



Corrupt Practice in Land Administration: Analysis of the Impacts towards Development's Prospects

Práticas Corruptas na Administração Fundiária e seus Impactos nas Perspectivas de Desenvolvimento

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ABSTRACT | Purpose: This article examines corrupt practices in land administration and their impacts on economic, social, and institutional development, with particular attention to developing countries, especially in Africa. It seeks to understand how corruption in land governance affects tenure security, social inclusion, and sustainable development prospects. **Methodology:** A qualitative and analytical descriptive approach is adopted, based on a review of international legal instruments, reports from multilateral organizations, institutional documents, and interdisciplinary academic literature. The analysis focuses on key stages of land administration, including registration, titling, valuation, land use, and planning, identifying critical points where corruption is most prevalent. **Findings:** The findings indicate that land corruption occurs through bribery, title forgery, double allocation of land, manipulation of land valuation, and undue influence in land-use and investment decisions. These practices undermine tenure security, exacerbate social inequalities, intensify land-related conflicts, harm the environment, and restrict access to land rights for vulnerable groups, particularly women and the poor. **Originality and Value:** The study adds value by systematizing evidence on the development impacts of land corruption and by highlighting the importance of transparency, accountability, social participation, and institutional reform in land administration systems.

Keywords | Land administration; Corruption; Land governance; Development; Tenure security.



Received: 21 February 2025

Revised: 15 August 2025

Accepted: 12 September 2025

e-ISSN: 2965-3630

How to cite this article: Bullu, S. (2025). Corrupt Practice in Land Administration: Analysis of the Impacts towards Development's Prospects. *Journal of Law and Corruption Review*, 7, e088. <https://doi.org/10.37497/CorruptionReview.7.2025.88>



RESUMO | Objetivo: O artigo analisa as práticas corruptas na administração fundiária e seus impactos sobre o desenvolvimento econômico, social e institucional, com ênfase nos países em desenvolvimento, especialmente no contexto africano. Busca-se compreender como a corrupção na gestão da terra afeta a governança, a segurança da posse, a inclusão social e as perspectivas de desenvolvimento sustentável. **Metodologia:** Adota-se uma abordagem qualitativa de natureza analítico-descritiva, baseada na revisão de instrumentos jurídicos internacionais, relatórios de organizações multilaterais, documentos institucionais e literatura acadêmica interdisciplinar. A análise concentra-se nas principais etapas da administração fundiária, incluindo registro, titulação, avaliação, uso e planejamento do solo, identificando os pontos críticos de incidência de práticas corruptas. **Resultados:** Os resultados indicam que a corrupção na administração fundiária manifesta-se por meio de suborno, falsificação de títulos, dupla alocação de terras, manipulação de avaliações e favorecimento indevido em processos de uso e investimento do solo. Essas práticas comprometem a segurança da posse, ampliam desigualdades sociais, intensificam conflitos fundiários, prejudicam o meio ambiente e limitam o acesso de grupos vulneráveis, especialmente mulheres e populações pobres, aos direitos sobre a terra. **Contribuições:** O estudo contribui ao sistematizar os impactos da corrupção fundiária sobre o desenvolvimento e ao reforçar a necessidade de reformas institucionais fundamentadas em transparência, accountability, participação social e fortalecimento dos sistemas de administração da terra.

Palavras-chave | Administração fundiária; Corrupção; Governança da terra; Desenvolvimento; Segurança da posse.

1 INTRODUCTION TO LAND ADMINISTRATION

Land Administration is defined as a process where the government comprises an extensive range of systems and processes to be observed for operational purposes, whether formal or informal. In 1993, the United Nations Economic Commission for Europe introduced the term Land Administration and its guidelines to be observed.¹ Various meanings have been presented to define land administration, and officially 1993 the United Nations Economic Commission for Europe (UNCEC) defines land administration as *the process of determining, recording and disseminating information about the ownership, value, and use of land and its associated resources*. Similarly to that, the UNECE guidelines further provide that, *the processes include the determination (sometimes called adjudication) of land rights and other attributes, surveying and describing these, their detailed documentation, and the provision of relevant information for supporting land markets*.² The UNCEC guideline highlights its purpose as is to make sure all the infrastructure necessary for the implementation of processes such as institutional arrangements, legal frameworks, land information systems, standards, and the management and dissemination of systems and technologies necessary for implementing these processes.³ In addition to that, Williamson and Steudler⁴ define land administration as ‘the processes of determining, recording and disseminating information about the tenure, value and use of land when implementing land management policies. Ashaye⁵ also says that *land administration is considered to include land registration, cadastral surveying and mapping, fiscal, legal and multi-purpose cadastres and land information systems*.

1 The United Nations Economic Commission for Europe, 19993. Available at www.un.org

2 Tools For Designing, Monitoring, And Evaluating Land Administration in Programs in Latin America. Available at www.fao.org

3 See also Daniel S., Rajabifard, A., And Williamson, Ian P. (2004:372). Evaluation Of Land Administration Systems. Available at www.sciencedirect.com/science/article/S0264837704000079.

4 Williamson, I.P., and Steudler, D., (2002).

5 Ashaye, R.T. (2010). Supporting E-Government in Land Administration: A System Analysis.



On the other hand, land administration is recognized as a source of revenues from the land through sales, leasing and taxation, and the resolving of conflicts concerning the ownership and use of land.⁶

Although the UNECEC created some guidelines on how to handle land administration, those guidelines are non-binding and are not infinite reform in land administration.

2 AN OVERVIEW OF LAND: DEFINITION OF LAND TENURE, TYPES, AND CATEGORIES

Land tenure is a situation where individuals and groups hold concerning land and land-based resources, such as trees, minerals, pastures, and water. It is also known as a system that defines various rights over land to interested parties. Once land is secured, it can be a cornerstone for economic growth and an incentive for investment, but when land rights are insecure, this can lead to conflicts, instability and the exclusion of vulnerable groups, such as women, Indigenous people and the poor; the land is secured, that means a source of economic growth of that place is secured and an incentive for investment; but when is not secured is easy to facilitate conflicts in society.

Land tenure is derived from the French verb '*tenir*', which means "to hold". In common law systems, is the legal regime where an individual owns and possesses a piece of land.⁷ Land tenure determines who can use land, for how long, and under what conditions.⁸ For instance, all land in Tanzania is public land and remains vested in the President as trustee for and on behalf of all citizens of Tanzania; a person can have a legal right to land under a Right of Occupancy from the Government for terms of 33, 66 or 99 years.⁹

Categories for Land Tenure

There are three (3) categories of land tenure these are General land, Village land,¹⁰ And Reserved land.¹¹ The President has powers to transfer Village Land to General Land or Reserved Land for public purposes. All land that is not categorized as reserved or village land, as well as uninhabited or unused village land, is defined as general land. In Tanzania, land can be acquired through the following methods: purchasing, government allocation, inheritance, and grabbing.

6 See also Rajabifard A., Steudler D., and Williamson I.P, (2004). Evaluation of land administration systems, Land Use Policy, Volume 21, Issue 4. Available at www.sciencedirect.com/science

7 See also LandLinks: What is Land Tenure. Available at www.land-links.org

8 Mohieldin M., and Wellestein A., (2018). Why Strengthening Land Rights Strengthens Development. Available at www.worldbank.org; the authors further say that Land tenure *may be based both on official laws and policies and on informal customs. If those arrangements are secure, users of land have an incentive not just to implement best practices for their use of it (paying attention to, say, environmental impacts), but also to invest more.*

9 The Land Act No. 4 of 5 of 1999.

10 Village land is the land that is demarcated as village land under any law or administrative procedures.

11 Reserved land includes hazardous land and all land designated for forest reserves, national parks, game reserves, conservation areas, public utilities, and highways.



Though the land has three categories of tenure, it retains only two forms, and these are granted the right of occupancy.¹² And customary right of occupancy.¹³ Both rights (Granted Right of Occupancy and Deemed Right of Occupancy) are secured by certificates of occupancy governed by the land statutes.

3 UNDERSTANDING OF CORRUPTIONS, FORMS, AND ACTS OF CORRUPT

The word “corruption” has been used to present different connotations based on their field of study. Many of the instruments describe the acts of corruption instead of defining them.¹⁴ Corruption has different meanings,¹⁵ and various authors have written about the concept of corruption and interpreted it differently.¹⁶ Various studies show that there is a growing consensus about corruption as it represents one of the main impediments to effective social service delivery in developing countries, including Tanzania.¹⁷ For instance, the SADC Protocol against Corruption¹⁸ defines corruption as *any act that includes bribery or any other behaviours about a person entrusted with responsibilities in the public and private sectors that violates their duties and is aimed at obtaining undue advantages of any kind for themselves or others.*¹⁹ Meanwhile, the AU Convention on Prevention and Combating Corruption²⁰ defines corruption as *the acts and practices, including related offences prescribed therein.*

Additionally, Several organisations such as the World Bank Control of Corruption Index, Transparency International, and Corruption Perception Index (to mention a few) have been highlighting the deleterious effects of corruption on development and have been pledging to implement policies that sharpen the responses to fight against corruption and to reduce the possibility of personal enrichment by corrupt activities.²¹ The World Bank Report of 2008²² States that *corruption is the single greatest obstacle to economic and social development.*

On the other hand, Transparency International (TI) views corruption as one of the greatest challenges of the contemporary world since *[I]t undermines good governance, fundamentally distorts public policy, leads to the misallocation of funds, harms private sector development and particularly hurts the poor.* The same as the Oxford Dictionary²³ defines corruption as *dishonest or illegal behaviour, especially involving people in authority, typically involving bribery.*

12 Section 2 of the Land Act provides that a right of occupancy means title to the use and occupation of the land.

13 Section 2 of the Village Land Act defines the customary right of occupancy as a right of occupancy for land.

14 Tanzi (1998:576). Corruption around the World: Causes, Consequences, Scope and Cures Tanzi further argues that *in some jurisdictions, the concept of corruption is very narrow and some jurisdictions do not have the crime of corruption or bribery at all, however, that does not mean that certain acts that are typically regarded as corruption are lawful.*

15 See also Tanzi (1998:576). Corruption around the World: Causes, Consequences, Scope and Cures

16 Saphy Bullu (2019:1). The Genesis of Corruption and Its' Perception; National Journal of Criminal Law. Available at www.researchgate.net

17 See also Hassan H., and Placek M (2022). Corruption and Social Human Rights in Developing Countries (eds). The Palgrave Handbook of Global Social Problem. Palgrave Macmillan, Cham.

18 SADC Protocol against Corruption, 2000.

19 Art. 1 of the SADC Protocol against Corruption, (2000).

20 Art. 3 of the AU Convention on Prevention and Combating Corruption (2003).

21 See Hope et al (eds) Corruption and Development in Africa: Lesson from Country Case Study (2000:1); see also Spyromitros, E, and Panagiotidis, M (2022). The Impact of Corruption on economic growth in developing countries and a comparative analysis of corruption measurement indicators. Cogent Economics & Finance, 10(1)..

22 Bolongaita (2010:5).

23 Oxford Advanced Learner's Dictionary 8th Edition (2010).



Similarly, various authors from different fields such as humanities, law, and sociology, including Kibwana,²⁴ Riara,²⁵ Klitgaard *et al.*,²⁶ and Hussein²⁷ (to mention a few), articulate a clear meaning of corruption. However, it has been noted that the definition of corruption is often too narrow and only used to describe the mandate of special bodies with a set of rules to fight against corruption. The concept of being narrow in definition always facilitates unlawful acts to be conducted. Vorster²⁸ states that '*corruption in various forms has been with humankind from the earliest times. In the present time, corruption is rampant and occurs in multiple manifestations.* Additionally, corruption has been identified as the greatest obstacle which impedes the world's economic and social development and undermines development by destroying and weakening the institutions to fight against corruption.²⁹ Shabir and Anwar³⁰ emphasise that *in support of the above, the holy books including the Quran³¹ and Bible,³² provide some scriptures to address and prohibit human beings from indulging in bribery.*

Additionally, Masabo and Maina³³ Content that *the Holy Bible has many references to corruption. It attributes corruption to a deceitful lust for corrupting things on this earth like gold and silver.* Masabo and Maina further state that *according to the Bible, corruption blinds the eyes of the wise and twists the words of the righteous;* and Ryan emphasises that *corruption exists as long as there are entities in power and money to encourage, and it is categorised by extensive bribery.*³⁴

24 Kibwana (2001:14). Initiatives against Corruption in Kenya: Legal and Policy Interventions Kibwana describes corruption as an act or omission committed by an individual or group of individuals which takes place in all spheres of human endeavour; in government offices, corporate bodies, and private organizations. Similar to Kibwana, John T. and Noonan Jr. (1984). *Bribes* (the University of California Press Berkeley). Authors argue that corruption is as old as the history of humankind and has been recognised at least since 3000 B.C. The form of corruption has a history, devastated and visible into discernible epochs.

25 Riara (2014:2). Grand Corruption as a Crime against Humanity available at Riara states that corruption is often said to be immoral, unjust and repugnant to the ideals of humanity; corruption has different definitions to different people, but there is one view that is collective in society. Riara further says that corruption is a wrong and immoral act; and whoever indulges in corruptive behaviour should, without a doubt be frowned upon by society.

26 Klitgaard, MacLean-Abaroa and Parris (1996:1). Preventing corruption, A Practical Handbook for Dealing with Municipal Malfeasance They define corruption as the misuse of office for personal gain. The authors emphasise that office is a position of trust, where one receives authority to act on behalf of an institution, be it private, public or non-profit; it can involve legal activities or illegal ones. It can be internal to the organisation (for example, embezzlement) or external to it (for example, extortion).

27 Hussein (2005:92). Combating Corruption in Malawi: An Assessment of the Enforcing Mechanism. Hussein says that corruption is manifested by demands for bribes by officials from members of the public in search of services, payment of commissions by business people to public officials as facilitation fees, distortion in dispensing of justice, nepotism and patronage.

28 Vorster (2013:651). Fighting Corruption: A Philosophical Approach; Vorster further says that '*corruption is a ubiquitous phenomenon intensified by the worldwide expansion of trade, the existence of global crime syndicates, the expansion of international aid to underdeveloped countries, the internet, and governments with weak prosecuting systems.*

29 See also Reviro (2004). *Fighting Global Fraud and Corruption in World Bank-Financed Projects.*

30 Shabir and Anwar (2007:751). Determinants of Corruption in Developing Countries Pakistan.

31 The Quran (2:11) a verse translated that when it is said to them don't spread corruption in the earth, they only say we reformers; (2:27) those who break the covenant of Allah after its ratification, and they cut what Allah has ordered it to be joined and they spread corruption in the earth. Those they are the looser; (2:30) and when your lord said to the Angels, indeed I am going to the place in the earth vicegerent, they said you will place in it one who will spread corruption in it and will shed the blood.....in act wickedly the earth in spreading corruption.; (2:205- and when he turns away he strives in the earth to spread corruption in it and destroy the crops and progeny); (5:32- from time that we order in in the children of Israel that who kills a soul for a soul other than or for spreading corruption in the earth....)(2:188) this verse can be translated as and do not consume one another's wealth unjustly or send it [in bribery] to the rulers so that [they might assist] you [to] consume a portion of the wealth of the other people in sin, while you know [it is unlawful].'

32 The Bible (Mathew 26:14-16) and (Mark 14:10-11) Judas Iscariot one of the 12 disciples went to the leading priest and arranged to betray Jesus, and they promised to give him money Judas asked them how much would you pay me to betray Jesus to you?' and they gave him 13 pieces of silver. At that time, Judas was an opportunist and ended up betraying Jesus. This can be translated as an 'act of corruption.

33 Masabo and Maina (2009:51). Confronting Grand Corruption in the Public and Private Sector: A Spirited New Initiative from Tanzania.

34 Ryan (2000:33). Combating Corruption: The 21st-Century Ethical Challenge.



Forms of Corruption

Forms of corruption are normally identified from the acts people perform and always lean by various names such as 'petty corruption' and 'grand corruption', 'passive corruption' and 'active corruption', and 'passive bribery' and 'active bribery'. These forms deliberate the action of an official who directly or indirectly through an intermediary requests or receives advantages of any kind whatsoever for himself or a third party or accepts the promise of such advantages, except that performance is not that of an official but of anyone ('whosoever').³⁵ However, it is remarkable that each form seems to present nearly the same meaning. Even though many forms have been mentioned, save for this article only the two well-known and famous forms, namely grand and petty corruption, are selected as it would seem that they are the most likely to be conducted by public and private officials who improperly and unlawfully enrich themselves for personal gain' and caused to its nourishment.

Grand corruption is a form of corruption used to describe large-scale deals involving senior public officials and companies trading or investing on an international basis, and it is caused largely by the greed of those who are already well off by local, and often by international, standards.³⁶ In this form, corruption takes place at high levels of the political organisation when representatives and state representatives are permitted to create and impose regulations in the name of the people and use this power to entrench their supremacy, status and wealth.³⁷ Rose-Ackerman³⁸ remarked that grand corruption was a form of corruption that pervaded the highest levels of a national government, leading to a broad erosion of confidence in good governance, the rule of law and economic stability. Doig and Theobald³⁹ stated that grand corruption was often motivated by greed; it dealt with highly placed individuals who exploited their position to extract large bribes from representatives of transnational corporations, arms dealers, drug barons and the like, who appropriated significant payoffs from contract scams, or who simply transferred huge amounts of money within banks.

Petty corruption is another form of corruption that refers to uncertain sums of money and has also been called 'low level' and/or 'street level' corruption. This kind of corruption points out that people's participation is more or less daily and come across public management services such as hospitals, schools, local licensing authorities or police or taxing authorities, among others. This form of corruption is often referred to as 'speed' or 'grease' money and describes facilitation or grease payments sought and obtained by junior officials who are actually or ostensibly rendering a service to the public; and occurs in smaller increments by lower-level officials, often in exchange for speeding up a legitimate process.⁴⁰

35 Art. 2 of the EU Conventions on the Fight against Corruption of 1997.

36 Transparency Index of 2007.

37 Elaine Moral and *Legal Development of Corruption: Nineteenth and Twentieth Century Corruption in Ireland* (2007:49). Elaine further argues that this kind of corruption takes place at the policy formulation end of politics. Corruption refers not so much to the amount of money involved as to the level at which it takes place. Grand corruption is at the top levels of the public sphere, where policies and rules are formulated in the first place.

38 Rose-Ackerman *Democracy and Grand Corruption* (2000:323). In similar to that Palmer (2012:31). Combating Grand Corruption in Africa: Should it be an International Crime? states that *grand corruption is used in two senses: it refers either to specific acts of corruption involving particularly large amounts of money, usually at senior levels of government, or to corrupt practices that result in the abuse of systems designed to ensure good and effective governance. Palmer further state that the sustained abuse of such systems can result in the entrenchment of the corrupt practices as part of the systems, at which point these practices are referred to as 'systemic corruption.*

39 Doig and Theobald (eds) (2000:9). *Corruption and Democratization.*

40 See also Doig and Theobald (2000:7); Similar to that Palmer (2012:4) states that *petty corruption means either specific acts of the abuse of power by public officials for some small bribes or relatively minor benefits, or more serious corruption at managerial level.*



With this form of corruption, it is understood that public officials undertake dishonest transactions with officials to obtain services of one kind or another.⁴¹ In most cases, it has been noted that this form of corruption is made through the provision of services, which should be a free public good. The motivation for petty corruption is more frequently that of survival in societies where individual civil servants and others receive extremely low pay.⁴² Even though petty corruption has been seen as a transaction where a group of people can play their role to accomplish the transaction. However, with the same form a person may often condemn corruption concerning official rules and ideal conceptions of public management, while at the same time legitimising corrupt practices, concerning more practical prevailing norms, such as 'everyone is doing it' or 'it is needed to survive'.⁴³

Acts of Corruption

Numerous national and international instruments establish offences that call for the criminalisation of acts of corruption concerning public officials, officials of a foreign state and individuals. The following are some of the selected instruments in place to demonstrate the act of corruption. The African Union Convention⁴⁴ states that *the offering, giving, solicitation or acceptance directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she can exert any improper influence over the decision-making of any person performing (sic) functions in the public or private sector in consideration thereof, whether the undue advantages is for himself or herself or anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the supposed influence leads to the intended result.*

Further, the SADC Protocol⁴⁵ stipulate that *any public officer or a person who is willing to solicit for himself or herself to offer or grant a promise to assist either directly or indirectly any goods or monetary value in terms of a gift with a promise in exchange for any act during office tenure and that conduct is for the benefit of either that person or another person or entity is guilty of an offence.*

Further to that, the ECOWAS⁴⁶ emphasizes that *any person who either directly or indirectly through a third party receives any object of pecuniary value such as a gift, offer, promise or advantage of any nature whether for himself, herself or another person, in exchange for an act or an omission in the discharge of his, her or their duties.*

Furthermore, the United Nations Convention against Corruption⁴⁷ provides that *the solicitation or acceptance by a public official, directly or indirectly, of undue advantage, for the official himself or herself for another person or entity, so that the official acts or refrains from acting in the exercise of her his official duties.*

The aforementioned acts were established to criminalise some of the ill manners of human beings, each instrument indicates clearly that there is a group of people who are willing to commit such offence(s) and there should be a special need to criminalise those activities.

41 Lodge (1999: 61).

42 Transparent Index (2000).

43 Blundo and Olivier de Sardan (2006:218). *The Popular Semiology of Corruption.*

44 Art. 4 of the African Union Convention against Corruption (2001).

45 Art. 3 of the Southern African Developing Countries Protocol against Corruption (2000).

46 Art. 6 of the Economic Community of West African States Protocol on the Fight against Corruption (2001).

47 Art. 15 of the United Nations Convention against Corruption (1977).



4 LAND CORRUPTION AND PRACTICE

Land corruption is referred to as corrupt practice, and occurs in the administration and acquisition.⁴⁸ Corruption in land administration can take different forms, such as the payment of bribes for registering property, changing land titles, acquiring information, processing cadastral surveys and generating favourable land use plans.⁴⁹ In 2011, the TI report⁵⁰ showed a robust correlation between levels of corruption in the land sector and overall public sector corruption in a country. The paper further provides that *corruption in the land sector can be generally characterised as pervasive and without effective means of control, and it varies from small-scale to high-level bribes and fraud*. Furthermore, the TI report emphasises that *the corruption that occurs in land administration can take the form of small bribes that need to be paid to register property, change or forge titles, acquire land information, process cadastral surveys, and generate favourable land use plans*.⁵¹

As a consequence, people who cannot afford those bribes are excluded. Bribery also discourages the fulfilment of land laws, leaving citizens unprotected and vulnerable to abuse.⁵² In some countries, including Tanzania, Kenya, Uganda, and Burundi (to mention a few) land services are among the worst performing.⁵³ The following demonstrates selected categories which are highly in facilitating maladministration practice in land administration to nourish corruption.

- **Land urbanization**

To date, land urbanization continues to occur with serious competition for land which poses a challenge to land administration. According to the UN-DESA⁵⁴, it is observed that by 2050, the world's population will have grown from its 2012 level of 7bn to over 9bn. Almost three-quarters of these people will live in urban areas. In the same vein, UN-Habitat⁵⁵ stipulates that *as rapid urbanization around the world continues to be a global concern, with over 60 per cent of the world's population expected to live in cities by 2030 and nearly 70 per cent by 2050*. The increase in demand and value of land resources increasingly offers great enrichment opportunities and corruption risks take place in land management.⁵⁶ These conditions present specific corruption practices in urban areas where manipulators evict people and grab the land. For instance, in 2013, the Global Corruption Barometer⁵⁷ stated that *one in five people who had contact with land administration services reported having paid a bribe to land services*. Likewise,

48 See also the Transparency International Report: Understanding Land Corruption as a Basis for Prevention: Findings from Liberia, Sierra Leone and Zambia (2019:9).

49 FAO, Transparency International, (2011:2). Corruption in the land sector.

50 The TI Working paper: Corruption in the Land Sector (2011:2). Available at www.fao.org

51 Corruption is defined as both petty bribery and high-level or grand corruption. Findings are based on a regression analysis done for this paper. For more information, please see the annex that accompanies the working paper.

52 FAO, Transparency International, (2011:4). Corruption in the land sector.

53 See also Bujko et al., (2015:7). How institutions shape land deals: The role of corruption; see also The Transparent International: Tackling Land Corruption is Vital to Achieving Land Rights and the 2030 SDG Agenda Policy Position on Land Corruption and the SDGs. Available at www.transparency.org.

54 United Nations Department of Economics and Social Affairs 2014.

55 UN-Habitat (2018), Annual Progress Report of 2017.

56 Zinuga (2018:9).

57 The Global Corruption Barometer (2013:10) provides that, *around the world, one in five people report that they had paid a bribe for land services*. The report further states that *the high prevalence of bribery in the land sector creates a substantial informal cost for those trying to register or transfer land*.



in 2015 the East African Bribery Index⁵⁸ repeatedly showed that bribery is rife in the land services sector in East Africa.⁵⁹ Similarly, Chiweshe⁶⁰ says that *urban land provides spaces for understanding the intersection of politics, money and corruption in post-colonial Africa*. During the process where individuals seek to own land, people give bribes to public officials to speed up processes, collusion between parties to drive prices down and officers deliberately extorting bribes by obstructing a deal's completion.⁶¹ Similarly, the PCCB report⁶² stipulates that *the survey and mapping sector has two areas of corruption; the land survey process and approval of survey plans. Corruption emerges due to a lack of transparent service charge mechanisms*. The PCCB report further stipulates that *survey officials demand payment for services they offer while all such dues are paid in full when one processes the letter of offer*.

- **Land Titling / Identification**

Land identification/ titling is the premium element to describe the location, boundary, and ownership in land management. In 1976, the UN stipulated that Land plays one of the most significant roles in the history of human beings.⁶³ It is also known as a fundamental of many other developments such as agricultural production and urbanization.⁶⁴ In the science of land identification/ titling, identification is one of the basic and key components which contain information for various purposes. Double allocation, delays in identification of the owner, and procurements on the process of certificate of occupancy are the most key fuel to corrupt malpractices. It is noted that incidences of having one plot allocated to more than one individual are mostly done by land officials deliberately for not following allocation procedures, and motivated by personal gains.⁶⁵ For a person to get his/her title of certificate should be ready to offer a bribe because the process took so long and it is noted that delays to expedite the process have been designed by some land officers to receive bribes to issue consent for a transfer of certain right of occupancy.⁶⁶ Also, the stage in issuance of consent for disposition is said to be another area where incidences of corruption occur only because there are no clear-cut criteria under which the land officers base their decision to deny or give the required consent.

- **Land Disposition and Valuation:**

These are two powerful tools of coercion and are subject to bribery. During the process, it has been proved that the existence of valuation has various problems including corruption, inaccuracies, variations, client influence, and the use of heuristics; and such impacts attributed by valuer with misconduct behaviour, such as negligence, professional misconduct, incompetence, and unethical

58 The East African Bribery Index (2015). Available at www.U4.no

59 See also Zinnbauer, (2015:6). Towards an urban land resource curse? A fresh perspective on a long-standing issue.

60 Chiweshe, M.K. (2021). Urban Land Governance and Corruption in Africa. In: Home, R. (eds) Land Issues for Urban Governance in Sub-Saharan Africa. Local and Urban Governance. Springer, Cham.

61 Zuniga (2018:9).

62 Prevention Of Corruption Bureau Research and Control, The Incidences of Corruption in The Land Sector (2005:7). Publication No.2 with ISSN 0856-8332. Available at www.pccb.go.tz:

63 Available at www.unhabitat.org

64 See also Lin, L., Zhang, C. (2021:163). Land Parcel Identification. In: Di, L., Üstündağ, B. (eds) Agro-geoinformatics. Springer Remote Sensing/Photogrammetry. Springer, Cham

65 PCCB Report (2005:13).

66 PCCB Report (2005:15).



conduct of valuers, among other things.⁶⁷ According to aforesaid problem during the evaluation process, it is believed that corruption has very strong negative effect on the land disposition and valuation since the responsible person may decide either to undervalue or overvalue the land. Bribery can take place just to speed up the process, to unblock the obstruction of the deal by officers, or during the price negotiation.⁶⁸ This process might increase corruption when politicians or high-level public officials favour certain parts of the process.⁶⁹ In similar to that, the PCCB Report revealed that this is a place where valuers make a false identity of a parcel of land purported to be the subject property whereas it is not.⁷⁰

- **Land Use Planning and Investment**

Demand for land has recently increased due to population increase. In this situation of increased demand and stiff land use competition, planning has lagged; creating a shortage of surveyed plots and promoting unregulated development and irrational land use, particularly in urban areas. The town planners' monopoly of the planning process including approvals of schemes; application for planning consent and change of use has propagated town planners to engage in corrupt practices. Corruption is often common in situation where land investments create new opportunities for illicit enrichment.⁷¹ Investments in the sector usually bring substantial amounts of capital with them as well as elevated corruption risks. Since the capital is used to purchase property, lease land, or undertake development initiatives; then the investments can taint the payments to local officials and influential people to secure land for the investment process.⁷² Additionally, it is normally easy to regulate the use and development of land. During the process, people are vulnerable to corruption since decision-makers are required to balance the competing interests of various stakeholders by placing limits on landowners' rights to use and their discretion to construct buildings.⁷³ The PCCB report of 2005 emphasizes that *the approval process of urban detailed plans is tedious, and slow and compels the public to pay for undocumented money to officials to speed up the process.*⁷⁴ Similarly, the UN report⁷⁵ also notes corruption is increasing in the biofuel industry, as many countries with weak governance are considered attractive destinations for this type of investment.⁷⁶

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67 See also Cheloti, I.; Mooya, M. (2021:2). Valuation Problems in Developing Countries: A New Perspective. Land 10, 1352.

68 Similarly, the Study conducted by the PCCB in 2005 (26) highlights that *land markets are subject to some degree of government control and guidance in almost all countries.* The study states further that *in Tanzania however, there are fragmented regulations to regulate the valuation of landed property and natural resources. This creates a loophole for injustice to the general public.*

69 Lee-Jones (2017:2). Good practices in preventing corruption in planning and zoning at the local level.

70 The PCCB Report (2005:).

71 The TI Working paper: Corruption in the Land Sector (2011:5). Available at www.fao.org.

72 See also Peter B, Mari-Lise du Preez, André S., and Williams A., REDD Integrity: Addressing governance and corruption challenges in schemes for Reducing Emissions from Deforestation and Forest Degradation (REDD) (Bergen, Norway: U4 and Chr. Michelsen Institute, 2011).

73 Palmer, Friccka and Wehrmann (2009:28).

74 PCCB Report (2005:8). The report further provides that the land use planning process in urban areas is also not free of corruption due to a lack of transparent systems, conflicts with the local government reforms and a lack of innovative approaches.

75 The UN Report: Corruption Leading to Unequal Access, Use and Distribution of Land (2011).

76 The PCCB report of 2005 also revealed that *this is a situation where valuers make false identities of a parcel of land purported to be the subject property when it is not. The valuation firms purported to have carried out a survey for purposes of valuation for the mortgage*



5 THE IMPACTS OF CORRUPT ACTIVITIES IN LAND ADMINISTRATION

Corruption in land administration increases levels of poverty and hunger because it reduces access to land.⁷⁷ It has been noted that the impact of corruption is especially significant in developing countries.⁷⁸ UN-Habitat points out that *the fear of eviction may prevent people from operating to their maximum potential or investing in their neighbourhoods, in turn, reduces the revenue from taxes and services charges, and the uncertainty associated with insecure tenure may hinder external investments and the improvement of services such as water and sanitation.*⁷⁹ Knight⁸⁰ insists that *corruption can be used to overcome obstacles to acquiring land, including circumventing community consent, environmental or social safeguards, or regulations related to the use of land.* Additionally, it has been documented that *land corruption harms the environment, driving land grabbing and misallocation of land which can lead to deforestation, degradation, and land conversion, among other impacts. Land corruption erodes the effectiveness and credibility of efforts to address the climate crisis.*

Bribery is another way in which land corruption affects poverty. People are more vulnerable to bribery and, therefore, more likely to pay bribes. This vulnerability to bribery can increase poverty in two ways: i) the payment of bribes can account for a considerable proportion of a poor household's income; and ii) the corrupt character of land services might discourage poor people from regulating their land, putting them in a position that might compromise their future land entitlement and livelihood.⁸¹

Land corruption also indirectly affect economic inequality in positive and in negative ways by facilitating investment in land and extractive activities. According to the World Bank, large-scale land acquisitions for agricultural investments can have a positive impact on the economy through: the creation of employment, generating higher incomes and local savings; attracting people to the area, creating business opportunities for small local business; and through the development of infrastructure.⁸²

Corruption in land administration impedes women's access to land ownership and affects their use of and control over land. This exacerbates gender inequality because it limits the power of women to decide on land use, and it prevents women from benefitting from the economic opportunities brought by the security of tenure. In Africa, for instance, corrupt practices in the context of large-scale land-based investments contribute to the unauthorised conversion of customary land to commercial land.⁸³ A lack of land ownership puts women in a situation of vulnerability because decisions over land are made by men without the participation of women.

77 See also Zinuga (2018:4); the author further emphasizes that *corruption in land administration can increase levels of poverty and hunger because it reduces access to land and damages the livelihood of small-scale producers, agricultural workers and landless rural and urban poor.*

78 See Sachs, 2017. Land and the SDGs; See also Palmer, Fricska and Wehrmann (2009:11). Towards improved land governance; and De Schutter (2016:24). Tainted lands Corruption in large-scale land deals.

79 See also the UN-Habitat, 2004. Urban land for all.

80 Knight (2022). Global Witness, Decade of Defiance.

81 See also Zuniga N (2018:2). Land Corruption Topic Guide Compiled by the Anti-Corruption Helpdesk. Available at <https://knowledgehub.transparency.org>

82 World Bank, 2016. The impact of larger-scale agricultural investments on local communities: Updated voices from the field, p. 31-33.

83 African Union, African Development Bank and United Nations Economic Commission for Africa, 2014. Guiding principles on large scale land-based investments in Africa, p. 17.



Also, Corruption in land administration leads to a high number of conflicts all over the world.⁸⁴ One type of conflict facilitated by corruption is the allocation of the same land parcels by the land registration office due to the acceptance of fake titles. The “grabbing” of land is also the cause of social and political conflicts.⁸⁵

6 CONCLUSION

Weak land administration systems, limited legislation, weak institutions, lack of transparency, lack of effective oversight institutions and reduced social participation are among the drivers of corruption in land administration. To improve land governance, the government has to ensure that the issue of corruption is well addressed.

Organize a land management system is a key condition to prevent corruption. Good practices in the reform of land management are to simplify the administrative system, reduce steps and prevent opportunities for corruption.

Increase transparency is key to preventing corruption and to hold authorities and institutions to account. It should be present to help minimise ambiguities and misinterpretations. Transparency is achieved by full public disclosure of documents around investment deals and land title certificates. It should be promoted by allowing public access to land administration documents, such as maps, land and urban plans, and to the findings of accountability institutions.⁸⁶

Ensuring accountability in land administration would improve service delivery and ensure the integrity of government actions. One way to increase accountability is by including strong and effective oversight institutions, such as parliamentary committees, anti-corruption commissions and law enforcement bodies.⁸⁷ The involvement of social accountability has also been highly valued as a complement to top-down accountability to curb corruption.

Citizens' participation in land governability improves the compliance of those actors with the policy. Deininger⁸⁸ says that *land sectors will gain legitimacy if the policy is backed by political and social consensus rather than being perceived as captured by interest groups*. On the other hand, Zakout⁸⁹ says that *the affected population should be involved in the identification of land parcels and their demarcation*. Similarly, in 1989 the International Labour Organization C169 Indigenous and Tribal Peoples Convention– for the countries ratified that, *for indigenous peoples to have fair consultation and participation, some measures must be considered: guarantee equal bargaining power free from threats and manipulation, and to provide all the information, with enough time for the community to study it, and in a language understood by the community*.

The improvement of human resources management should establish certain conditions and systems that can reduce the potential for corruption in government, ultimately demanding or

84 Wehrmann, 2008. Land conflicts. A practical guide to dealing with land disputes, p. 3.

85 See also McInnes, 2015. Land in life: an analysis of the role 'grand' corruption plays in enabling elite grabbing of land in Cambodia, p. 1.

86 See also Wheatland, 2016. Corruption risks and mitigation measures in land administration, p. 8.

87 Transparency International and FAO, 2011. Corruption in the land sector, p. 6.

88 Deininger, Selod and Burns, 2012. The land governance assessment framework. Identifying and monitoring good practice in the land sector, pp. 30.

89 Zakout et al., no date. Good governance in land administration. Principles and good practices, p. 17.



receiving a bribe is an individual decision. Some measures can be implemented to discourage corrupt activity. One is to produce and disseminate institutional guidelines and staffing procedures to guide civil servants in making decisions in difficult situations. The guideline should include sanctions and rewards to influence the good behaviour of land administrators.

Education is also a highly valued instrument to promote integrity in public administration not only helps to prevent corruption but also reduces society's tolerance of corruption. Finally, the selection of personnel on a meritocratic basis, and the removal of nepotism, might facilitate an institutional culture around the public interest and away from the individual interest that motivates corruption.

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