place.
4. Ensure the inclusion of citizens, particularly Indigenous Peoples, women, and any other vulnerable groups, in decision-making processes concerning their land and territory.
5. Ensure free, prior, and informed consent is applied in all relevant circumstances.
6. Implement stronger controls to fight corruption in land governance (including in the awarding of land titles and licenses), such as integrity risk assessments, strong integrity measures within land agencies, and ongoing monitoring and evaluation of anti-corruption efforts.
7. Share relevant best practices on how to address land corruption using anti-corruption instruments and institutions.
8. Sanction land corruption and enhance international cooperation between States in criminal prosecutions related to land corruption. Global Witness found in 2016 that, at that point, only one criminal case involving the corrupt administration of land had been reported in a UNCAC country review.¹⁶

¹⁵ Including the VGGT in 2012, the Framework and Guidelines on Land Policy in Africa in 2010, and the adoption of General Comment No. 26 on Land and Economic, Social and Cultural Rights.

¹⁶ Global Witness, 2016.

Country examples

Mobilising anti-corruption institutions to fight land abuses

The National Strategy Against Corruption and Money Laundering in Brazil created a working group in 2023 to diagnose fraud and corruption risks associated with land grabbing, and to propose measures to strengthen control and transparency in land records and cadastres (ENCCLA, 2022).

Including anti-corruption safeguards in land policies

Land acquisitions made possible by the help of corrupt officials who directly or indirectly interfere in a transaction have been explicitly made illegal in the land legislation and policies of various countries, including Kenya, Lesotho, and Tanzania (Knight, 2022).

Alongside national-level reform, private sector commitments and citizen-driven monitoring, multi-lateral actors need to support accountability in this space. We urge the UNCAC CoSP to take stock of the UNCAC mandate and how its mechanisms and implementing agencies are equipped to promote State action to respond to and prevent corruption in the land sector. Specifically, we recommend that the Intergovernmental Working Group on Prevention:

1. Assists the Conference in developing and disseminating knowledge through tasking the Secretariat to prepare a background paper on specific corruption risks in the land sector, including those that impact marginalised communities and human rights.
2. Put forward recommendations based on evidence and learning from practice to prevent and mitigate risks of corruption in the land sector. These should build on the policy recommendations included in section 4 of this written submission and on provisions of Article 6 of the Convention on preventive anti-corruption bodies and subsequent recommendations made by the Working Group on the Prevention of Corruption.¹⁷
3. Invite States to share their experiences of implementing the provisions under consideration, preferably by using the self-assessment checklist and including, where possible, successes, challenges, technical assistance needs and lessons learned in implementation.
4. Coordinate and cooperate with the FAO or other relevant organisations to identify and understand trends in land corruption and develop strategies to approach it.

27 November 2023

¹⁷ Recommendations on the *Mandates of anti-corruption body or bodies in respect of prevention (article 6 of the United Nations Convention against Corruption)*, CAC/COSP/WG.4/2014/1.