

Short WORKSHOP REPORT FORM

Number and title of workshop: WS 2.1 Finding Common Ground: tackling corruption in land and natural resources tenure

Coordinators: Mika-Petteri Törhönen and Anni Arial

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Moderator: Mika-Petteri Törhönen, Food and Agricultural Organization of the UN (FAO)

Rapporteur: Anni Arial, Food and Agricultural Organization of the UN (FAO)

Panellists:

Mr Bastiaan Philip Reydon

Professor, Universidade Estadual de Campinas, Brazil

Mr Keliang Zhu

Staff Attorney and China Programme Director, Rural Development Institute, USA

Ms Vilma Daugaliene

Acting Director of Rural Development Department, Ministry of Agriculture of the Republic of Lithuania

Mr Odame Larbi

Chief Executive Officer, Ghana Land Commission

Main Issues Covered

The panellists identified main trends and problems of corruption in land and natural resources tenure arrangements in Africa, Asia, Europe and Latin America.

Lack of transparency and accountability in the management of land and natural resources create tensions and leads to conflicts.

Institutional, policy and legal frameworks governing the tenure of land and other natural resources are often weak and complex.

- Lack of clarity clear policy, strategic and regulatory framework provide perfect environment for corruption and unofficial practices.
- Inappropriate tenure policies contribute to insecure tenure that leads to over-exploitation of natural resources and over-grazing.
- Accurate information on land tenure, administration and management is rarely available forcing uninformed decision making and hinders transparency.
- Monitoring and supervision mechanisms are weak and thus accountability low.
- Poor, weak and marginalised struggle with access to justice to defend their rights.

Land administration rates among the most corrupted public services across the world.

- Complicated and bureaucratic land administration procedures encourage corruption.
- Lack of incentives for efficient services and low salaries provide for fraud.
- Professions dominant in land administration tempt capitalization of gate keeping

positions and excessive charging for services (officers, notaries, surveyors ...). This (and) petty corruption limits land administration services and registration of rights to the rich and powerful. Poor are marginalised.

- Unorganized and weakly managed land records enable fraud and manipulation.
- Customary tenure arrangements are not corruption free either. Chiefs are vulnerable for corruption and benefit sharing among communities is often skewed.
- Perfect land administration system prevents corruption, but it is not a panacea.

Huge demand of land and natural resources create a favourable environment for corruption causing insecure tenure that marginalizes rural communities and dangers eviction.

- There is a universal lack of transparency in allocation of land. Investment contracts are often negotiated in secrecy with little input from communities in site. Contracts are published once signed.
- In customary tenure settings, investment contracts may be directly negotiated with traditional leaders, who often lack capacity for purely commercial deals.
- Institutions are often weak, capacities to control land allocation and speculation are absent. Public and private lands transfer for marginal prices or unfavourable terms.
- Major power imbalances skew negotiations between investors, government and local communities.
- Large tracks of land and forests may be transferred to investors for several decades under fraud arrangements and for poor benefits.
- Asymmetries in information sharing allow speculation over land, which are subject to infrastructure development.
- Illegal logging is significant when a lack of transparency and public participation in forest management prevails.

Gender inequalities are common in access to land. Women are most impacted by corruption in land and natural resource tenure.

- In several countries, records, contracts and certificates are written under the name of the head of the household (men). It is therefore difficult for women to acquire and inherit lands after decease of their spouses or after a divorce.
- Gender neutral registration systems provide a way forward.

Main Outcomes

The panellists suggested the following actions to be taken in order to tackle corruption in land and natural resource tenure.

Stop the management of lands and natural resources based on corrupted practices and personal incentives.

Land policies and legislation should be reviewed.

- Policy and legal frameworks need to be regionally, culturally and context specific.
- Laws and court orders should be enforceable and enforced.

Adequate, coherent and viable institutional settings should be developed.

- Land and natural resource institutions need strengthening (capacities and resources).
- Institutions need protection from political interference. Institutions should stay neutral.
- Management decisions should be made transparent i.e. documented and published.
- Clearly defined standards for official decisions should be developed.
- Decisions should be equitable, consistent and predictable.
- Independent prosecution forces and investigation agencies improve transparency and accountability.

- Access to justice needs to be improved.

There is a need for modern land administration.

- Covering and functional land cadastre and registration systems create a basis for corrupt free land dealing, ease monitoring and allow coordination between actors.
- Service deliveries should be improved and standardised through investment in land administration infrastructure and technology. e-Governance is the state of art today.
- Land administration should monitor the occupation and ownership of arable and forest lands. Tenure clarity is a key to coherent land management strategies that prevent corruption and conflicts.

The capacities of government officials, professionals, local communities and civil society to manage land and forest resources should be developed.

- Beneficiary negotiation skills should be improved. Support is needed in the development of appropriate contracts with investors.
- Local population (families, communities) should be empowered to negotiate with external parties in both statutory and customary settings, and to adopt transparent management practices.
- Social control over land should be enhanced. Media and civil society have a strong role on the monitoring of the behaviour of governments and private sector.

Regional and local land management should decentralise and enhance public participation.

- Territorial planning systems should be strengthened.
- Build on the experiences with local land commissions, observatories and land boards.

There is a need for guidance on governance of tenure of land and other natural resources.

- Information and indications on best practices should be made available to government administration, customary owners, civil society and private sector.
- Guidance should be developed through interactive, participative and inclusive process. It is important to establish a dialogue between stakeholders.
- International and regional norms and guidelines should allow citizens to judge whether proposed actions constitute acceptable practices.

Main Outputs

Support to inclusive international and regional initiatives that develop guidance on governance of tenure (such as the *Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources* and the *African Land Policy Initiative*). Such should be constructed in a dialogue between stakeholders representing multiple sectors.

Call for continuous awareness-raising on corruption problems in land and natural resource tenure in the international arena.

Call for capacities building in all levels of land administration and a call for strong institutional, policy and legal frameworks in order to tackle corruption.

Recognition of the essential role of the civil society engagement in observing and monitoring land management practices in response to recent challenges.

Recommendations, Follow-up Actions

Follow-up of the development of the *Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources*. Participate in the process in the Spring 2010 through e-consultation. See <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

Workshop Highlights (including interesting quotes)

Make corruption expensive!

If corruption could be measured, it could be eliminated.