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Tackling land corruption by political elites

The need for a multi-disciplinary,
participatory approach



International Institute
for Environment
and Development

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participatory approach

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Contents

<i>Foreword</i>	v
<i>Acknowledgements</i>	vi
<i>Acronyms and abbreviations</i>	vii
1. Introduction	1
2. Scope of the problem: political land corruption perpetuated with impunity	3
2.1. What is land corruption?	3
2.2. The impacts of land corruption	5
2.3. Insufficient attention to land corruption by land tenure professionals, corruption experts, and governments	8
3. The multiple manifestations of land corruption	11
3.1. Land corruption at the law and policy level	14
3.2. Land corruption by high-ranking government officials and their associates	15
3.3. Land corruption within local and regional governments	16
3.4. Land corruption within the judiciary and administrative complaints mechanisms	17
3.5. Land corruption by customary or community leaders	17
4. Legal instruments that may be used to address land corruption	21
4.1. International legal instruments	21
4.2. National legal frameworks	26
4.2.1. National legislation designed to prevent corruption	26
4.2.2. Legislation designed to prosecute corruption	29
4.2.3. Anti-Corruption Commissions	32
5. Strategies for addressing land corruption	35
5.1. Efforts that national governments can make to proactively address land corruption	35
5.2. Bottom-up strategies for addressing corruption that can be taken by civil society advocates and national citizens	46
5.3. Top-down strategies that international actors can take to address corruption	49
5.3.1. Multilateral and bilateral development assistance institutions and lending agencies	50
5.3.2. International sector-specific certification and oversight boards	52
5.3.3. National and international companies and investors	53
5.3.4. The home states of international companies and investors	55
6. Conclusion	57
References	59
Boxes, tables & figures	
Figure 1. Range of losses caused by community-investor conflict	8
Box 1. Anti-Land Corruption Recommendations in the <i>Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security</i> (VGGT)	23
Table 1. Agricultural investment corruption risk management	25
Box 2. Using information technology to make land administration services more transparent	41
Box 3. Allowing officials to set the terms of their own anti-corruption efforts	43
Box 4. Reviewing government contracts for evidence of corruption	45

Foreword

Responsible governance of land tenure demands attention to corruption at all levels, from petty bribes to major land grabs by the politically powerful. The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT) contain numerous provisions intended to address this problem, which poses a serious threat to tenure security, in particular the tenure security of those with the least power, including Indigenous Peoples and local communities.

The Food and Agriculture Organization of the United Nations (FAO), in the past, has undertaken research on corruption in the land sector in partnership with Transparency International (TI and FAO, 2011), and created an e-learning curriculum on how to tackle land corruption (FAO, 2014). But this topic demands constant attention, not only by land tenure professionals and land tenure authorities but by the broader anti-corruption community.

This legal paper primarily addresses what is generally referred to as “high-level corruption,” “grand corruption,” or “political corruption” relating to land: corruption perpetrated by high-level government actors and their family members and associates, as well as national elites and national and international investors. Therefore, this paper does not fully address every aspect of land corruption related to the day-to-day management of national, regional or local cadasters, nor more general aspects of land registration, land valuation, regulated spatial planning, zoning, land development, land taxation, etc., which albeit contribute to the high corruption ratings of government services in the land sector globally.

To avoid singling out or stigmatizing specific countries for land corruption, this paper has anonymized instances of land corruption, discussing them in terms of trends and patterns that take place within a range of contexts and circumstances. For this reason, the only papers cited are those of a global nature. For the same reason, this paper does not go into the details of specific occurrences of land corruption. The only country-specific examples are those of nations that have made significant positive advances in combatting corruption and might be held up as models of successful anti-corruption efforts.

Corruption undermines the rule of law and the enjoyment of human rights by all. The Development Law Service of FAO wishes to reinforce the efforts of others by bringing to light the scope of corruption and how it may manifest itself. The paper provides an overview of possible legal responses at the international and legal levels and proposes strategies that include local community empowerment to resist losing their land to corruption as well as increased international efforts.

Acronyms and abbreviations

CFS RAI	Principles for Responsible Investments in Agriculture and Food Systems
FAO	Food and Agriculture Organization of the United Nations
FPIC	Free, prior and informed consent
IIED	International Institute for Environment and Development
NGO	Non-governmental organization
OECD	Organisation for Economic Co-operation and Development
SMS	Short message service
TI	Transparency International
UNCAC	United Nations Convention Against Corruption
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

1. Introduction

In very broad terms, land corruption may be defined as the abuse of power to claim, register, control or transact land. Land corruption, like all corruption, manifests in various forms at all levels of government, from small-scale rent seeking by low-level bureaucrats, to corruption by presidents and prime ministers. Of particular interest is how these actors leverage their power and wealth – using influence, pressure, fear, intimidation, and threats – to corruptly and illegally claim lands of families and communities who have legitimate tenure rights.

Unlike many forms of financial corruption, where money is flowing between investors, elites, and government officials, or from state coffers into individuals' hands, this kind of land corruption involves elites stealing from the most poor and marginalized members of society, who often have nothing but their land – and for whom their land is not only their home, but their source of livelihood, food and water security, and their connection to community and ancestors. The power differentials are severe, and the families and communities whose lands have been taken from them by corrupt means may be too afraid to challenge the injustice or may feel unable to seek remedy and restitution within a justice system controlled or corrupted by the same high-level actors (MacInnes, 2015; Koechlin, Quan and Mulukutla, 2016; De Schutter, 2016; TI and FAO, 2011).¹

The impacts of this type of high-level land corruption are diverse and significant: it may dispossess families and communities from their lands, undermine social and political stability, lead to environmental degradation and destruction, cause widespread tenure insecurity, weaken national economic growth, and ignite civil conflict.

Despite these impacts, these forms of land corruption have not been systematically or effectively addressed by either anti-corruption professionals, who often tend to focus on combatting financial corruption, or by land tenure professionals, who often focus on technical solutions – like digitization, open data, and efforts to increase transparency – to address the corrupt actions of local registrars, surveyors, valuers, and other low-level bureaucrats. Yet technical solutions that lead to greater data transparency do not necessarily address the abuses of power that allow elites to grab large tracts of land from villagers without their consent. In some countries, national laws and policies may even have loopholes or gaps that allow for these kinds of land corruption to occur with impunity. Not enough is being done to directly address land corruption perpetrated by high-level government officials and national elites.

By detailing the myriad ways in which high-level land corruption transpires and by suggesting practical strategies for addressing land corruption, this publication aims to:

1. Motivate anti-corruption experts to directly address high-level land corruption, applying the range of skills and strategies they have accrued in response to financial corruption in new ways.

¹ To avoid singling out and stigmatizing specific countries for land corruption – which occurs across the world, in many countries – we have anonymized instances of land corruption, instead discussing them in terms of trends and patterns that take place within a range of contexts and circumstances. For this reason, the only papers cited are those of a global nature. For the same reason, this paper does not go into the minute details of specific instances of land corruption. The only country-specific examples are those of nations that have made significant positive advances in combatting corruption and might be held up as models of successful anti-corruption efforts.

2. Inspire land governance experts to tackle high-level land corruption more ambitiously, combining both administrative and political solutions to comprehensively prevent and address grand corruption that leads to land dispossession, human rights abuses, and environmental degradation.
3. Stimulate collaboration between the two disciplines, drawing anti-corruption and land governance experts into collective efforts that leverage both sets of expertise.
4. Generate increased political will among government actors to proactively address land corruption within national land administrations and judicial action.
5. Motivate civil society actors, communities, citizens, media, and a wide range of international actors to collaborate to directly challenge land corruption.

Key to this work is strengthening the undocumented but legitimate tenure rights of Indigenous Peoples, rural communities, the urban poor, and other marginalized groups that have not been granted legal title to, or legal protections for, their lands. Without documented land rights, no amount of cadastral digitization and transparency can protect families and communities from elites seeking to claim their lands in bad faith.

Only the combined, concurrent efforts of actors involved in government-led anti-corruption reform, bottom-up accountability instigated by communities and their allies, and top-down accountability imposed by global actors will successfully address high-level land corruption. For maximum impact, all three sets of actors should collaborate in an accommodating manner, working cooperatively on coordinated strategies.

This legal paper first defines land corruption, its impact and the lack of attention paid towards it in Section 2. Section 3 then describes various manifestations of land corruption, including among high-ranking government officials, the judiciary, low-level bureaucrats and local leaders. Section 4 details international legal instruments that may be adopted at the national level and provides examples of national legal frameworks that incorporate anti-corruption efforts into their legislation. Section 5 discusses efforts that may be made to proactively address land corruption. The paper's final conclusions are set out in Section 6.

2. Scope of the problem: political land corruption perpetuated with impunity

2.1. What is land corruption?

Corruption is broadly defined by Transparency International as the abuse of entrusted power for private gain (TI and FAO, 2011). Land corruption may be defined as the abuse of power to claim, register, control or transact land.

Land governance in its fullest form – including land cadasters, land management, land use planning, surveying, land permit issuance, land development, compulsory acquisition, etc. – is a core state function. Land corruption plays out almost entirely within countries, perpetuated by state officials who are the arbiters of land governance: as cadastral staff, regulators, surveyors, assessors, project developers, etc. and government officials, are the central players in land corruption. When the individuals tasked with land governance become biased by vested interests or leverage their power for private gain – and strong accountability mechanisms to keep these officials in line are absent – the entire system becomes compromised.

Land corruption includes everything from local-level cadastral bureaucrats demanding bribes to register land claims (petty corruption or rent-seeking), to central government officials allocating land to an investor in return for a private stake in the venture, and to provincial officials helping investors avoid the challenge of seeking a communities' authentic free, prior and informed consent (FPIC) by staging a one-time "consultation", during which "consent" is secured through the use of threats and intimidation and/or bribery of local leaders representing their communities (Knight, 2019). Land corruption includes government actors changing regional land use plans to increase property values in areas where they own land; buying land at low prices in an area where they know government infrastructure will be soon sited (and thus land values will rise); or accepting bribes to "lose" public records of a family's land ownership, then registering that family's land in another person's name, among many other kinds of land corruption. As one paper aptly describes:

Of particular concern is the risk of corruption at the midstream level...[where] small- to medium-scale investors, including national and local elites and those with political connections, are able to exploit rent-seeking behaviour by land officials and exploit weak land governance arrangements to secure land allocations and override the rights and interests of less powerful land users. Moreover, these risks can easily cascade into downstream corruption, involving local suppliers, smallholders, company agents, communities, and officials (Koechlin, Quan and Mulukutla, 2016, p. 28).

In its most extreme form (sometimes called grand corruption or political corruption), land corruption occurs through elite "state capture": candidates run for office precisely to leverage state power to access vast areas of land (and the natural resources on that land) for their personal enrichment and the enrichment of their associates. Once in power, government officials may then: illegally transfer state or public lands to themselves or their associates; draft and implement land laws and policies that weaken the land rights of Indigenous Peoples and other marginalized groups, making it easier to dispossess them from their lands; re-zone lands to open them up for corporate investments they have a private stake in; or wield

state compulsory acquisition powers for their own benefit and enrichment. As Reno (cited in MacInnes, 2015) writes, in such situations:

The state itself becomes criminally and entrepreneurially involved in the capture of land. Once land is grabbed, it provides revenues to business and political elites...which further strengthens their hold on influence and power...This institutionalization of perverted benefits and vested interests resulting from corrupt land grabbing are examples of how 'shadow states' are created; ...in shadow states, rulers are able to 'manipulate external actors' access to both formal and clandestine markets, by relying on the global recognition of sovereignty, and are thereby able to undermine formal government institutions (MacInnes, 2015, p. 5).

In many countries, underlying broad-based corruption within national administrative, political, and judicial systems allows land to be grabbed – by rich and powerful individuals, institutions, and investors – with impunity. In such situations, "government officials accept 'bribes' from a company in exchange for ignoring or perverting laws, for facilitating swift transactions, giving preferential treatment...and perverting justice" (MacInnes, 2015, p. 6).

Alternatively, in contexts of endemic corruption, there may be no obvious evidence of land corruption – no bribes paid, no money changing hands, or other such traceable actions to be found. Rather, senior government officials and politicians and their families and friends may own or be shareholders in companies that are granted land by state administrators, through processes characterized by special treatment, waiving of regulatory controls, or deliberate avoidance of due process, impact assessments, and the consent of existing landowners. Describing this kind of grand corruption, MacInnes writes:

As a result [of grand corruption] ... government decision-making about who gets to own and use what land for which purpose is not based on recognition of local rights, food security objectives, environmental sustainability or even economic growth. Rather, land and natural resources...are allocated to whichever company is best connected and willing to pay the highest price. When such corruption is present, and especially if it reaches the highest executive level, it undermines basic elements of accountability between the state and its citizens...Government officials, for example, ignore their public responsibilities in favour of allegiance to companies and patrons, giving rise to neo-patrimonial rule and structural violence (MacInnes, 2015, p. 6).

Indeed, a 2011 World Bank report found that land grabs generally occurred in countries where investors were able to exploit corrupt or indebted governments, who then failed to regulate the land transactions and allowed the companies to violate citizen's land rights. The report concluded that:

Data from country inventories highlight serious weaknesses in institutional capacity and management of land information. In many countries where demand [for land] has recently increased, limited screening of proposals, project approvals without due diligence, rivalries among institutions with overlapping responsibilities, and an air of secrecy all create an environment conducive to weak governance... All this implies a danger of a "race to the bottom" to attract investors (Deininger et al., 2011, p. xxxii).

Other studies have also established strong statistical evidence indicating that weak land governance and inadequate corruption prosecution set the stage for larger land deals. For example, a study by Oxfam found that more than three quarters of the 56 countries where

large-scale land deals were agreed between 2000 and 2011 scored below average on four key governance indicators, concluding that “investors actively target countries with weak governance in order to maximize profits and minimize red tape. Weak governance might enable this because it helps investors to sidestep costly and time-consuming rules and regulations” (Oxfam International, 2013). Where governance is weak, investors may more easily bribe relevant government agencies and state actors to approve projects which will cause environmental damage; use state powers to dispossess communities of their lands to make way for an investment; or otherwise disregard or weaken local peoples’ rights (De Schutter, 2016).

Similarly, research on land transaction trends from 156 countries over a period of ten years found that corruption was consistently associated with an increased likelihood and size of land deals, and that “the level of corruption is a very strong and consistent predictor of land acquisition activity” (Bujko *et al.*, 2016, p. 211-212). Interestingly, that study also found that “democratic institutions tend to make land deals less likely...[as] governments that have to cater to local demands due to democratic controls are less likely to agree to (large) land deals.” Positively, the same study found that state-led improvements in corruption control led to fewer land deals in countries that previously had high rates of corruption (Bujko *et al.*, 2016).

Although it is often unreported and difficult to measure, land corruption is on the rise (see e.g. Knight, 2019). As the global population grows and climate change impacts soil fertility and rainfall, fertile lands have very quickly become scarce and increased sharply in value (FAO, 2018). As a result, land has become, more than ever before, a prized commodity to be claimed – not for its financial or investment value, but for its own sake. This is especially true for the land that includes or surrounds fresh water (Transnational Institute, 2014; Yang and He, 2021). Often these lands are owned, used and held under custom by communities, whose ancestors have been living and working upon them for generations.

2.2. The impacts of land corruption

A 2009 Transparency International survey of 69 countries found that land administration agencies were overall the third most corrupt government service, after the courts and the police (TI, 2013). While petty corruption in the land sector is indeed endemic and has significant negative impacts – including impeding poor families who cannot afford to pay bribes from registering their land rights, and costing individuals, families and communities millions of dollars annually – the impacts of petty corruption are often far less serious than the impacts of political or grand corruption (TI and FAO, 2011).

Political corruption *that results in loss of land* differs from financial corruption in two main ways. First, land corruption requires force to maintain, unlike a quiet transfer of funds from one bank account to another, once land has been grabbed from its previous owners and occupiers, the corporations, elites and/or government officials who have claimed that land in bad faith must often then corrupt other government institutions to defend it. This may require leveraging local police, national security forces, the courts, land administration officials, and other state institutions to guard the land; threaten and intimidate the rightful owners; formalize and register the land as theirs; or help them to avoid or eschew legal prosecution. Indeed, the use of state violence against individuals and communities fighting against illegal dispossession of their lands has become more prevalent – in 2019 alone, Global Witness reported 37 murders of land rights activists linked to state forces; it is likely that the number is even higher (Global Witness, 2020).

Second, unlike many forms of corruption within the financial sector (banking and investment, etc.), where money is flowing between investors, elites, and government officials, or from state coffers into individuals' hands, land corruption by elites often involves stealing the primary or sole asset of the most poor and marginalized members of society. For rural families, what is being stolen is their home, as well as their source of their livelihood, food and water security, and connection to culture, community, ancestry, and spirituality. Such actions – which may involve fencing off entire forests, restricting access to necessary water sources, bulldozing whole communities, setting fire to homes, and forcing people to leave their farms pre-harvest, ensuring their future hunger – are severe human rights abuses, yet are often carried out by government officials and their associates with impunity.

Land corruption that results in such gross injustice often leaves its victims homeless, destitute, heartbroken, enraged, and – when the entire system of land governance has become corrupted, and justice cannot be found within the national court system – primed for violence.

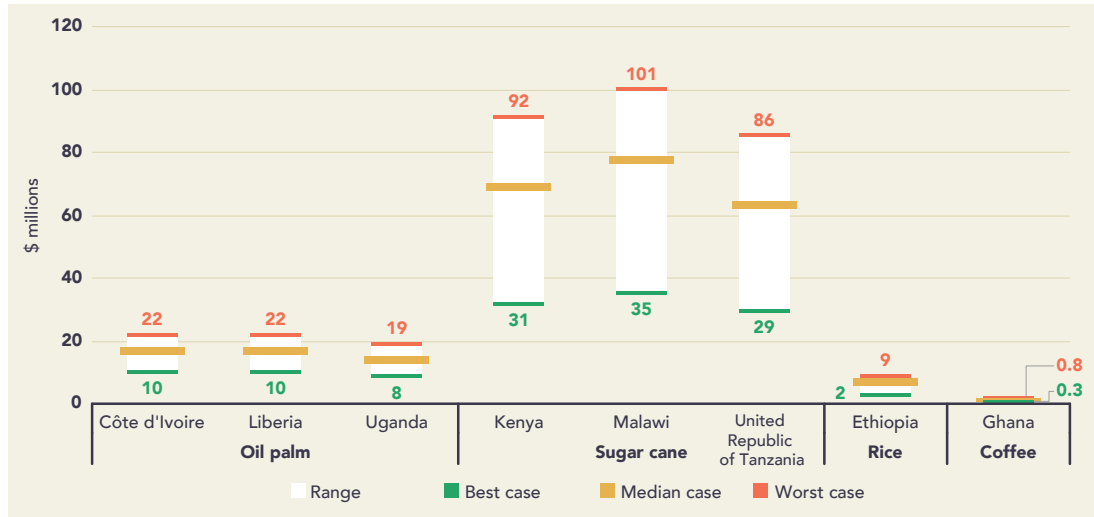
Other impacts of land corruption include:

- **Tenure insecurity for marginalized groups.** Land corruption may result in weaker tenure rights for vulnerable and marginalized groups, such as where it blocks community and family land titling and registration processes. For example, lawmakers may intentionally leave gaps in a law or create misalignments between national regulations and local practices that create significant obstacles for Indigenous Peoples and other marginalized groups seeking formal title to their lands. Or national ministries may “not be able to hire” a local registrar in a region slated for large-scale infrastructure or development, making it easier for elites to then claim unregistered lands in that area. Alternatively, officials may simply not process – or hold up on “procedural grounds” – the land registration applications of residents of certain areas, or members of particular ethnic, religious or community groups.
- **Environmental pollution, species loss, and illness.** When land corruption results in environmental pollution – for example when corrupt government officials allow companies to proceed with their investments without complying with national environmental laws – ecological destruction may result. Such impacts may include devastation of species habitats, local biodiversity, and illness among local residents, who may suffer from respiratory illnesses, cancer, and other diseases related to soil, air and water pollution. Indeed, multiple studies on the environment impacts of corruption have found that as corruption increases, ecological destruction increases as well (Yang and He, 2021; Candau and Dienesch, 2017; Ganda, 2020). For example, in Southeast Asia, corruption has allowed illegal logging to take place under the cover of large-scale land acquisitions, decimating indigenous forests and negatively impacting local populations (Global Witness, 2015).
- **Loss of government revenue.** When companies bribe individual government officials to allocate large tracts of land, or to approve contracts with minimal taxation or royalty obligations, national budgets fail to accrue rightful revenue, leaving countries with little financial growth or prosperity

to show for granting vast land concessions to foreign investors (Clower, Dalton and Harwitz, 1966; MacInnes, 2015).

- **Erosion of civil ethics and rule of law.** When land corruption becomes endemic and synonymous with the institutional power of the state, it can have a corrosive effect on citizens' ethics and behaviour. Observing national government officials, investors and elites behaving corruptly with impunity can reduce citizens' willingness to conform to national laws, further undermining the rule of law. This can perpetuate smaller-scale land corruption by local leaders (who may illegally allocate land for their own personal enrichment), by neighbours (who might use corrupt practices to register land in their own name that does not rightly belong to them, dispossessing less powerful neighbours), or within families (as more powerful family members might register family lands as their own private lands, effectively dispossessing relatively "weaker" family members).
- **Increased civil conflict.** When state actors repeatedly engage in land corruption that results in the above-mentioned impacts, citizens may resort to extra-legal means of asserting their land claims or expressing their sense of injustice. Endemic land corruption may even lead to violence and civil conflict (see Vinciguerra, 2011).
- **Corruption of private sector actors.** In state-led land deals, corrupt state officials may unilaterally deem an area to be "unused" or "vacant" – despite the fact that these lands have been managed, used, and held under custom for generations by families and communities with unregistered but legitimate land rights. State officials may then sell or lease those lands to an investor, portraying that the land is free and unhindered. When investors do not complete due diligence to ascertain the situation on the ground, or are swayed by officials' false reassurances, private sector actors may themselves become implicated in land corruption, potentially opening themselves up to prosecution, lawsuits, and reputational damage (FAO, 2019).
- **Investment losses.** Pervasive corruption weakens investments' long-term stability: when corrupt officials allow a company to bribe or intimidate local leaders to sign papers consenting to share their lands rather than seeking the whole communities' authentic FPIC – or grant large-scale concessions to investors without requiring that they negotiate and fulfill fair contracts with the community for the lease of community lands – local unrest and violence may result. Such unrest has been shown to significantly reduce corporate profits. Research by Locke *et al.* on corporate losses caused by conflict with host communities shows that companies who have not properly consulted communities or secured their FPIC stand to lose millions of dollars in profits and investments to conflict and sabotage. For example, TMP Systems' research found that in Kenya, the losses incurred from one community-investor conflict were, at minimum, USD 31 million, and at maximum USD 92 million. In Malawi, losses caused by one community-investor conflict ranged from USD 35 to USD 101 million (Locke *et al.*, 2019).

Figure 1.
Range of losses caused by community-investor conflict



Source: Locke et al., 2019.

- **Poor ranking on international corruption indices.** Countries with endemic land corruption may be given high rankings on corruption indices, making them unattractive to foreign investors unwilling to take on the reputational risks associated with doing business in corrupt contexts. As a result, the number and quality of foreign investors may decline (MacInnes, 2012).

Such impacts may undermine social and political stability, lead to environmental and ecosystem destruction, and weaken national economic growth. As such, they should act as a strong disincentive against corruption. Unfortunately, in many contexts, they do not. Indeed, the current state of investments in land show that when faced with potential profit and personal gain, government officials are not incentivized to meaningfully address land corruption. As described by Cockcroft:

The common characteristics of corruption in today's world includes the close relationship between personal enrichment and political survival, the willingness of international partners to participate in corrupt stratagems, and the extent to which [various global and national] systems facilitate this and make it very difficult for formal institutions to control the corruption... (Cockcroft, 2012, p. 42).

2.3. Insufficient attention to land corruption by land tenure professionals, corruption experts, and governments

Despite these impacts, political land corruption has not, to date, been systematically or effectively addressed by either anti-corruption professionals, who often tend to focus on combatting corruption, e.g. within the banking and investment sectors, or by land tenure security professionals and bilateral and multilateral institutions, who have so far generally addressed corruption as a technical matter that can be solved through increased transparency

of land administration systems. While this is true for land corruption perpetrated by low-level government bureaucrats, political land corruption goes to the heart of how high-level government officials wield and abuse power. Yet rather than directly fighting political corruption in the land sector, international agencies and funders have promoted “good governance” but often failed to tackle the issue head-on.

Specifically, while significant international policy attention has been paid to large-scale land deals (see e.g. Deininger *et al.*, 2011; Cotula, 2013, 2016), much less attention has been paid to how land corruption impacts those deals. Even less attention has focused on how land corruption plays out fully *within* a country between government actors and national business elites – where those who ascend to political power leverage that power to capture land for their personal enrichment and the enrichment of their associates, allies, and family members. A 2016 report by Koechlin, Quan, and Mulukutla found that not enough attention is devoted to land corruption that takes place wholly within countries:

Key corruption risks identified are impunity of political elites in securing favourable land allocations, leading to elite capture of ... land deals, associated kickbacks and profits from commercial land development and the use of land for political patronage ... At this point, however, effective tools and more comprehensive research to help monitor and evaluate corruption risks ... [of this kind] are lacking, leading to a notable absence of data (Koechlin, Quan and Mulukutla, 2016, p. 28).

Indeed, while international lending agencies, including the World Bank, work scrupulously to proactively identify and reduce potential corruption in the projects they fund, debarring or sanctioning many dozens of contractors and businesses every year (see e.g. World Bank, 2021), it is often challenging for even lending agencies to penetrate the complex web of allegiances and networks that allow national elites and government actors to grab land from villagers with impunity.

As a result of various factors – including the paucity of research and analysis² on effective anti-grand corruption strategies in the land sector and insufficient cross-sectoral discussions concerning land corruption – experts in the anti-corruption sector who are generally accustomed to following financial flows may not grasp the nuances of how grand corruption plays out in the land sector. As a result, anti-corruption support to governments may focus on rooting out financial corruption and fail to systemically address land corruption.

Meanwhile, land tenure experts tend to focus on technical solutions to corruption within land administration institutions, such as digitization of records, standardization and publication of fees for services, and open data. While these excellent solutions are urgently needed, it is unlikely that they will have the power to stop high-level national elites and their associates from grabbing lands that they desire for themselves, or transacting large areas of land on behalf of companies they own shares in. Yet land professionals generally are not well-versed in the various mechanisms that have proven to successfully impede high-level financial corruption by national elites; such tactics might be useful additions to land professionals’ efforts to strengthen land administration and promote good governance.

² Although there have been some excellent reports on land corruption (see e.g. De Schutter, 2016; Koechlin, Quan, and Mulukutla, 2016; TI, 2018), an extensive search returned a lack of focused research concerning – and analysis of – possible strategies to stop corrupt national elites and high-level government officials from grabbing land using violence, fear and coercion to do so.

The lack of concerted attention to land corruption, that results in dispossession and severe rights violations from both the anti-corruption and land tenure sector, may be partly due to the fact that land corruption is notoriously difficult to address systemically, as it has roots not only in elite greed, but in citizens' fear. Land corruption not only stems from the avarice of those in power, but is fed and allowed by the intimidation of those without power: when a feared government official comes seeking the land of a poor rural community (for himself or an investor), offering bribes to local leaders, making threats, or calling in the military or police to ensure "consent," it may be extremely challenging for that community to deny his or her request (Knight, 2019). When a community has been "consulted" and has "agreed" to a land deal, it may be difficult to prove coercion and corrupt dealings. Indeed, land corruption may not be "hidden" in the same ways as financial corruption, but oftentimes happens with the full participation of whole communities, the local police, and the complete administrative line of decentralized power.

In this context, it is useful to explore how a wide range of experts, actors and stakeholders might collectively address this particular kind of land corruption from a much broader range of angles and with a much larger array of tools. For example, while many countries have good anti-corruption laws in place (see Section 4), those laws are rarely applied to instances of high-level *land corruption* by national elites. The bilateral development agencies of countries that have strong anti-corruption laws and multilateral aid agencies that give large grants to governments could do more to link the disbursement of grants to *national* efforts to address land corruption – most particularly when such grants support infrastructure and enterprise development, which often include land use as key project elements. Furthermore, civil society groups and the media must collaborate with international actors and news outlets to expose and fight back against land corruption by elites. More media coverage of land corruption and more research on successful anti-land corruption strategies are needed.

Yet before exploring such strategies, it is necessary to deeply understand the various typologies of land corruption and how they play out in practice.

3. The multiple manifestations of land corruption

A robust understanding of the political economy of land in a given context is a first step towards understanding how to most successfully address land corruption. A political economy analysis considers the interaction of political and economic processes, including the distribution of power and wealth across and between different agencies, institutions, and individuals, and the processes that create, sustain and transform these relationships over time (Cotula and Berger, 2017). With a political economy lens, land-related corruption can begin to be understood from root to stem to fruit and flower – although outside the bounds of this paper, an even fuller picture emerges through analysis of the historical, colonial, and cultural aspects at play, in a given national context.

First, at the root, a political economy analysis of land corruption would not be complete without broadly outlining the overarching context that consciously or unconsciously drives the pace and prevalence of land corruption. Although circumstances vary widely by country and region, and myriad diverse factors drive pressures on land and lead to land corruption, three global trends are creating both a real and perceived sense of land scarcity:

1. Population growth and increased demand for land and raw materials. Over the past 50 years, the world's population has more than doubled, rising from 3.7 billion in 1970 to 7.84 billion in 2020 (Worldometer, 2022). This increase is driving global demand for food and commodities and exacerbating pressure on already-scarce lands and natural resources.
2. Climate change is leading to increased prevalence of drought and water scarcity in some regions. Climate change is shifting weather patterns while associated rising temperatures and increasing water scarcity are leading to soil erosion, desertification, salinization, and loss of peat soils. As a result, researchers are projecting significant decreases in agricultural yields by 2050 (IPCC, 2019). There is already evidence of rising competition over access and control of increasingly scarce arable land and water sources: for example, over the past 30 years, there has been a dramatic rise in confrontations between farmers and pastoralists over access to the fertile lands around rivers, springs and lakes (see e.g. Nnoko-Mewanu, 2018; Langat, 2015; Schönegg, 2015).
3. A global rise in land concessions for large-scale agricultural, mining, logging, and alternative energy ventures. In the early 2000s, public policies and market forces created a global surge in commercial investments in agriculture, mining and forestry. The past twenty years since, have seen a dramatic rise in long-term land leases and concessions around the globe: since 2000, there have been more than 2 000 successfully concluded land deals, covering an estimated 68 million hectares (Land Matrix, 2022).³ Such investments often conflict with local communities' customary and

³ See Land Matrix maps at <https://landmatrix.org/map/>

indigenous land rights and livelihoods and further reduce the amount of land available to rapidly growing national populations. These large-scale land deals (almost all of which involve international investors) are influencing national elites' own land-acquisition efforts; although generally unreported, anecdotal evidence indicates that smaller-scale land deals and bad faith land grabs by national elites are occurring at an even more rapid pace (see e.g. Koussoubé, 2013; Awodi, 2019; O'Brien and Kenya Land Alliance (International Land Coalition), 2011; Wittmeyer, 2012).

Cumulatively, these trends are increasing the value of land, contributing to rising land and natural resources scarcity, and fueling competition over lands and natural resources.

Meanwhile, land corruption most easily grows and thrives within contexts, institutions or localities that are characterized by:

- A lack of political will to address corruption within government agencies.
- Weak rule of law, including a difficult-to-access, unprincipled, or non-independent judicial system.
- A lack of accountability and/or general impunity for government officials, national elites, local leaders, and national and international companies and investors.
- A policy framework marked by overlaps, loopholes, contradictions and lack of oversight, which results in national laws being overly complex, inconsistent, contradictory, obsolete, or silent on key matters.
- Unclear, uncoordinated and fragmented responsibilities between agencies and an environment of institutional fragmentation, in which various institutions have overlapping or contradictory mandates related to land administration and management, without proper coordination between institutions.
- Lack of clear land claim formalization procedures, including land administration systems that make it very difficult for families and communities to formally register their lands, or in post-conflict contexts where large numbers of people have been displaced or lost proof of their land rights.
- Poor record-keeping, lack of transparency and accountability in government land agencies, land administration processes, and decision-making procedures, which enables elites and government actors to take advantage of weak administration systems to illegally enrich themselves and others, or to manipulate land records for their own private gain.
- A censored or intimidated media, which, silenced or constrained by government interference, is unable to report on corruption or is afraid to do so.

- Citizen's lack of access to information, with limited or non-existent access to land and investment information held by government agencies that may allow corruption to flourish and block citizens' capacity to demand transparency and accountability from government, among other factors.

Driven by global forces and enabled by such factors mentioned above, land corruption flowers and flourishes within five main "arenas" – with land corruption at each level compounding, supporting and incentivizing corruption at other levels. These include:

- At the policy level, where the national legal framework (the actual laws) has been shaped to aid and abet dispossession or weakening of community, family and individual land rights, including private theft of public lands and commons.
- Among high-ranking government officials, who use their power and influence to: profit from land concessions to investors or allocate land in bad faith to their circle of colleagues and cohorts; manipulate compulsory acquisition processes; claim public lands for private use; and purchase land for speculation in areas that, because of their position in government, they know will be zoned for future development, among other abuses of power.
- At the interface between citizens and land agencies, where low-level bureaucrats extract bribes to carry out basic land registration, taxation, valuation, surveying, land-use planning, and permitting functions, etc. ("petty corruption" or "rent seeking").
- Within the judiciary, where judges, magistrates, adjudicators and clerks can be bribed or pressured to endlessly delay a case from being heard, dismiss a case, or rule for the more powerful party.
- Among customary leaders, who may claim communally-held land as their own private holdings, then allocate that land to outsiders for their own enrichment, or take bribes to "consent" to a land transaction on "their community's behalf" in bad faith, among other actions.

Each of the various "arenas" of land corruption and how they are exacerbated or aided by underlying contexts is examined briefly below. In the following typology, it is important to note that petty corruption and political corruption are not necessarily two different phenomena, but rather mutually reinforce one another. Similarly, multi-directional flows of influence impact corruption at each level. For example, corruption among national elites may result in efforts to obstruct well-intentioned policymakers from passing good laws; in turn, a lack of good laws and implementing regulations can then more easily pave the way for corruption by public servants, judges, and local leaders.⁴

⁴ The following typology is based on analysis of a variety of land corruption cases across multiple countries; the cases have been catalogued, grouped, then anonymized.

3.1. Land corruption at the law and policy level

When corrupt individuals capture state institutions, they leverage their power and influence to shape national laws and policies in such a way as to create a more fertile ground upon which land corruption can flourish. They may do this in several ways, including but not limited to:

- Adopting or amending laws and regulations that include carefully hidden loopholes or establish significant room for officials' individual discretion, which they can then leverage to lawfully delegitimize legitimate land rights, claim land in bad faith without following established legal procedures, and avoid established oversight mechanisms that would otherwise function to constrain their actions.
- Using their influence to ensure that draft land laws designed to strengthen the legitimate tenure rights of poor urban and rural families and communities are watered down, by making sure that provisions protecting rights are dramatically weakened or eliminated from draft laws entirely.
- Slowing down or obstructing the passage of new laws designed to: strengthen the land rights of Indigenous Peoples, local communities, and marginalized groups; establish procedural safeguards to check land grabbing; and/or restrict the terms of international investment deals.
- Frustrating implementation of good laws by: ensuring that no funding is allocated to their implementation; stymying efforts to pass necessary accompanying regulations; and making sure that lower-ranking officials are never trained on the substance of such laws or how to implement them.
- Construing the state's eminent domain powers so broadly – and defining "public purpose" so loosely – that government officials may use compulsory acquisition to take land for private commercial projects, or for large-scale investments and profitable parastatal infrastructure development projects they will personally profit from, among other strategies.

For example, some countries' laws do not recognize the land claims of pastoralists, fisherfolk, nomads, and hunter gatherers – who have longstanding, historical legitimate tenure rights to large forests, grazing lands and watersheds. These laws allow government officials to designate their lands as "unclaimed" or "unused", thus leaving these lands open to allocation to outsiders for large-scale agriculture, mining, logging, and other extractive practices. In such instances, government officials may use policy as a weapon to open up large areas of Indigenous Peoples' ancestral lands to their own investment projects or projects they are covertly profiting from.

Alternatively, state actors may delay a law designed to formalize customary land rights for years, and then use that time to claim vast tracts of customary land rights for themselves or for state infrastructure projects. Or they may simply never allocate the funding and resources to establish district registries and appoint local registrars – without whom legitimate landowners' rights cannot be formalized. Such "obstruction by omission" is very hard to prove, given broader institutional and financial capacity constraints, but is often part of a range of corrupt practices that government officials use to ensure that lands are unregistered and thus more easily claimed or grabbed in bad faith.

When corruption is embedded in laws, policies and regulations, a situation of structural or institutionalized injustice is at play, making it almost impossible for families, communities and individuals to defend their claims or seek remedies in the courts or through administrative complaints mechanisms (as all such rulings must be based on national law).

3.2. Land corruption by high-ranking government officials and their associates

As previously mentioned, high-ranking government officials and elected politicians may leverage their power and influence to undermine pre-existing legitimate tenure rights and enrich themselves, and their friends, relatives and business partners by:

- Abusing state powers of compulsory acquisition for infrastructure or investment projects from which they will personally profit.
- Illicitly or illegally privatizing public land in their name or the names of their allies and associates.
- Colluding with investors to claim lands owned by rural communities for logging, mining, tourism or large-scale agricultural ventures (ensuring for themselves, as gatekeepers, a “kickback” or portion of the profits).
- Providing preferential treatment or protection to investments they have a personal stake in.
- Allowing land to be legally purchased for significantly less than fair market value, then developed and/or re-sold for a significant profit.
- Leveraging insider information to speculatively acquire land near planned future infrastructure developments to subsequently sell at a profit.
- Approving real estate and land development projects that will increase the value of their personal property.
- Re-zoning land (from agricultural to industrial, or from rural to urban) to increase land values in areas where they own land, or otherwise capturing rents and profits from re-zoning and/or land conversion efforts, among other strategies.

To this end, government actors may not only sign documents in bad faith, but also call in the police or national security forces to intimidate legitimate rights holders, carry out forced evictions, and/or respond with disproportionate violence to community protests or refusal to concede their lands and homes to investors or infrastructure development projects. In situations of grand corruption, other government officials aid and abet these actions by turning a blind eye or becoming directly complicit. Other officials may be threatened or pressured into protecting the interests of the elite at the expense of following the rule of law. Lower ranking officials who object to such efforts often have little choice but to capitulate to their superiors' schemes, at the risk of losing their jobs or facing threats and intimidation.

Once government officials have helped a company secure access to land through corrupt dealings, there is little incentive for those government officials to either monitor the company's conduct or hold it accountable for any harmful activities, breaches of contract or rights abuses. Illegalities that may thus arise include: leaving the land unused despite clear regulatory time limits for cultivation designed to ensure against speculation; failure to comply with national environmental laws regulating water, air and soil pollution; failure to comply with national and international human rights laws; and failure to fulfill the terms of contractual agreements, including payments of annual or monthly rent to the communities whose land the company is occupying, creating promised jobs, or building and providing promised infrastructure and social services. Such corruption may result in authorities failing to penalize companies who are breaking laws, for instance by not annulling their contracts or otherwise imposing sanctions.

3.3. Land corruption within local and regional governments

When those in power openly flout the law without consequence, low-paid civil servants may feel freer to engage in petty rent-seeking. Such administrative corruption often manifests as government officials requiring "facilitation payments" for what should be low-cost public services such as land registration and land adjudication and cadastral survey (Koechlin, Quan and Mulukutla, 2016, p. 14). In some countries, such petty corruption is rampant; a 2013 survey by Transparency International found that on average, 21 percent of people across 95 countries reported having paid a bribe for land-related services. Citizens of some countries reported a petty bribery rate of up to 75 percent for land-related services (TI, 2013).

Corruption in local and regional land governance may occur in the zoning and categorization of land, as follows: listing land as "vacant" when in actuality it is owned and actively used by a community for hunting, gathering, or grazing; registration of land rights; land use planning; land valuation whereby land may be over- or undervalued for personal gain; and various other land governance functions that may be enacted by a variety of uncoordinated government agencies operating at multiple levels of decentralized government, often without rigorous systems of monitoring and supervision.

For example, low-level land administrators may be bribed to change or forge land certificates and titles, sign fraudulent documents, "lose" land titles and other registration documents, and approve plans that violate zoning regulations or have significant negative environmental consequences (Koechlin, Quan and Mulukutla, 2016). Local officials may embezzle funds allocated for key land infrastructure, or use their offices to privilege local elites, facilitating elite capture of titling schemes at the expense of the less privileged but legitimate rights holders. Valuers may be bribed to undervalue land so that landowners can avoid paying high property taxes, or to increase land values to help landowners secure higher sale prices.

As a result, individuals with even relatively small amounts of money and local power can influence land transactions to their benefit. For example, this can extend to a local elite leveraging their power and connections to get a private title for customary lands held collectively by hundreds of families, or for a comparatively rich family member to register lands in their own name, in a stroke disenfranchising dozens of relatives of their collectively held property rights. Such corruption may require the participation of both local government bureaucrats and community leaders.

Such low-level administrative corruption is enabled by a number of factors, including: lack of transparency within local land registries and land administrative systems; low salaries that incentivize poorly paid officials to accept bribes so as to be able to support their families; decentralized land administration offices that are allocated a budget that only covers a few trips to the field per month, requiring local officials to ask that citizens cover the costs of visits; among other trends.

3.4. Land corruption within the judiciary and administrative complaints mechanisms

Corruption within the justice system and administrative complaints mechanisms prevents victims of land corruption-related injustices from seeking and receiving redress and restitution. In countries where the judiciary has been corrupted to the point where bribery, intimidation, and political interference is endemic, the court system serves as a tool of the powerful, thereby undermining national systems of checks and balances, and further entrenching corruption. Judicial corruption may take many forms, including:

- Judges and adjudicators are bribed – or demand bribes – to move a case forward or indefinitely delay or postpone a case, or to decide in favour of the party who has bribed them to do so.
- Powerful government officials and wealthy private individuals pressure judges and adjudicators to ensure preferential rulings.
- Even if a claimant wins in court, the verdict is never implemented and enforced; if the losing party is powerful enough, the decision may be ignored without consequence, among other abuses of power.

Such trends are exacerbated by a lack of oversight and accountability of judges, adjudicators, clerks and other court personnel, who often have broad discretionary powers. Meanwhile, a lack of transparency can create a screen behind which judicial corruption can flourish – when trials, rulings/judgments, and the full transcriptions of trials are not open to the public and/or media.

Should people try to use the justice system or administrative grievance mechanisms to fight injustice, then find those systems corrupt as well, claimants' frustration may lead them to take extra-legal measures to seek justice. Furthermore, should local leaders try to fight the corrupt seizure of their lands in courts and administrative hearings, they may be subject to threats, violence, and murder (Global Witness, 2020).

3.5. Land corruption by customary or community leaders

Corruption by community or customary leaders is increasing as land and natural resources become more scarce and land values rise. There are three main ways that chiefs and other local leaders may act corruptly.

First, local leaders may charge large sums in bad faith when allocating land to local individuals and families who come seeking land for their homes and livelihoods. Before colonization, in

many cultures, allocation of local land to families was a social transaction, for which token gifts such as animals, alcohol, or items of local value would be given. Very generally, chiefs were merely considered to be the trustees of land owned and held collectively by all members of a given group. However, according to Amanor, across a wide range of cultures and contexts, chiefs and community leaders are increasingly casting aside their trustee function, claiming personal ownership or control over customary lands to which all community members hold usufruct rights, then selling these lands at market prices and claiming all such payments for themselves (Koechlin, Quan and Mulukutla, 2016 (citing Amanor, 2010); Ubink and Quan, 2008; Kasanga and Kotey, 2001). In certain instances, chiefs and community leaders may even sell the same plot of land multiple times. These transactions are not at all transparent, and the customary leaders themselves may not be aware of how much land they have transacted, whether the boundaries of those lands are overlapping, or if other families have pre-existing claims to those lands. Such practices are particularly prevalent in peri-urban areas, where land values are rising precipitously. Wealthy outsiders may be able to pay much higher prices for such land allocations, effectively pricing locals out of being allocated land in their home villages.

Second, community and customary leaders are often the most local focal point for investors (accompanied by regional or national government officials), seeking “community consent” to siting their proposed investment project within the boundaries of the community’s lands. In such situations, local leaders may give their personal consent unilaterally, without convening a community-wide, participatory consultation. Investors and government officials may also bribe or offer payments to the local leader and/or council of elders to secure their approval; such leaders and elders then become complicit in the corruption by accepting the money, gifts, and other benefits offered. In other situations, community leaders may directly collude with investors, using their authority to allocate land in bad faith to companies for commercial development, which they then acquire a direct interest in and personally benefit from.

Less insidiously, local leaders may be intimidated or threatened into agreeing to the request, or may feel that they have very little power to reject an investor’s request, as high-level authorities have already granted their approval. In some instances, leaders who say “no” to an investment are unceremoniously removed from their positions by higher-level government officials, then replaced by more unscrupulous individuals who are more easily manipulated or bribed (Knight, 2019).

Third, once an investment project is underway, community leaders may act corruptly in the use and distribution of any resulting periodic rental payments: should a company pay annual or quarterly rent for the use of community lands, local leaders may claim these funds – designated for the whole community – for their own private benefit. This is particularly the case when payments are made in cash, or when only community leaders have access to the bank accounts such rents are paid into. The intra-community distribution and use of these payments are rarely transparent, and there are few local accountability mechanisms to ensure that such funds are equitably and justly distributed to all local families or used for the collective benefit of the entire community.

In the face of these five “arenas” of land corruption, it may be difficult for government officials, citizens, journalists, and civil society organizations to take action, for various reasons:

- Land corruption may be embedded in the very nature of the state and its laws.
- Government officials in the highest echelons of power may be corrupt, making it difficult for lower-level bureaucrats and civil society actors to drive institutional change.
- A lack of good anti-corruption laws, a corrupted judiciary, or a lack of administrative complaints mechanisms or grievance procedures make it difficult to challenge land corruption.
- Fear of violent personal retaliation for reporting or challenging land corruption.
- When international investors are involved, there may be a lack of support from home country governments and relevant international oversight institutions and agencies that monitor corruption.
- Lack of support from international agencies who could exert pressure from above but fail to, providing financial and technical assistance to corrupt governments without directly addressing political corruption among national elites and power holders, among other reasons.

While such challenges are daunting, broad coalitions of diverse actors may, by working together on multiple levels and through a variety of modalities, affect the structures and systems that allow land corruption to flourish.

4. Legal instruments that may be used to address land corruption

4.1. International legal instruments

A variety of conventions, treaties, voluntary mechanisms, guidelines and principles, either directly or indirectly address land-related corruption. The power of these instruments to address land corruption may be enhanced or limited by national-level anti-corruption commissions' mandates, budget lines, degree of independence, the understandings and/or priorities of commissioners, and myriad other factors. The various international instruments that can be used to address land corruption include:

- **The United Nations Convention Against Corruption (2003) (UNCAC).** The UNCAC introduces a comprehensive set of standards and rules designed to strengthen countries' legal and regulatory regimes concerning corruption. The UNCAC outlines measures to prevent corruption and requires states to criminalize: the solicitation or acceptance of bribes, including bribery of national and foreign public officials (Articles 15 and 16); the embezzlement, misappropriation or other diversion of property by a public official (Article 17); trading in influence and abuse of functions (Articles 18 and 19); illicit enrichment (Article 20); bribery and embezzlement of property in the private sector (Articles 21 and 22); and the obstruction of justice (Article 25), among other forms of corruption that could be applied to land. All of these provisions can be applied to national-level criminal prosecution of land corruption.

State parties are required to pass national legislation implementing the UNCAC's standards and designate a "body or bodies" to coordinate and oversee their implementation. To date, 176 countries have ratified the UNCAC, which gives it significant global reach. It is unclear how many countries have specifically designated authority or authorities, but a recent survey undertaken by the French Anti-Corruption Agency in collaboration with the Council of Europe's Group of States against Corruption, the Organisation for Economic Co-operation and Development (OECD) and the Network of Corruption Prevention Authorities, reported that they had received replies from 171 national authorities from 114 countries and territories (AFA *et al.*, 2020). The Interdepartmental Working Group for the Fight against Corruption of the Swiss Federal Council has also established a list of such agencies.⁵

- **The OECD Anti-Bribery Convention (1999).** The OECD convention commits the 44 state parties to make corruption, by both individuals and corporations with "legal personhood", a criminal offence, and to enact

⁵ For the Swiss Federal Council list of agencies, see www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/finanzplatz-wirtschaft/List-National-Anti-Corruption-Authorities_EN.pdf

legislation that criminalizes bribery of a foreign public official (Article 1.1). A “foreign official” is defined very broadly as “any person holding a legislative, administrative, or judicial office of a foreign country, whether appointed or elected” (Article 1.4). State parties’ jurisdiction over the bribery of a foreign public official extends to “when the offence is committed in whole or in part in its territory” (Article 4.1). The OECD has no authority to implement the convention, but instead monitors implementation by participating countries through its Working Group on Bribery.

Despite this limited enforcement capacity, a 2017 study found that multinational corporations from countries that were subject to the OECD Anti-Bribery Convention were less likely to engage in bribery than corporations that were based in non-member states (Jensen and Malesky, 2017). However, a 2018 Transparency International report found that only 7 of the 44 state parties actively instigate criminal prosecutions to crack down on companies that offer bribes to foreign officials in exchange for favorable business deals, while 22 countries have made no enforcement effort at all (Dell and McDevitt, 2018).

- **The African Union Convention on Preventing and Combatting Corruption (2003).** The 43 ratifying states to this convention are required to pass legislation that: criminalizes both the solicitation and acceptance, “by a public official or any other person”, of bribes including gifts, favours, promises or advantages, as well as the offering of such bribes to public officials (Article 4.1(a)(b)). The convention also requires that states criminalize any “act or omission in the discharge of his or her duties by a public official or any other person for the purpose of illegally obtaining benefits for himself or herself or for any third party (Article 4.1(c)), and the diversion of “any property belonging to the state or its agencies” for “purposes unrelated to those for which they were intended” (Article 4.1(d)); among many other forms of corruption. The convention also requires ratifying states to establish, maintain or strengthen independent national anti-corruption agencies (Article 5).
- **The Inter-American Convention Against Corruption (1996).** This convention requires that its 30 ratifiers pass laws criminalizing both the solicitation and the acceptance as well as the offering or granting of bribes (Article 6.1(a)(b)), as well as “any act or omission in the discharge of his duties by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party” (Article 6.1(c)). It also commits states to pass laws criminalizing corruption within their own countries, as well as corruption undertaken “by its nationals, persons having their habitual residence in its territory, and businesses domiciled there, to a government official of another State” (Articles 7 and 8).
- **The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012) (VGGT).** The VGGT is the only international instrument that directly addresses land corruption. The VGGT provide detailed guidance

on how governments can assertively address land corruption – which, in combination with UNCAC, may inform and direct the work of national land commissions and anti-corruption commissions.

The VGGT call on states and non-state actors to prevent corruption in land governance no less than 14 times. Addressing corruption is a cornerstone of good governance, and the VGGT give corruption its rightful place, placing the burden on states to “endeavour to prevent corruption in all forms, at all levels, and in all settings” (Article 3.1(5)). The VGGT then go further, suggesting that corruption be addressed in every aspect of land administration “through consultation and participation, rule of law, transparency and accountability” and “by adopt[ing] and enforc[ing] anti-corruption measures, including applying checks and balances, limiting the arbitrary use of power, addressing conflicts of interest, and adopting clear rules and regulations (Article 6.9).

Box 1.

Anti-Land Corruption Recommendations in the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT)



The VGGT set out that efforts to combat corruption in land administration and management should be undertaken, as follows:

- **In all decision-making processes** (Paragraphs 5.8 and 10.5), by “provid[ing] for the administrative and/or judicial review of decisions of implementing agencies” and by both holding government officials working on the administration of tenure accountable for their actions and protecting them from retaliation for reporting acts of corruption (Paragraph 6.9).
- In regard to **tenure rights and their allocation**, suggesting that: “States and non-state actors should endeavour to prevent corruption with regard to tenure rights” (Paragraphs 6.9 and 8.9) by “allocat[ing] tenure rights and delegat[ing] tenure governance in transparent, participatory ways, using simple procedures that are clear, accessible and understandable to all, especially to Indigenous Peoples and other communities with customary tenure systems” and “by ensur[ing] that newly allocated tenure rights are recorded with other tenure rights in a single recording system, or are linked by a common framework” (Paragraph 8.9).
- In relation to **the tenure rights of Indigenous Peoples and communities with customary tenure**, by suggesting that states and non-state actors “endeavour to prevent corruption in relation to tenure systems of Indigenous Peoples and other communities with customary tenure systems, by consultation and participation, and by empowering communities” (Paragraph 9.12), for example by holding “good faith consultation with Indigenous Peoples before initiating any project or before adopting and implementing legislative or administrative measures affecting the resources for which the communities hold rights”... and by ensuring that such consultations and decision-making processes are conducted “without intimidation and ... in a climate of trust” (Paragraph 9.9).
- In **the operation of land markets**, for example by “publiciz[ing] and monitor the implementation of [ethical] standards in the operation of markets in order to prevent corruption, particularly through public disclosure” (Paragraph 11.7); “establish[ing] policies, laws and regulatory systems and agencies to ensure transparent and efficient market operations, to provide non-discriminatory access, and to prevent uncompetitive practice” (Paragraph 11.3); and “ensur[ing] that information on market transactions and information on market values are transparent and widely publicized, subject to privacy restrictions” (Paragraph 11.4), among other measures.

Box 1. *cont'd.*

- In **redistributive land reform programmes**, “through greater transparency and participation” and by according all affected parties “due process and just compensation according to national law” as well as “full and clear information on the reforms”. The Guidelines also recommend that “beneficiaries should be selected through open processes, and they should receive secure tenure rights that are publicly recorded” (Paragraph 15.9).
- In **tenure rights registration processes**, by “ensur[ing] that information on tenure rights is easily available to all, subject to privacy restrictions. Such restrictions should not unnecessarily prevent public scrutiny to identify corrupt and illegal transactions. States and non-state actors should ... widely publiciz[e] [tenure rights registration] processes, requirements, fees and any exemptions, and deadlines for responses to service requests” (Paragraph 17.5).
- In **valuation processes**, by “endeavour[ing] to prevent corruption [in valuation], particularly through use of objectively assessed values, transparent and decentralized processes and services, and a right to appeal” (Article 16.6); and by “mak[ing] their valuation information and analyses available to the public in accordance with national standards” (Paragraph 18.5).
- In **land taxation**, by basing taxes on appropriate values, making assessments of valuations and taxable amounts available to the public, providing taxpayers with a right to appeal against valuations, and “increas[ing] transparency in the use of objectively assessed values” (Paragraph 19.3).
- In **land use planning processes**, “by ensur[ing] that there is wide public participation in the development of planning proposals and the review of draft spatial plans to ensure that priorities and interests of communities, including Indigenous Peoples and food-producing communities, are reflected ... [disclosing] how public input from participation was reflected in the final spatial plans ... [and reporting] on results of compliance monitoring” (Paragraph 20.4).
- In **land dispute resolution processes** (Paragraph 21.5), by “provid[ing] access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights ... provid[ing] effective remedies and a right to appeal ... [and promptly enforcing] such remedies” (Paragraph 21.1).

The Food and Agriculture Organization of the United Nations (FAO) has also published twelve *Governance of tenure technical guides* that detail best practices for implementation of the VGGT, all of which elaborate on how to use the VGGT to address land corruption. For example, the FAO publication *Responsible governance of tenure: A technical guide for investors* details corruption scenarios that investors might encounter and advises how investors might mitigate and manage such corruption risks, including by intensifying due diligence efforts or not investing in the potential project (FAO, 2016).

Table 1. Agricultural investment corruption risk management	
Examples of investment risks	Recommended response
The locality where the project may be situated has significant corruption, and corrupt activities have been observed in relation to the proposed project.	 high risk The presence of a number of high-risk factors should prompt a responsible investor to decide not to proceed with the investment.
Joint venture partners or other local partners in the investment have been involved in corrupt activities.	
Affected stakeholders have not yet been engaged in an effective, culturally-appropriate and transparent consultation process that includes disclosure of all relevant, non-proprietary information about the project.	 medium risk A responsible investor should carefully re-examine the project in the due diligence phase and search for ways to mitigate risks.
The local project partner or operator refuses to disclose non-proprietary information to stakeholders (including local communities).	
Application of the rule of law is weak in the country or region where the project is located.	

Source: FAO, 2016, p. 46.

Similarly, the publication *Responsible governance of tenure and the law: A guide for lawyers and other legal service providers* sets out a range of strategies that governments can undertake to address land corruption (Cotula *et al.*, 2016).

Furthermore, the **Principles for Responsible Investments in Agriculture and Food Systems (CFS RAI)** of 2014, address land corruption indirectly, mandating that “Processes relating to investment in agriculture are transparent, monitored, and ensure accountability by all stakeholders, within a proper business, legal, and regulatory environment” (Principle 3); that “Investors ensure that projects respect the rule of law (Principle 5); and that “Responsible investment in agriculture and food systems incorporates equitable and inclusive governance structures, processes, decision-making, and grievance mechanisms through: respecting the rule and application of law free of corruption and the sharing of information in an inclusive, equitable, and transparent manner...” (Principle 9).

Other international instruments that might be leveraged to address land corruption include the **United Nations Guiding Principles on Business and Human Rights** (2011) and the proposed binding treaty on transnational corporations and human rights, currently being negotiated, which if adopted would commit states parties to sanction abuses by transnational corporations.

However, the power of international instruments to address government-driven land corruption is limited, because they rely on governments to pass national laws, establish national anti-corruption commissions, and generally *police themselves*. As such, the efficacy of these instruments depends on the power and political will of national government actors – and the degree of freedom, power, and independence of national anti-corruption bodies.

4.2. National legal frameworks

While international treaties are designed to guide national legislation and government protocol, there is still considerable diversity in national laws and practice concerning grand corruption in the land sector. Most countries' laws do not explicitly address land corruption; national laws tend to speak about "corruption" generally, and do not specify particular protocols or penalties for land corruption.

Although a full review of national anti-corruption laws is beyond the scope of this publication, strategies implemented by countries can be broadly categorized as either preventive or reactive (or "curative") measures. Generally, national legal frameworks include both preventive and reactive measures as complementary forces in the fight against corruption. While preventive legal instruments aim to proactively discourage corrupt practices and promote integrity by government officials, reactive measures are enacted to allow for the investigation and punishment of acts of corruption that have already been committed. Many nations also have anti-corruption commissions. Each of these aspects of national anti-corruption efforts is explored briefly below.

4.2.1. National legislation designed to prevent corruption

There are various strategies that countries use to try to prevent corruption. Some preventive techniques embedded in national laws that could, with political will, be applied to grand corruption in the land sector include:

1. **Measures to promote transparency and accountability in public administration and management of public finances.** While not specifically about land corruption, such measures may be applied to government officials who misappropriate public land, on the grounds that public land has financial value akin to public finances.
 - **South Africa** has taken measures to promote transparency and accountability through provisions contained in the *Public Finance Management Act*, which require that all state institutions have effective, efficient and transparent systems of financial and risk management and internal control (Section 38 (1) (a)). The Act further provides that accounting officers and officials are charged with financial misconduct when they fail to comply with the requirements of the Act, including the provisions concerning risk management and internal control. Criminal charges are also applicable (Sections 81–86).
 - In **North Macedonia**, under the *State Audit Law*, the State Audit Office has the authority to conduct audits on financial reports and transactions relating to government expenditures (Articles 3, 18 and 19). Under the *Law on Public Internal Financial Control*, the head of each public sector entity is obliged to appoint a person responsible for reporting on irregularities and to take necessary actions against irregularities and fraud, subject to fines in case of failure to do so (Articles 50 and 54) (see also UNODC, 2021).

2. Laws that require competitive and transparent systems of procurement. These measures are often included in specific procurement legislation.

- In **Cambodia**, the *Law on Public Procurement* aims to ensure a “transparent, accountable, fair, effective, quality, equal, economical and timely” process of public procurement (Article 1). Article 66 of the same law prescribes that if a bidder, contractor or supplier is found to have been involved with corrupt, fraudulent, collusive or coercive practices during the process of procurement, “they shall be immediately dismissed from the ongoing procurement or have their ongoing contract immediately terminated and be recorded into the blacklist.” This punishment is not an obstacle for criminal prosecution.
- In **Kenya**, measures promoting transparency in public procurement are included in the *Constitution of Kenya*, which stipulates that “when a State organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost-effective” (Section 227).

3. Solemn declarations incorporated in fundamental legal texts that emphatically reject corruption and express the nation’s willingness to prevent and combat corrupt practices. Such statements are often embodied in national constitutions.

- In **Sierra Leone**, in the *Constitution of Sierra Leone*, there is a commitment to “eradicate all corrupt practices and the abuse of power” (Article 6(5)).
- In the **Plurinational State of Bolivia**, the *Constitution* stipulates an express duty of every citizen “to denounce and combat every act of corruption” (Article 108(8)).

4. Codes of conduct and rules applicable to specific professional groups – either in the government (such as civil servants and elected officials) or the private sector – are often embedded in national laws and legal instruments to regulate professional conduct. Some countries require public officials to regularly disclose information about their assets and liabilities to enable comparison of their financial worth before and after they take office. Such assessments serve as indicators of potential corrupt practices perpetrated by public officials and employees during their tenure in office.

- In **the Gambia**, the *Constitution of the Gambia* specifies that public officers must submit a periodic declaration “of all property and assets owned by him or her, and of liabilities owed by him or her, whether directly or indirectly” (Article 223 (1)). Public officers may also not ask for or accept “any property or benefits of any kind for himself or herself or any other person on account of anything done or omitted to be done by him or her in the course of his or her duties” (Article 222 (11)).
- In **Mozambique**, under the *Anti-corruption Law*, an annual declaration of assets – including all movable, fixed and semi-movable assets – must be submitted by “people holding or exercising a public office with decision-making powers in State departments, local government institutions, public companies and institutions, as well State representatives in private companies in which the State is a shareholder”.

- In **Belize**, under the *Prevention of Corruption in Public Life Act*, at the end of every year, parliamentarians and local government authorities must provide to the Integrity Commission a sworn declaration of assets, income and liabilities, including any immovable property, such as houses and land, held within or outside the country (Article 6 and Form A of the Second Schedule).

In some cases, reporting duties are even extended to officials' families to discourage and detect transfers of assets from political figures to their relatives.

- The annual sworn declaration rendered by public officials in **Belize** according to the *Prevention of Corruption in Public Life Act* must include assets, income and liabilities of their spouses and children (Article 7).
- In the **Philippines**, in the *Code of Conduct and Ethical Standards for Public Officials and Employees Republic Act*, a similar extension applies to the statement of assets (including real properties), liabilities, net worth and financial and business interests that public officials and employees must submit every year which includes the assets, interest and liabilities held by spouses and unmarried children under eighteen years of age of the declarant.
- In **Viet Nam**, under the *Anti-Corruption Law*, public officials, commissioned officers of police and military forces, career military personnel, public managers, and nominees for the National Assembly and the People's Councils delegates, are required to declare income and assets – including land use rights – of themselves, their spouse and minor children (Articles 33–35).

Arguably – and especially when they include the word “property” – these requirements extend to the disclosure of landholdings and could be used to prosecute land corruption by elite government officials and their family members.

5. Laws specifically prohibiting land corruption. National laws designed to proactively fight corruption are seldom specific to (and may not even refer to) land corruption by political elites. However, there are some positive, notable exceptions. For example, the constitutions of the **Philippines**, the **Islamic Republic of Iran** and **Fiji** include provisions that aim to deter corrupt practices in public land management.

- In the **Philippines**, the *Constitution of the Philippines* affirms the State's general commitment to “maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption” (Article 2 (27)). In this context, Congress must provide adequate procedures and remedies for returning all public lands and connected rights (such as usufruct rights, etc.), “acquired in violation of the Constitution or the public land laws, or through corrupt practices”, to the State (Article 18 (21)).
- In **Islamic Republic of Iran**, Article 49 of the *Constitution of the Islamic Republic of Iran* sets out that the Government of Iran will confiscate “all wealth accumulated through usury, usurpation, bribery, embezzlement, theft, gambling, misuse of endowments, misuse of government contracts

and transactions, the sale of uncultivated lands and other resources subject to public ownership, the operation of centers of corruption, and other illicit means and sources.”

- In **Fiji**, among the principles and values of public service, the *Constitution of the Republic of Fiji* requires to “being free from corruption” (Article 123) and defines corrupt practices as, inter alia, “misuse or misapplication of public property for personal purposes, or theft of public property”, which includes “any vested or contingent right to, or interest in or arising from land” (Article 163(1)).

4.2.2. Legislation designed to prosecute corruption

Reactive or curative instruments are usually embodied in national penal codes and in special anti-corruption laws. These anti-corruption laws establish criminal sanctions and penalties, procedural rules, and institutional mechanisms to combat acts of corruption that have already occurred. Most legal systems around the world include legal provisions relating to offenses of bribery of and corruption by domestic government officials; some also criminalize bribery of foreign officials. Generally, national laws concerning the basic elements of the offence of corruption are similar: corruption is generally understood to occur whenever a public officer accepts or solicits a bribe (passive bribery), or any person gives or promises a bribe (active bribery) to a public officer, as a reward for an act or omission by the public officer in the exercise of his or her functions.

However, some variations exist, according to local customs and ordinary practice, concerning the definition of what constitutes a bribe and the penal relevance of its value. Moreover, only some jurisdictions hold “legal persons” (corporations, associations, and other registered organizations) criminally liable, or impose administrative or civil liability in cases of corruption perpetrated in the interest of a legal person.

- In **Brazil**, the fight against corruption is primarily regulated by its *Criminal Code*, which penalizes both active corruption – offering or promising an undue advantage to perform, omit or delay an official act (Article 333) – and passive corruption – demand an undue advantage, for oneself or for another person because of one’s position as a public official (Article 316). Active bribery is punishable as well as a civil offense in Article 5(i) of the *Anti-Corruption Law on the Liability of Legal Entities*, which holds companies responsible for the corrupt acts of their employees and covers undue advantages for third parties as well.

Some nations’ anti-corruption laws go beyond national boundaries, allowing prosecutors to punish corruption that has taken place both nationally as well as in other countries (by citizens, nationally registered corporations, and other legal entities.

- The **United States of America’s** *Foreign Corrupt Practices Act* (1977) allows for prosecution of US citizens for corruption undertaken in foreign countries. The Act prohibits US citizens and entities from bribing foreign government officials to benefit their business interests. The Act applies to the officers, directors, employees, shareholders, and agents of publicly

traded companies – as well as very broadly, to all hired third parties undertaking company business. If any of these individuals bribe a foreign official to ensure a favourable deal, the company is liable for that bribe.

- The *Bribery Act* (2010) of the **United Kingdom of Great Britain and Northern Ireland** makes punishable: “the offering, promising or giving of an ‘advantage’”; the “requesting, agreeing to receive or accepting of an ‘advantage’”; and the failure by a commercial organization to *prevent* a bribe being paid to obtain or retain business or a business advantage. A company based in the United Kingdom can commit an offence for failure to prevent bribery if an employee, subsidiary, agent or service provider (‘associated persons’) bribes another person anywhere in the world to obtain or retain business or a business advantage. Importantly, a foreign subsidiary of a UK company can cause the UK parent company to become liable by committing an act of bribery in the context of performing services for the UK parent. Furthermore, under the Act, a foreign company which carries out *any part* of its business in the United Kingdom can be prosecuted for failure to prevent bribery even when the bribery takes place wholly outside the United Kingdom and the benefit to the company will accrue outside the United Kingdom.
- Article 407 of **Colombia’s** *Penal Code* penalizes active bribery of domestic public officials – enacted by offering a benefit to a public official for withholding, omitting or performing an act under its responsibility or performing an act against its duties as a public servant. Foreign bribery is defined as giving or offering “to a foreign public official, for the benefit of such public official or for the benefit of a third person, directly or indirectly, any money or object with a pecuniary value or benefit, in exchange for performing, omitting or delaying any act related to an economic or commercial transaction” (Article 433).

However, the application of provisions sanctioning bribing foreign officials may not reach the land sector. For example, despite their broad reach and despite being widely applied since their passage, a 2016 examination of the application of both the US *Foreign Corrupt Practices Act* and the UK *Bribery Act* did not find even one instance of a criminal, anti-corruption prosecution involving the leasing or the purchasing of land (De Schutter, 2016, pp. 36, 51).

Meanwhile, a 2017 assessment of the anti-corruption laws of states that have ratified the UNCAC found that a number of them did not apply to “immovable assets” (UNODC, 2017, p. 40), while only some countries adopted specific measures to address land-related corruption such as, *inter alia*, in the anti-corruption laws enacted in Lebanon, Seychelles and Indonesia.

Positively, a few countries do have anti-corruption laws that directly sanction land corruption.

- **Lebanon’s** recent *Law on Combating Corruption in the Public Sector* criminalizes corruption in the public sector and establishes a National anti-Corruption Commission. The law defines corruption as “the abuse of power or activity in connection with public money for the purpose of generating illicit personal profits or advantages for his benefit or for the benefit of third

parties whether directly or indirectly” (Article 1). Acts of corruption in the public sector include buying or selling a movable or immovable property through information obtained not available to the public such as the issuance of new laws and regulations that could have an impact on the prices (Article 3 (A)(3)). Whoever commits an act of corruption is punished with imprisonment from three months to three years and a fine ranging from two to three times the value of the expected or realized material benefit (Article 3(C)).

- In **Seychelles**, the *Anti-Corruption Act* prohibits corrupt practices of public officers that occur when a public officer accepts, solicits or obtains an unlawful gratification, or any person promises, offers or gives such gratification as an inducement or reward to the officer for doing or forbearing to do an act in the exercise of his functions (Article 23). The notion of gratification includes “property or interest in property of any description, whether movable or immovable” (Article 2). Furthermore, a public officer must not “use his or her position, office or authority or any information that he or she obtains as a result of, or in the course of, the performance of his or her functions to obtain property, profit, an advantage or benefit, directly or indirectly, for himself or herself or another person” (Article 24).
- **Indonesia’s** *Law on Corruption Eradication* punishes with a life sentence, or with from 4 to 20 years of imprisonment and a fine between IDR 200 000 000 and IDR 1 000 000 000, “civil servant or state operator who at the time he undertakes his duties, has used state land with the Right to Use title, as if in accordance with regulations, and has caused loss to the rightful holder, while it is known that such act is not in accordance with laws and regulations” (Article 12).
- In **Gabon**, the *Law Establishing a Regime for the Prevention and Punishment of Illicit Enrichment in the Gabonese Republic* states that whoever “Directly or indirectly, knowingly, on own behalf or that of others, becomes a party or cause the participation of others in a transaction on a property, or uses or causes the use of or holds, receives or conceals all or part of a property” shall be in breach of this Act” (Article 22). Such corrupt acts include anyone who: “fraudulently converts or converts to his service or benefit, a property or a public resource”; “fraudulently receives income or property belonging to the State”; “acquires or disposes of land illegally or fraudulently, mortgages or privileges of the State”; “deliberately violates the standards and procedures established public and guidelines for the allocation and sale of land and property”; “sells or transfers fraudulently land or assets”; and “misappropriates property in transit to the local market” (Article 22).

Also positively, a few countries have anti-corruption clauses embedded in their land laws and land-related regulations.

- **Ukraine’s** *Order No. 143 of the Ministry of Agrarian Policy and Food* (2018) establishes procedures to ensure streamlined cooperation between the State Service of Ukraine on Geodesy, Cartography and Cadastre and

the National Agency for the Prevention of Corruption of the information necessary for monitoring and verification of tax returns of the officials of public administration and local governments.

- The *Land Acts* of **Kenya** (2012), **Lesotho** (2010) and the **United Republic of Tanzania** (1999) outlaw and void any transaction involving land that was obtained or induced by corruption on the part of a public official, including both instances then the officer was directly or *indirectly* involved in that transaction. For example, Lesotho's *Land Act* has an entire section on land corruption, establishing that:

(1) Nothing in this Act shall be construed to give any legal effect to any transaction or issue of any document purporting to confer rights to land on a person which transaction or document was obtained or induced by a corrupt or fraudulent action, on the part of any public officer, whether that officer was directly or indirectly involved in that transaction. (2) For purposes of this section, a transaction shall be taken to be affected or tainted by corruption when a party to or involved directly or indirectly in the transaction in respect of which it is alleged that an action was corrupt is convicted of corruption. (3) A person occupying land which he obtained as a consequence of participating in any of the transactions referred to under subsection (1) shall be liable to forfeit that land to the State without any entitlement to compensation whatsoever. (4) A person occupying land as a consequence of a corrupt transaction shall be and shall always have been obliged to comply with all the terms and conditions of the transaction and of the lease, or other right to occupy the land acquired as a result of that transaction as if it had been a valid transaction" (Section 84).

- **Nigeria's** *Recovery of Public Property (Special Provisions) Act* provides for the recovery of private and public property (including land) from public officers that acquired such property by illegal practices making use of their office. Any public officer who has been engaged in corrupt practices or has corruptly enriched himself or any other person, or has in any other way been in breach of the Code of Conduct for Public Officers set out in the Constitution of Nigeria, is punished with "imprisonment for a term not exceeding 21 years" or in the most serious cases "where the Federal High Court arrives at a finding that undeclared assets (whether in Nigeria or elsewhere) of such person have a value of or amount to not less than N1,000,000 or its equivalent in any other currency or combination of currencies" to life imprisonment (Article 10). The public officer found guilty must "forfeit the assets, whether movable or immovable property, connected with the commission of the offence to the Federal Government" (Article 1).

4.2.3. Anti-Corruption Commissions

As described above, more than fifty countries have established anti-corruption commissions, agencies, or special judicial bodies. Commonly, anti-corruption agencies investigate alleged corruption practices and then transfer the files to the public prosecutor or the competent judicial authorities for prosecution. Yet for these bodies to have authentic power, they must be free from political direction and improper influence and interference – and the public

prosecutor or the competent judicial authorities must take these cases seriously and follow through to bring land corruption perpetrators to court.

Accordingly, many anti-corruption agencies enjoy a constitutional status, which aims to reinforce their independence, and their chairpersons are appointed directly by the highest state authorities. Such is the case in **Kenya**, where the Ethics and Anti-Corruption Commission was established by the *Ethics and Anti-Corruption Commission Act* pursuant to Article 79 of the *Constitution*, and whose chairperson is appointed by the President. Among other functions, the commission has the power to “investigate and recommend to the Director of Public Prosecutions the prosecution of any acts of corruption, bribery or economic crimes or violation of codes of ethics ...” (Article 11 of the Act). Similarly, in **Argentina**, the national anti-corruption agency, established by the *Law on Ministries*, is an independent body under the Ministry of Justice, Security and Human Rights, and whose director is appointed by the President and has the rank of a state secretary. In **Mozambique**, the Central Office for Combating Corruption sits within the Office of the Attorney General, and in **Fiji**, the Independent Commission Against Corruption is headed by a deputy commissioner appointed by the President of Fiji.

Such anti-corruption commissions should be actively empowered and supported to tackle cases of high-level land corruption by national elites.

5. Strategies for addressing land corruption

By definition, government officials are at the heart of land corruption: because land governance is a core state function, no corrupt action taken by a corporation or individual can proceed without at least one state actor (and often many more, at decentralized levels of governance) being involved. Addressing land corruption is thus ultimately a matter of political will; if individuals at the highest levels of power have a vested interest in continuing corrupt practices, then no law, set of guidelines, or even national-level criminal prosecution leading to the incarceration of a few individuals will make a difference in reducing the incidence of land corruption. In such contexts, one-off initiatives simply will not address the structural factors that allow land corruption to flourish. Rather, a wide-ranging, multi-agency and multi-faceted approach must be taken.

A political economy analysis leads to the conclusion that only the combined efforts of: 1) government-driven anti-land corruption reform; 2) bottom-up accountability driven by citizens organizing and mobilizing; and 3) top-down accountability imposed by global actors, will successfully address corrupt land governance. Indeed, a World Bank report concluded that “when reforms specifically target corruption in a sector, they seem to work when there is a strong pro-reform coalition between the anti-corruption champions in the government and businesses or citizens” (World Bank, 2020). Unfortunately, there are very few examples of governments successfully addressing land corruption in either academic literature or practitioner publications. This section therefore draws from general anti-corruption and good governance efforts to propose recommendations for how each set of actors might successfully address land corruption.

When framing and designing anti-corruption efforts, the three main actors, i.e. relevant government institutions, organizations and agencies, must look beyond providing standard technical support for improved administrative transparency and oversight, and critically reflect upon the inherently political and structural nature of the patronage networks that enable land corruption to occur with impunity. For maximum impact, all three sets of actors should collaborate in an accommodating manner, working cooperatively on coordinated strategies.

For example, a government seeking to address land corruption could, in addition to its own internal efforts, set up a website like that of “I Paid A Bribe” (www.ipaidabribe.com) in India, through which citizens can: anonymously identify government officials who solicit bribes; work with civil society groups to create “citizen report cards” of state agencies that evaluate the incidence and prevalence of corruption; support national and international media to uncover stories of corruption; contract only with investors and corporations who have strong anti-corruption policies and protocols; provide protection to government and corporate whistleblowers; and a variety of other tactics in combination (Janaagraha, 2010). Such efforts must be carefully coordinated and deliberately implemented. These strategies and others are briefly described below.

5.1. Efforts that national governments can make to proactively address land corruption

Given the interagency quality of land governance, efforts to address land corruption must be pursued simultaneously at every level of government, and across various ministries, agencies

and departments. To this end, anti-land corruption efforts might best be integrated into broader national development initiatives, which have proved to be an effective means of encouraging cross-agency cooperation (Manandhar, 2014). It also bears noting that governments are not monolithic: within every government agency or ministry are civil servants who operate with sincere honesty and integrity, aiming to truly serve the public. Such individuals could be supported to spearhead anti-corruption efforts within their departments. Moreover, tensions and conflicts exist between government agencies: while one ministry might be profoundly corrupted, another might be eager to take on anti-corruption efforts. To proactively address land corruption, a broad spectrum of champions within government might be identified and encouraged.

Although far from a complete list, potential strategies that governments might take to combat land corruption may include the following actions:

1. **Use national anti-corruption laws to prosecute land corruption; adopt and enforce laws and regulations that explicitly address land corruption; and ensure that relevant authorities know how to use anti-corruption laws to prosecute land corruption.** As explained in Section 4.2, most countries, as ratifiers of international anti-corruption conventions, have passed their own national anti-corruption legislation and established their own anti-corruption agencies. However, even the most powerful and far-reaching national anti-corruption laws are rarely used to prosecute land corruption by national elites. To ensure that land corruption is properly addressed within the national legal framework, governments should:
 - Amend the implementing regulations of national anti-corruption laws to explicitly address land corruption, including setting out protocols and processes for how to prosecute land corruption.
 - Include anti-corruption measures within land, agricultural, and mining laws and all associated regulations and protocols. Such laws should require that processes for allocating large tracts of land to both international investors and national citizens are subject to strict anti-corruption scrutiny and related measures.⁶
 - Pass investment laws that require national and international investors to comply with international anti-corruption best practices when acquiring land for tourism, mining, logging, agribusiness and renewable energy ventures.
 - Pass laws mandating private asset declaration for senior government officials and “politically-exposed persons”, including all land held, and how that land was purchased and privatized.
 - Train national land commissions, national anti-corruption commissions, and national, regional and local prosecutors and judges to use national anti-corruption legislation to prosecute land corruption crimes.

⁶ An in-depth analysis of corruption in the land sector can be found on the Curbing Corruption website at <https://curbingcorruption.com/sector/land>. The analysis concludes: “What we have not come across in the work for this review ... was particular guidance on how legal and institutional provisions on corruption can be incorporated into the framework for land.” The analysis then poses various questions that may help lawmakers and civil society address this lacuna (Shiple, 2018).

2. **Ensure that anti-corruption agencies and criminal prosecutors are independent, well-funded, and have a mandate to address land corruption.** As described in Section 4.2, dozens of nations and the European Union have established anti-corruption commissions. However, that leaves more than one hundred countries without anti-corruption commissions. To ensure that anti-corruption commissions have authentic power and expertise to address land corruption, governments should:

- Establish anti-corruption agencies or commissions (if they do not already exist); give them independence, autonomy and strong investigative powers; ensure that they are supported by the highest levels of state power; and establish strong linkages to effective public prosecutors and criminal investigation units.
- Ensure that anti-corruption agencies have a specific mandate to address land corruption as a central component of their work.
- Fully fund anti-corruption agencies, with particular funds earmarked for investigation and prosecution of land and natural resource-related corruption.
- Ensure that anti-corruption agencies are staffed by committed experts (rather than political appointees with greater allegiance to elected politicians than the national citizenry) with nuanced understanding of the complexities underlying land corruption.
 - If this knowledge is lacking, all staff of anti-corruption agencies should be rigorously trained to understand and address land corruption.
- Investigate why public prosecutors within national and regional police agencies are not actively pursuing land corruption cases, then take action to ensure that: their mandate explicitly includes land corruption; they are funded and trained to investigate land corruption; and they are held accountable to pursuing and prosecuting a certain number of land corruption cases annually.
- Create and support formal “watchdog groups” composed of citizens, civil society groups, and other stakeholders who work in collaboration with anti-corruption agencies, helping to monitor the activities of land administration offices (as well as officials within the mining, forestry, agriculture, renewable energy, and investment sectors), “ground truth” reports of corruption, and support citizens to report land corruption to agency staff.

3. **Prosecute and punish corruption.** To ensure that national and international laws are used to address land corruption, national anti-corruption authorities, criminal prosecutors, and judges must be given authentic power to prosecute land corruption. Anti-land corruption strategies must be accompanied by actual consequences for those who act corruptly. To this end, governments should:

- Investigate and criminally prosecute those involved in corrupt land deals, including any and all public officials who either personally profited from

corrupt land deals (or ensured their associates' profit), or were involved in the intimidation or silencing of community activists.

- Fire corrupt land administrators, and sanction government officials who knew of the corruption but took no action for failing to fulfill their public duty.
- Void all land transactions that have been proven to involve land corruption, return the land to its rightful owners and users, and provide compensation for all rights violations.

4. **Increase transparency in all aspects of national land administration and management.**

Opaque decision-making processes and inaccessible cadastral records, maps and other land administration information enable unscrupulous government actors and their associates to corruptly procure land and related benefits. Such government officials may be incentivized to further restrict access to information to solidify or entrench their claims (Szoke-Burke, 2021). Online databases and emerging information technology have the potential to address this opacity, reduce land corruption, and increase the efficiency, accountability, transparency and accessibility of land governance and administration.

For example, digital maps and the introduction of online digital records have the potential to expedite a number of land administration tasks, including registration, surveying, planning, development, and conflict adjudication. National "Open Data Portals" – which can be linked to spatial data identifying the location of registered land parcels – have in some countries successfully helped both government officials and citizens better understand land-related data and make faster and more evidence-based decisions. The kinds of data that should be shared include:

- land tenure data, including both land registration information and spatial data, including cadastral mapping and surveying to determine parcel boundaries;
- land value data, including the processes, valuations and taxation rates of all parcels of land;
- land use data, including the scale and scope of land use and control through national and local land use planning processes, as well as land use changes;
- land development data, including information about the construction of new public and private infrastructure, including all relevant licenses and permits required for construction; and
- all data related to the alienation of public land for private use, as well as the expropriation of private land for public use, which may be tracked through local authority permits and approvals for building permits, land use permits and land value capture mechanisms and the distribution of development costs (Bayer and Booth, 2021).

Similarly, "land investment transparency" – defined as the public disclosure of relevant land investment-related information and the ability of people to access, understand, and use

that information (Szoke-Burke, 2021) – may be helpful in addressing land corruption. By opening up data to allow project-affected communities to access information about potential investment projects, government can create opportunities for local families and communities to participate and influence decisions that will affect them, and to fight back against land corruption. As explained by Szoke-Burke:

Transparency is often more accepted by powerful actors than other approaches to improving governance ... [so] framing certain interventions through the lens of transparency may help to dismantle the systemic barriers that prevent local communities from knowledgeably participating in the governance of their lands and resources (Szoke-Burke, 2021, p. 9).

To increase transparency and make land-related data more widely available, governments should:

- **Digitize national land cadasters, land administration records, and spatial data and open them to the public.** Computerization of tenure records can reduce opportunities for corruption by making records searchable and accessible; computer programming and specialized software might be enabled to show all changes to a record, when they were made, and by whom. Automatic audit trails can track who accessed what information, who changed which files, and what information was modified or deleted.

Such digitization of cadastral and land registry records, maps, and local, regional and national planning documents can reduce opportunities for bureaucratic discretion. By establishing a cascading series of checks to ensure that due process and FPIC have been fully complied with, computer systems might hinder the bad faith allocation of large-scale concessions to national elites.

By ensuring that all amendments to land records are traceable, such auditing may also help prevent the destruction of records by those who want to undermine the legitimate tenure rights of others. Governments may also have success addressing corruption by linking their property registration and cadastral systems with all other relevant government systems, maps, and registrars.

However, information technology designed to make land administration more transparent must be carefully crafted, with clear safeguards to ensure against misuse of the data/information.

- **Require open contracting practices for land deals.** Make all corporate–state investment contracts and licenses publicly available and publish all impact assessments and public revenue data for payments received from companies in the logging, mining, renewable energy and agribusiness sectors.⁷ To this end, all potential investors and planned investments should be registered with national investment agencies and relevant ministries at

⁷ See, for comparison, transparency efforts in extractive industries <https://eiti.org/>

a very early stage in the discussion of a potential investment. In addition, all information about the potential investor, the proposed investment (including a full business plan, and all investors backing the project), and the land sought should be published online in simple language and made easily accessible to the public.

- **Create a unified, publicly available inventory of public lands/state lands, including their boundaries, permissible uses, and which government agencies have jurisdiction over their management.** A regularly updated digital map and database of all concessions to foreign and national investors can not only make such concessions transparent, but provide opportunity for citizens to review these information resources, file complaints, and make suggestions for areas in need of heightened protection.
- **Require ministers and high-level officials to declare assets and conflicts of interest for all land deals** and publish ownership information of all companies with significant shares in logging, mining, renewable energy and agribusiness contracts.
- **Apply corporate standards and strict auditing procedures to the financial management of all government agencies whose mandates touch on land**, as well as all service providers in the land sector, from the central ministry down to the most decentralized local offices.
- **Open all trials and administrative hearings to the public**, make court transcripts mandatory, and publish all judicial rulings and the outcomes of all grievance reviews and complaints processes to the public.

While it is unlikely that increased cadastral transparency and open data will have the power to stop high-level government officials and their family members and associates from leveraging their authority (and citizens' fear) to claim lands corruptly through coercion, intimidation, bad faith manipulation of vague laws, etc., they can at least create a record of land ownership claims that may be useful in future claims for redress or restitution of land seized or claimed through corruption.

It is critical to note, however, that open data and greater land information transparency do not address the issue of customary or indigenous land ownership, use and access rights *that are not yet registered* – including use rights, such as hunting, gathering, grazing and fishing rights, etc. In instances when these customary or indigenous rights are not formally documented or protected by law, then increased transparency may not protect the most marginalized communities and families whose legitimate tenure rights remain undocumented – and who are generally the first to lose their lands to elite corruption.

As such, governments should proactively work with communities and their civil society partners and advocates to ensure that all ownership or use rights to common-pool resources like forests, grazing lands and waterbodies held by Indigenous Peoples or local communities are also registered in national cadasters. For example, in Indonesia, the non-governmental organization (NGO), the Indonesian Community Mapping Network, assists communities to map their own lands, and has created a way to show socially legitimate land rights on the

government's data platforms. Adding such data can increase the security of legitimate tenure rights, and thus protect them from corrupt practices. Governments can also address these issues by strengthening the legal framework to accord greater legal legitimacy to unregistered land ownership and use rights, and by requiring on-the-ground verification checks as a central component of any land registration.

Box 2.

Using information technology to make land administration services more transparent

In **Rwanda**, "*The Land Information Inquiry Portal*", established by Rwanda's Land Management and Use Authority, was designed to help landowners, citizens, organizations and investors to confirm land ownership; to check a piece of land's documented area, use and the planned use; to verify whether a land parcel has any restrictions or a mortgage registered against it; and to learn if there is an ongoing transaction on a particular parcel.

The inquiry portal can be accessed at <https://rlma.rw/index.php?id=67>

Rwanda's land authority has also had success addressing land corruption by:

- Standardizing fees for land-related services and land documentation, then publicly advertising these fees, including on the Land Management and Use Authority's website.
- Allowing citizens to use a mobile texting service to directly access land registration information without the need to obtain this from land officials.
- Creating a database that tracks changes in land use and land use planning, two areas vulnerable to corruption; among other strategies.

Source: World Bank, 2020.

5. Build the professionalism of the national land administration agency. Government officials may need to be sensitized to the impacts of land corruption and trained to see their role as defenders of citizens' legitimate tenure rights. Such work may include cultivating values of public service within the political system, teaching land professionals to be aware of the myriad ways that land corruption plays out, and supporting civil servants to innovate their own creative ways of minimizing or eliminating land corruption. To this end, governments should:

- **Establish a code of conduct for land administrators, valuers, surveyors, planners, and other land professionals.** Anti-corruption efforts must be supported by efforts to strengthen government officials' ethics and promote high standards of public service, productivity, and professionalism. To ensure that all citizens' rights are respected, a diverse group of citizens should be included in efforts to establish performance standards and a code of conduct for government officials.
- **Reduce opportunities for land administrators' discretion by clarifying vague regulations and operating protocols,** establishing clear procedures, reducing administrative hurdles that create opportunities for discretion and corruption, publishing costs of government services, and other measures.

- **Separate “front office” administrators who collect payments for services from “back office” service providers** to reduce the possibility of rent-seeking, or create systems that allow users to make payments online. Various governments have had success cleanly segregating the payment of government fees for services (within administrative offices) and the provision of those services (by cadastral officials, or assessors or surveyors in the field, for example); such separation has proven to reduce opportunities for petty corruption.
- Where infrastructure allows, establish mandatory **e-payments or bank transfers** for the payment of government fees by the customers. Avoiding visits by the customers to an office by providing e-services can also help reduce this corruption risk.
- **Publish all rules and procedures to the public so that citizens know the protocols and procedures that land administrators are required to follow.** Rules could be listed on relevant government agency websites and on posters in waiting rooms of government agencies, published in national media, and broadcast periodically over radio. The information shared might include: an explanation of each land administration procedure, the cost of the service, the supporting documents applicants must provide, the time period by which the agency must have completed the service, the phone number of a help line for reporting corruption, the process of making a complaint, and other key information.
- **Require intensive anti-corruption and legal training, on-going supervision, and technical and logistical support to government administrators within the land and investment sectors, as well as to relevant prosecutors, judges and magistrates.** Training might include legal education on the content of national land rights laws, anti-corruption legislation, FPIC, compulsory acquisition law, environmental laws, and other relevant legal and regulatory topics. Officials may also be trained to support communities suffering from the consequences of land corruption to file complaints with anti-corruption agencies or national ombudsman’s offices, or to initiate grievance and complaints procedures at relevant state offices.
- **Build systems of supervision and accountability by ensuring that the conduct and decisions of local offices are carefully supervised and monitored by regional or national officials;** these officials should then be held personally accountable for their decentralized colleagues’ corruption and/or mismanagement.

Box 3.**Allowing officials to set the terms of their own anti-corruption efforts**

In **Mauritius**, surveys revealed that civil servants often took advantage of archaic and overly bureaucratic procedures to request bribes. In response, the Director General of Mauritius' Independent Commission Against Corruption proposed a bottom-up strategy to reduce opportunities for bribe taking, nepotism, and conflicts of interest in the public service: rather than handing down orders and procedures for fighting corruption, the commission shifted responsibility for the creation of effective anti-corruption strategies to government agencies themselves. Commission staff guided each agency through a process of setting up their own internal anti-corruption committees, assessing institution-specific corruption risks, developing institution-specific solutions, and self-monitoring the implementation of these solutions. By 2016, more than 70 of the country's 200 agencies were implementing more than 380 agency-specific measures to address corruption

Source: Manandhar, 2014.

6. Establish protocols and procedures to obstruct land grabs facilitated by corrupt practices. As described previously, land corruption that enables large-scale land concessions to be awarded to international investors or national elites without due diligence process and communities' FPIC often results in significant human rights abuses and environmental degradation or destruction. To ensure that vast areas of land are not taken in bad faith from those with legitimate tenure rights, governments should:

- **Strengthen national legislation where needed in order to recognize legitimate rights that are currently not protected by law**, irrespective of formal registration.
- **Create a higher degree of scrutiny for property sales in the land surrounding planned infrastructure development**, with particular scrutiny for larger land transactions, or to transactions involving people with connections to those in government (to impede speculation, especially by those with increased access to insider information).
- **Allocate funding and resources to digitally map community lands showing that such lands are owned and used**, not "vacant" and thus available for sale or lease (for those communities who want their territories to be mapped) and support families and communities who desire to legally register their lands, if possible under national law.
- **Require that communities, represented by a lawyer or paralegal, give their FPIC before any large land transaction**, and that, if FPIC is coerced, lacking, or otherwise not freely given, the proposed concession is immediately voided.
- **Amend national laws to require that no community-investor deal is considered valid unless it has been negotiated in good faith** and with full disclosure of all relevant information, recorded in writing, and documented in a signed contract that has been reviewed and witnessed by the affected communities and an attorney representing their interests, among other legal protections.

7. **Establish grievance procedures and strengthen independent oversight and accountability mechanisms.** Rights holders whose lands have been illegally claimed through corrupt means need easily accessible, safe fora to report the injustices perpetrated. While national anti-corruption commissions are key to fighting corruption, more local, accessible arenas are also necessary. Whether a special “land claims” tribunal within the judiciary, an Ombudsman’s office, or administrative grievance and complaints procedures, victims of land corruption must have an accessible, trusted forum to seek justice and remedy. To ensure that citizens who have had their land rights violated through the corrupt actions of state officials can report these crimes and be given a remedy, governments should:

- **Create or strengthen oversight and accountability mechanisms both within the judiciary and within administrative tribunals** whose mandate is to review land-related decisions and assess conflicts of interest and allegations of corruption and rights violations – and create efficient, accessible and streamlined appeals processes to swiftly address corruption. These grievance mechanisms should be transparent, independent, easy to use, and accessible to even the most marginalized groups. To this end, claimants should be helped to file claims, with support given in all local languages and in a culturally appropriate manner.
- **Audit all land transactions to ensure against corruption** and suspend or terminate any efforts that have been tainted by corruption and bad-faith dealings.
- **Make grievance procedure and complaints mechanisms easily accessible and available to victims of land corruption** and provide them with pro bono legal support to report land corruption and challenge land corruption in judicial fora.
- **Create anonymous whistleblower and anti-corruption hotlines** so that citizens and government officials can easily report corruption in land governance without fear of retaliation. Anonymous hotlines and SMS-based systems can make it easy for citizens to report land corruption.
- **Protect whistleblowers.** While whistleblowing is one of the most effective methods of identifying land corruption, whistleblowers often face harassment, blacklisting, and even violent retaliation. As a result, people who are aware of corruption are usually afraid to report it. Governments must encourage legitimate reporting of land corruption (including awards for doing so) as well as strong protection measures to ensure that whistleblowers remain safe.
- **Support the media to uncover corruption and protect the journalists who do so.**

Box 4.
Reviewing government contracts for evidence of corruption

In **Somalia**, a joint Somalia Government–international donor advisory group has been reviewing all substantial government contracts, looking for those that have not been appropriately awarded; such contracts are then voided and renegotiated. The restructuring and competitive tendering of the largest goods contracts has saved the state over 40 percent in costs (World Bank, 2020).

This strategy could be easily applied to land concession contracts that the government is party to. Assessments could evaluate whether: a government official has personally benefitted or otherwise profited from the contract; if a full Environmental and Social Impact Assessment has been undertaken and complied with; whether the legitimate tenure holders were consulted and provided their authentic free, prior and informed consent; and whether the company awarded the concession has been fulfilling its contractual obligations to the government, including paying taxes and complying with environmental laws, among other anti-corruption controls.

8. Establish ongoing monitoring and evaluation of anti-land corruption efforts.

Government agencies and citizens should know whether established anti-corruption standards are being met. Data collection is an integral component of an effective anti-corruption strategy, yet countries often do not give enough attention to the monitoring and evaluation of strategy implementation. Indeed, monitoring and evaluation processes may be deliberately ignored or unimplemented so that no one can be blamed specifically for lapses and failures (Manandhar, 2014). To ensure compliance with anti-land corruption strategies, governments should:

- **Monitor the performance of government officials within the land, mining, forestry, agriculture, renewables and investment sectors through independent audits** of agency accounting and careful review of all digital evidence of land transactions (generated by the information technology suggested previously).
- **Require multi-stakeholder, quarterly “land corruption risk assessment” reviews of data by all national agencies that work on land, forestry, mining, agriculture, renewable energy, and investment.** Such quarterly assessments can be tied to concrete actions plans and evidence-based reforms.
- **Establish mechanisms for anonymous customer feedback or customer satisfaction surveys** (distributed through social media or text, or at the point of service) that assess such factors as the number of visits that the customers had to make in order to complete an administrative process, the fees paid (both the official fees and informal payments they were charged), and the standard of professional service they received, among other factors.
 - For example, the Russian Federal Service for State Registration, Cadastre and Cartography (Rosreestr) has introduced a toll-free, nationwide “Trust Line” for direct reporting of corruption and cases of perceived injustice, and for feedback when citizens are unsatisfied with the services provided (Rosreestr, 2012). Similarly, governments around the world

have adopted the use of “Happy or Not” wireless terminals to quickly and simply assess citizens’ experiences; an office with a high percentage of “not happy” buttons pushed by citizens triggers a supervisors’ inquiry into the source of the dissatisfaction; such data can be tracked by date and hour, making it clear which officials were working at the time.

No matter the agency, true anti-corruption change in the land sector must be driven by committed government officials. Such efforts are inherently dependent upon political will. While anti-corruption strategies are best driven by those at the highest echelons of authority, efforts may be made to connect with government officials who are either truly committed to protecting citizens’ land rights or who could be persuaded to fight corruption more zealously within their agencies. Changes may have to be made in both central and local land administration policies and practices, and success will require the determination and commitment of leaders and officials at every level of government across multiple agencies.

5.2. Bottom-up strategies for addressing corruption that can be taken by civil society advocates and national citizens

In deeply corrupt states, government agencies may not be able to drive efforts to address land corruption.

In such situations – and even in countries where the government is working hard to combat land corruption – the state may need to be pressured into action (or supported in its efforts) by citizens and civil society groups. Positively, a growing array of communication technologies are expanding citizens’ ability to monitor, track and hold corrupt officials accountable. For example, the ubiquitous availability of smart phones means that billions of citizens now have in their pockets a camera, tape recorder, and video recorder, making it much easier for citizens to capture evidence of land corruption. Similarly, social media now enables citizens to share information, organize, mobilize, protest, and make their voices heard more easily.

However, because of the complex power asymmetries between citizens and government officials and/or national elites, a wide network of civil society actors may need to address land corruption through a multitude of complementary interventions. Efforts might be made to:

1. **Empower citizens to proactively take action against land corruption.** When the elite and those in power enrich themselves at the expense of the citizens, the citizenry may either rise up in violence and civil conflict or learn their legal rights, organize, strategize and peacefully demand justice and accountability from their leaders. Civil society actors and local communities can play a significant role in channelling citizen anger and frustration into progressive action. Civil society groups (and government agencies) might use social media, radio and television programmes, community theatre, and other mechanisms to ensure that citizens know (and can take action to assert):
 - What actions might be taken at the community level to prevent corruption from within, including creating and adopting local rules that reduce leaders’ discretion when allocating commonly-held lands; requiring that

the entire community be involved in all discussions concerning granting lands to government, elites, or investors; and other actions that function to hold local leaders accountable to inclusive, participatory good faith land governance.

- How to create legal evidence of land corruption and related injustices (using photos, videos, audio recordings, and written notes), then send this documentation to trusted civil society actors, journalists, and others for safekeeping.
- How to file complaints, contact national ombudsman's offices, and initiate grievance procedures regarding bad faith investment-related land grabs, corrupt use of compulsory acquisition powers, and other corruption-related injustices.

2. **Proactively create documentation of customary land rights and other forms of unregistered legitimate tenure rights** so that government actors cannot easily sell, lease or otherwise transact land in bad faith, without the FPIC of legitimate tenure holders. If the national government is unwilling or reluctant to issue formal documentation of the legitimate land rights of Indigenous Peoples and other marginalized groups, civil society actors can work with communities to create alternative proof of their rights to show that the land is not free for allocation to investors. Such proof may be created by making land rights certificates in the community's name that quote relevant sections of national law and include a georeferenced map of the community's lands and the community's self-made rules for land governance and natural resource management. Communities and civil society groups could then bring these maps and documents to government offices, accompanied by media representatives, to put government officials very publicly on "notice" that the lands are occupied by legitimate tenure holders and cannot be allocated to investors or elites (see Knight, Brinkhurst and Vogelsang, 2016).
3. **Use social media and "community scorecards" to help citizens report land corruption and to track a country's most corrupt land administration offices.** As previously mentioned, in India, the website "I Paid A Bribe" (www.ipaidabribe.com) has been able to collect enormous data on which government offices have higher rates of requesting bribes. The data is then used by advocates to demand that higher-level government agents and officials clean up particularly corrupt local offices (Janaagraha, 2010). Similarly, "community scorecards" are community-based monitoring tools that enable civil society groups to assess the efficacy and relative level of corruption of local public services (based on first-hand interactions with those agencies), analyse trends and patterns, and then take action to hold service providers accountable to improving transparency, efficiency, responsiveness, fairness and equity, etc. (see e.g. Pekkonen, undated; Escher, 2018; CARE Malawi, 2013). Such scorecards could be created for land administration agencies to identify and address bribery and petty corruption, increase transparency, and design improved public service systems.
4. **Provide specialized training and resources for community leaders to reduce their propensity to accept bribes.** To decrease local leaders' potential for being corrupted by outside actors, advocates might provide regular trainings for community leaders on how best to respond to investors and government agencies seeking land and offering bribes to have their requests granted. Low-literacy "guidelines" may be published, setting out clear

directions on how leaders should respond to external requests for land, including what to do if they are pressured by government officials acting in bad faith or offering bribes. Such guidelines can be circulated to community members to help them hold their leaders accountable to following proper protocol. Such trainings could also cover:

- The negative long-term outcomes of land corruption (including environmental destruction and attendant community illness, unrest and violence, revolt against leadership, etc.).
- How to stand up to government officials and investors seeking to bribe them into accepting a proposed investment.
- How to seek help when they are unable to confront power imbalances and threats on their own, among other topics.

5. **Establish a free national hotline that communities can call for immediate help and advice if faced with land grabs, land corruption, and land transactions that fail to seek a community's FPIC.** To ensure immediate support in such instances, lawyers, advocates, and paralegals might set up an emergency advice hotline, publicize it widely, and then be on call to answer urgent questions and requests for legal support. When calls come in, a dedicated staff member can take a full case history, then provide immediate legal advice over the phone. In urgent situations, advocates may travel to the community to provide additional training and support. An accompanying database of calls received could allow NGOs to observe and analyse regional trends in bad-faith land acquisition and state corruption (including the names and identities of corrupt government officials), which they could then use as evidence to advocate for greater accountability and transparency in large- and small-scale land acquisitions.
6. **Support rural communities to demand transparency and open-access data for all existing land-based investments and potential concessions to national and international investors.** As described previously, transparency and public disclosure of relevant land investment-related information can allow project-affected communities to access information about potential investment projects, and from this position of greater knowledge, be in a better position to ground-truth company permits, processes and actions – and more easily report land corruption. To support community access to investment-related information, civil society actors and other allies can advocate that transparency extends beyond mere “disclosure” to encompass community access, comprehension, and use of this information. Advocates can then support communities to access and analyse all relevant land investment-related information, and then, if a clear instance of land corruption has occurred, seek redress in courts and administrative grievance mechanisms and complaints procedures (Szoke-Burke, 2021).
7. **Create solidarity networks between communities facing the same corrupt investor or government agency.** Connecting communities has enormous potential to exponentially increase their power in the face of land corruption. To build such inter-community networks, NGOs might collaboratively share communities’ experiences and connect them with each other. For example, advocates might connect multiple communities challenged by a similar pattern of land corruption undertaken by a particular government agency: communities struggling with the consequences of a corrupt national land authority might share their experiences with one another and together make a strong legal case

showing a pattern and practice of corruption and abuse by staff of that government agency. Alternatively, communities from a range of countries might connect and share data showing that a particular company has been acting corruptly, bribing government officials, and perpetuating land corruption. Armed with evidence from multiple contexts, the communities and their allies might present this information to the company's board or notify prosecutors in the company's home state. With evidence of corruption and injustice from multiple communities, a case might attract wider media attention and successfully bring about institutional reform.

8. **Use international media to report and shame corrupt officials who grab land with impunity.** No community or national NGO is strong enough to take on a corrupt high-level official with ties to the military or police on their own; only a global publicity campaign detailing the abuses has any hope of addressing such injustice. National and global media must be funded and empowered (and provided legal support) to bring such stories to light. However, to date, the international media has not adequately addressed instances of land-related corruption perpetrated by corrupt officials and investors. In contexts where the national justice system is corrupted, land corruption of corporations and national elites should be widely publicized – with the aim of shaming the companies and elites operating corruptly, and ensuring that justice is done and the land is returned to the community. Because national journalists' lives may be threatened or endangered for reporting corrupt national practices, international journalists and their publishing companies should take on the responsibility of reporting and publish the accounts of land corruption, without bylines if necessary to protect journalists' lives.
9. **Create a well-trained, international cadre of pro bono lawyers, paralegals and advocates to be available to support communities navigating land corruption,** and provide "black box" funding to finance their work. Ultimately, filing a case with the national anti-corruption agency, taking legal action in court, or reporting instances of land corruption to international agencies may be the only way to fight land corruption by state agencies and national and international investors. Unfortunately, most countries have a dearth of expert lawyers willing and able to defend the land rights of legitimate tenure right holders whose rights have been violated. It is also rare for prosecutors and lawyers to be willing to take on corruption cases involving powerful elites, as such cases may put their lives and careers at risk. Efforts must be made to build an international cadre of trained lawyers – and to strengthen their ranks by training paralegals and law students to support them. For anti-corruption cases that implicate elites, police protection may need to be supplied to ensure advocates' safety. Nationally, "black box" basket funds may be established for international investors to pay into annually, which might then be used to fund legal support for communities facing land corruption and other challenges to their legitimate tenure rights.

5.3. Top-down strategies that international actors can take to address corruption

Efforts to stop corrupt land transactions and prosecute corrupt government officials and investors will be most successful when supported by global institutions and international actors. For example, when prosecuting land corruption involving both government officials and foreign investors, anti-corruption commissions may operate most effectively when provided

technical, legal and fact-finding support by prosecutors in the investors' home countries. Similarly, when citizens rise up to protest government-led land corruption, their efforts may be more successful when they work in collaboration with international media, industry oversight boards, and other global entities that have authentic power to penalize corrupt governments and investors. International corporations, who often have significant accountability to their own boards and shareholders, may also be allies in efforts to pressure national governments to address land corruption.

Top-down strategies for addressing corruption that can be taken by multinational institutions, international oversight/regulatory bodies, national and international investors, and the home states of international investors might include the following:

5.3.1. Multilateral and bilateral development assistance institutions and lending agencies

Multilateral and bilateral development assistance institutions and lending agencies – including United Nations agencies, the World Bank, the Asian Development Bank, the African Development Bank, the Inter-American Development and Bank Group, the European Bank for Reconstruction and Development, the United States Agency for International Development, and the United Kingdom Foreign, Commonwealth and Development Office, among others – play a significant role in how countries that receive aid approach anti-corruption efforts. These agencies fund a significant amount of recipient countries' land governance and administration efforts, including: establishing cadasters and land registries; digitizing records; funding mass land titling schemes; supporting the drafting and passage of land policy and legislation; and instituting and funding land commissions, among other initiatives. These agencies and institutions also encourage anti-corruption strategies. Together with recipient governments, these agencies co-determine the target goals, outcomes and indicators that will result from their development assistance – targets that can either effectively address land corruption by tackling its root causes, or merely tinker around the edges, failing to address the political economy that drives land corruption (MacInnes, 2015).

As mentioned, one stumbling block to authentically addressing land corruption is that many public interventions focus on technological and technical solutions. While land registry and cadastral digitization and transparency *can* make it much more difficult for national elites to steal or grab land, the rigorous implementation of *only* technological and technical solutions does not confront high-level land corruption head on, or tackle the structural violence and power dynamics that allow elites to incite fear within villages and corruptly claim land with impunity.

While technological solutions can facilitate increased transparency as a *vehicle* towards better protection and improved security of legitimate tenure rights, a full anti land corruption strategy requires a combination of approaches – including political and governance reforms and better transparency and accountability – that can together achieve incrimination and widely accepted public intolerance of corruption. Positively, international agencies are increasing the scope and breadth of their anti-corruption efforts. For example, World Bank-funded land governance projects now include measures to minimize opportunities for corrupt practices through: legal reforms; safeguard policies; introduction of information technologies that increase transparency; re-design of government offices and systems; on-line data sharing between national offices; staff training and capacity development; redesign of business proposal approval processes; creation of monitoring and evaluation indicators to track staff

performance, increased transparency, access to information, and inclusiveness of procedures; introduction of complaints mechanisms; and other strategies (see e.g. in Eastern Europe:).

In addition to such efforts, to support recipient governments to address the underlying political economy, and underlying impetus behind high-level land corruption, multilateral and bilateral agencies and institutions should simultaneously pursue a wide range of other supports, including efforts to:

1. **Provide technical and financial support to partner countries to pass or strengthen legal reforms that effectively address land corruption** (as outlined before), especially those that:
 - Strengthen or establish anti-corruption commissions and support them to aggressively prosecute land corruption.
 - Require the legal recognition, registration, and protection of all legitimate tenure rights, especially those of Indigenous Peoples, rural communities, the urban poor, and other marginalized groups at a high risk of having their lands grabbed by powerful elites.
 - Require the creation of digitized, open, transparent cadastral records, easily accessible by the public, as well as the publication of court and administrative tribunal transcripts and rulings related to land.
 - Create systems that make it safe and easy for citizens to file grievances and report land corruption.
 - Establish a range of regulations, protocols and procedures that protect communities from bad faith land grabs facilitated by corrupt practices, such as requiring: transparency in land deals; communities' authentic FPIC to any investment on their lands; that compulsory acquisition processes follow due process procedures and provide market-rate compensation; that no community-investor deal is considered valid unless it has been negotiated in good faith and with full disclosure of all relevant information and documented in an enforceable, signed contract that has been reviewed and witnessed by the affected communities; among many other protections.
 - Create a higher degree of scrutiny for property sales in the land surrounding planned infrastructure development, with particular scrutiny into larger land transactions and transactions involving people with connections to those in government.
 - Require annual monitoring of the performance of government officials within the land, mining, forestry, agriculture, renewables and investment sectors through independent audits and careful review of all digital evidence of land transactions, among other legal reforms.
2. **Support governments to pass and rigorously enforce national laws aligned with international law and guidance on land acquisition for tourism, mining, logging, alternative energy and agribusiness ventures.** Today, after years of effort

by global policy advocates, there is a complex tapestry of international standards, laws, and principles that, if taken together and fully implemented, weave a web of strong protection for citizens' land rights in the context of international investment.⁸ Unfortunately, these good international instruments do not often have national equivalents (Fiedler and Karlsson, 2016). For example, only some countries have laws requiring companies to seek and receive communities' FPIC. States should take action to revise domestic legislation to ensure that national laws align fully with international legal frameworks and guidance related to issues of transparency, consultation, FPIC, compensation, and more generally, respect for community land rights in the context of investment and land acquisition processes. Together with national civil society groups, international agencies should support such national law reforms.

3. **Support national governments to undertake annual corruption monitoring efforts**, such as those set out in the Extractive Industries Transparency Initiative (EITI), the Open Government Partnership initiative⁹ and other corruption assessments. Such assessments should specifically target land corruption in its various forms.

Should none of these strategies prove successful, in countries with significant track records of land corruption and related human rights abuses, international lending agencies might consider withholding funding for agricultural and infrastructure investments until the government has taken authentic action to address land corruption within its ranks, or pairing funding with significant and wide-ranging anti land corruption measures. Alternatively, international banks might freeze the private assets of government officials found to have perpetuated large-scale land corruption that resulted in significant human rights violations.

5.3.2. International sector-specific certification and oversight boards

International sector-specific certification and oversight boards, such as the Roundtable on Sustainable Palm Oil (RSPO) and the Forest Stewardship Council (FSC), can help police forces to ensure that they are not engaging in land corruption. For example, within the *RSPO Principles and Criteria* (2018), the first two operating principles that companies seeking certification must include in company policy and strictly follow are: "behave ethically and transparently" and "operate legally and respect rights." The RSPO's guidelines explicitly prohibit "all forms of corruption, bribery and fraudulent use of funds and resources," and directly cite UNCAC as a "key international law applicable to the production of palm oil" (RSPO, 2022a).

⁸ See e.g. international instruments: The *United Nations Declaration on the Rights of Indigenous Peoples*; *ILO Convention 169*; *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*; *United Nations Guiding Principles on Business and Human Rights*; and the *Principles for Responsible Investment in Agriculture and Food Systems*, among others.

⁹ The **Extractive Industries Transparency Initiative (EITI)** promotes the open and accountable management of oil, gas and mineral resources. The EITI Standard requires countries to disclose information along the full value chain of extractive industries, including how revenues accrue to the government, and how they benefit the public. By making such revenues transparent and publicly available, the EITI aims to strengthen public and corporate governance and provide the data to inform reforms for greater transparency and accountability in the extractives sector. In each of the 55 implementing countries, the EITI is supported by national coalitions composed of government officials, companies, and civil society actors.

The **Open Government Partnership**, which is managed by both governmental representatives and civil society organizations, supports its 78 participating governments to become more transparent and accountable by helping them to establish national anti-corruption action plans, then sending in an independent reporting mechanism to monitor the development and implementation of each country's action plan. The independent reporting mechanism produces a progress report for each participating country every two years, in which it makes recommendations for how the country's government may improve transparency and better address corruption. One of its key focus areas is transparency and accountability in the extractive industry sector, and it is working closely with EITI to jointly address several areas of extractives, including beneficial ownership, state-owned enterprises, contract transparency, gender, and environment.

However, in certain cases, industry bodies have been alleged to be slow to act or delay in penalizing certified companies. To truly address land corruption, industry-specific certification schemes should proactively:

1. **Establish land corruption-specific monitoring indicators and enforcement mechanisms** for member companies and require them to regularly report on these indicators – with added oversight and monitoring of member companies operating in countries found to have land governance systems in which land corruption is particularly endemic.
2. **Set up easy-to-access whistleblowing mechanisms that allow for anonymous reporting of land corruption** and take every report seriously.
3. **Immediately revoke the certifications of companies proven to have engaged in land corruption.**
4. **Require that member companies strictly comply with all due process and rule of law-related principles and criteria for land acquisition and use.**
5. **Ensure that all “national interpretations” of certification criteria proactively address land corruption,** and that the national interpretations align with international anti-corruption laws, including UNCAC, among other actions (see e.g. RSPO, 2022b).

5.3.3. National and international companies and investors

In recent years, high-profile international investors have recognized that proceeding ethically and non-corruptly in land acquisition matters will result in higher profits (or at least fewer losses). Indeed, Rose-Ackerman and Palifka (2016) conclude that: “[Corruption] reform is much easier if the domestic and international business communities believe they will benefit from a reduction in corruption and patronage...” (p. 126). For example, as cited above, emerging data is showing that when land owned by rural communities is granted to a company through corrupt means, the resulting conflicts with local communities result in corporate losses that, on average, amount to between USD 8 million and USD 44 million (Locke *et al.*, 2019). New corporate enthusiasm for “corporate social responsibility” may also drive international companies to more assertively demand that any land acquired for investments is acquired ethically and according to the highest standards of due process and community consent.

However, it is not always possible for international corporations to know the full details of how consent was given, or to understand the subtle pressures, manipulation, and coercion that government officials may apply to secure community consent. As such, investors should work with governments to ensure against land corruption in every aspect of any investment that touches upon land, including land concessions for agribusiness, mining, logging, tourism, and renewable energy ventures. Investors should demand clear and reliable information on land tenure rights and legal procedures, and that government actors act scrupulously to protect family and community land rights throughout any negotiated investment-related land transaction. And, within their own operations, companies and investors must:

1. Establish clear internal rules, policies and standards of engagement for all company efforts that proactively address land corruption and:

- They are based on the international legal instruments outlined previously, specifically: UNCAC and other relevant anti-corruption conventions and statutes, the VGGTs and the CFS RAI Principles, to address land corruption in all aspects of their investments.
- Require that, should a company's due diligence process reveal that corruption in a country's land sector is unavoidable, the company should not proceed with the investment (De Schutter, 2016).
- Require careful due diligence procedures to ensure that land earmarked or acquired for an investment project has not been allocated through corruptive means.
- Establish zero tolerance policies for bribery and corruption at all operational levels and throughout their supply chain, including due diligence to ensure that their subsidiaries and business partners do not aid, abet or engage in corruption in the process of obtaining land for investment ventures, with clear contractual provisions that should any supply chain actor be found to have engaged in corrupt land dealings, the contract may be terminated.
- Require that communities give their FPIC to all investment activities and operations on their land and be given the freedom to refuse to consent to share their land and to reject the investment. Also, should it be revealed that a land acquisition process has not been authentically consented to by legitimate tenure right holders, require immediate abandonment of the acquisition (De Schutter, 2016).
- Require on-going, quarterly or annual monitoring efforts that allow for immediate detection of new instances of land corruption.
- Establish strong protection for whistleblowers that ensures that individuals with information about land corruption within the company's operations (and the operations of subsidiaries and associates) feel safe coming forward and are protected from retaliation and threats of violence.¹⁰

2. Improve transparency and accountability throughout their operations, for example by publicly disclosing all details of land-based investments, including making all contracts publicly available and publicly reporting on the implementation

¹⁰ De Schutter found that "Perhaps the most significant lesson from the data collected on the cases of corruption over the past fifteen years is that self-reporting by companies has played a far more important role in detecting corruption than media coverage or even investigations by public authorities. In the 137 cases where corruption was detected through self-reporting, this was the result of internal auditing procedures (31 percent of the cases), due diligence being performed in the context of mergers and acquisitions (28 percent), or whistleblowers' actions addressed to the head of the company (17 percent). This last statistic highlights the importance of setting up strong whistleblower protection mechanisms that will enable the company to elicit early, bona fide information of misconduct that could potentially save the company from both the risk of corruption and the costs involved in exposure and sanctioning." (De Schutter, 2016, pp. 68-69).

of these contracts, as well as any payments made to governments including one-off payments, and all taxes and royalties (MacInnes, 2012).

3. **Undertake risk assessments and monitor for land corruption along the company's supply and investment chains** and ensure that operations are not founded upon a base of pre-existing or continuing environmental degradation, land grabbing and human rights abuses; if they are, the investors should terminate the contract and seek other partners not tainted by land corruption.
4. **Demand that government officials follow international best practice standards for the siting and construction of all investment projects**, including proper consultations, environmental and social impact assessments, the payment of monthly or annual rent to the landowning communities, and compliance with all national environmental laws and international human rights standards, among many other standards and principles.
5. **Support the land-owning communities where a project is to be sited to register their land rights** (according to the outer boundary of the entire community), then ensure that respected civil society groups are supporting the communities' capacity to engage with the investor from a position of greater strength throughout the course of the investment. Investors might also work with government and civil society actors to make sure that if land corruption and other human rights abuses occur, community members have easy access to report violations to national anti-corruption bodies, complaints procedures, and other grievance mechanisms that can hold government officials and company employees accountable and provide immediate resolution and redress.

Strongly articulated and visible commitment to such anti-land corruption due diligence must come from a company's senior management, with one or more senior corporate officers exercising independent oversight of human rights due diligence measures regarding corruption (De Schutter, 2016). In addition, all in-house counsel, as well as all lawyers and legal firms advising investors, should review their internal policies on land corruption and associated human rights violations and amend them to align with international best practices. Lawyers should scrupulously advise their corporate clients on the legal (and financial) implications of violating international and national anti-corruption laws such as UNCAC. When drafting contracts related to land-based investments, investors' lawyers should err on the side of protecting the rights of local owners and occupiers (especially those whose legitimate tenure rights have not yet been formally registered in government cadasters) and should include in the contract strong mechanisms for citizen reporting of land corruption, human rights violations, pollution and environmental degradation, and other potential legal infractions. Legal advisors should ensure that all legal, reputational and financial risks associated with breach of these international standards are brought to the attention of clients, including in the context of due diligence (Cook, 2019).

5.3.4. The home states of international companies and investors

As described before, various national laws give governments jurisdiction to prosecute corruption undertaken by national entities and corporations in other countries. Using these

laws, the home states of international companies and investors can:

1. **Adopt strong extraterritorial controls of companies registered in their jurisdictions who are involved in land corruption overseas**, similar to those set out in the United States *Foreign Corrupt Practices Act* (1977), the *German Criminal Code*, and United Kingdom *Bribery Act* (2010), which allow for prosecution of national citizens for corruption undertaken entirely in foreign countries. Such anti-corruption laws should specifically address land corruption and the various ways that it manifests.
2. **Require companies to disclose the details of all land acquisitions in other countries**, including a description of the negotiation process, how and whether the legitimate tenure right holders' FPIC was given, and key contract terms such as the size of the land leased or bought, the exact location of the land, the final sale or leasing price, and the rental payments and other benefit provision commitments made to the landowning communities.
3. **Sensitize investors about the negative financial impacts of acting corruptly in land deals.**¹¹ Home states may issue trainings and guidelines for how corporations and investors can comply with international best practice standards throughout large-scale land acquisitions, including how to entice government officials predisposed to corruption to meet such standards.
4. **Allow victims of land grabbing and land corruption perpetrated in other nations by companies registered within their jurisdiction to file lawsuits in national courts** and provide pro bono legal support, among other actions.

¹¹ When investors fail to secure genuine community consent to large-sale land concessions and yet still forge ahead, their investment may face community-led violence, sabotage, and various kinds of disputes that may lead to substantial financial losses (see e.g. Locke *et al.*, 2019). Further research could build on this report to create a more robust picture of the negative ramifications on company profits of poorly executed consultations.

6. Conclusion

Not nearly enough is being done to address high-level land corruption, which, due to global climate and population trends, is only likely to proliferate in the coming years. As arable land and water become scarcer, those with money, power and influence will likely resort to increasing levels of violence and coercion to claim lands owned by families and communities. Resource- and water-rich lands will particularly come under threat. Efforts to seriously address land corruption are long overdue.

Land corruption continues unchecked because no one is looking at the whole picture, and few are working across sectors. This publication urges cooperation and coordination across a range of disciplines and levels of influence: land professionals must look beyond technical solutions like open data, digital archives, and online registries to address the ways that national elites and high-level government officials grab lands through corrupt means. International anti-corruption experts must learn to look beyond financial flows, take the time to understand how land corruption functions, and creatively apply successful anti-corruption strategies to the land sector. By working together, both sets of professionals might co-design innovative solutions to land corruption.

Meanwhile, states must begin taking land corruption seriously. Laws addressing land corruption must be drafted and enacted (or the implementing regulations of land laws and anti-corruption laws must be amended to fully address land corruption and allow for its prosecution); anti-corruption commissions must be empowered to prosecute cases of land corruption; and all aspects of land administration and governance must be made transparent and opened up to the public. Land transactions involving high-level government officials and their family members, elites, and national and international investors should be scrutinized for evidence of land corruption, community coercion, or failure to achieve authentic community consent. Special “land corruption” tribunals or units within the judiciary, ombudsman’s offices, or administrative grievance and complaints procedures should help ensure that victims of land corruption have an accessible, trusted forum to seek justice and remedy. Governments must work in collaboration with civil society, earnestly monitoring and evaluating anti-corruption efforts, leveraging online anonymous reporting, land corruption reporting hotlines, community scorecards, and watchdog groups for actionable evidence of corruption, among myriad other tactics.

While anti-corruption strategies are most successful when governments have the political will to drive the course of such efforts from within, when corruption stems from the highest echelons of power – allowing for full state capture – government-led efforts will be baldly insufficient. In such instances, only the combined efforts of national citizens (exerting pressure from below) and international actors (exerting pressure from above) have any chance of reforming deeply corrupt states. In situations of grand corruption, only efforts that squeeze the state into a position of unavoidable discomfort, public shame, or financial difficulty will have any chance of impacting leaders’ political will to change.

In the land sector, communities and their advocates and allies must advocate for policy and law reforms that protect even unregistered customary and indigenous communal land rights, as well as rights of way and use and access rights. They must push for the full implementation of laws that protect family and community land rights and allow for the full legal registration of such rights. They must be supported and empowered to report land corruption, document

its impacts, seek justice in courts and through grievance mechanisms, and work with media to report corrupt officials and hold them accountable.

Similarly international bilateral and multilateral agencies must push government to actively prosecute land corruption, and should either consider withholding funding for agricultural and infrastructure investments until a government has taken authentic action to address land corruption within its ranks, or pair funding with significant and wide-ranging anti-land corruption measures. International oversight and certification boards should rigorously investigate whether land corruption contributed to a company's land acquisition, and deny or revoke certification for all instances of land corruption. International investors should avoid doing business in countries with proven track records of land corruption, and, where they do invest, demand that government officials follow international best practice standards for the siting and construction of all investment projects, including proper consultations, environmental and social impact assessments, the payment of monthly or annual rent to the landowning communities, and compliance with all national environmental laws and international human rights standards. The home state governments of international investors should pass laws that allow for prosecution of extra-territorial corruption and work collaboratively with anti-corruption commissions to prosecute land corruption perpetrated by investors domiciled in their jurisdiction.

When done well, efforts to address land corruption can increase tenure security for all citizens; increase investment in land and property; reduce environmental destruction, illness, social instability and violent conflict; improve government land management; strengthen democracy and leaders' downward accountability to citizens; among myriad other positive outcomes.

Land rights are central to humans' ability to be resilient in the face of change and upheaval: as the climate heats up, the population grows, pandemics and uncertainties proliferate, and inequalities deepen, addressing the injustices that sever families and their communities from their lands will become even more urgent and necessary. The time is now: a wide range of actors must take immediate action to earnestly address political land corruption.

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The need for a multi-disciplinary, participatory approach

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Land corruption may be defined as the abuse of power to claim, register, control or transact land. Corruption perpetrated by high-level government actors, as well as national and international businesses, is referred to as “high-level corruption,” “grand corruption,” or “political corruption.” This type of corruption often dispossesses the poorest and most marginalized members of society, for whom their land is not only their home, but their source of livelihood, food and water security, and connection to community.

The impacts are diverse and significant: land corruption may cause widespread tenure insecurity, undermine social and political stability, lead to environmental and ecosystem destruction, weaken national economic growth, and ignite conflict. Despite these impacts, land corruption by political elites has not, to date, been systematically addressed by either anti-corruption professionals, who tend to focus on combatting financial corruption, or by land tenure professionals, who often focus on promoting good governance more generally as well as identifying technical barriers to corruption.

Building on the anti-corruption provisions of the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, this legal paper defines the multiple manifestations of political land corruption, explores the international and national legal instruments available to address the problem and suggests a three-pronged strategy to tackle corruption, focusing on the role of national authorities, local communities and international actors.

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