The Role of Open Data in the Fight against Land Corruption

Webinar Report

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DEUTSCHE ZUSAMMENARBEIT

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für Internationale
Zusammenarbeit (GIZ) GmbH

Federal Ministry
for Economic Cooperation
and Development

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Opening up land-related administrative data, combining it with data from other sources and processing and making this data available as easily accessible information for women and men equally could be a means to counteracting land corruption in land management, land administration and land allocation. But does open data and enhanced data transparency indeed help to counteract land corruption?

In order to answer this question, the **Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH Sector Programme on Anti-Corruption and Integrity**, supported by the **German Federal Ministry for Economic Cooperation and Development (BMZ)**, commissioned the study **The Role of Open Data in Fighting Land Corruption: Evidence, Opportunities and Challenges**, which was published during this webinar. Findings of this study suggest that the current data revolution and open data can play an important role in realizing sustainable land governance.

This webinar took place on January 28th from 3:00-4:30 PM CET (9:00-10:30 ET) to discuss the findings of this study and explore recommendations to enhance the use of open data in counteracting land corruption. The webinar brought together leading land governance, anti-corruption and open data experts to discuss what it takes for open data to have an impact on land corruption, as well as to arrive at recommendations that can guide practitioners and policy makers. The webinar was co-organized by the **Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH Sector Programme on Anti-Corruption and Integrity and the Land Portal Foundation.**

Moderator:

- **Tim Hanstad, CEO of the Chandler Foundation**

Panelists:

- **Dr. Marcello De Maria, Postdoctoral Researcher, School of Agriculture Policy and Development, University of Reading**

- **Ania Calderon, Executive Director, Open Data Charter**

- **Ellen O. Pratt, Commissioner, Liberia Land Authority**

- **Dr. Andreas Lange, Senior Advisor, Rural Development and Food Security, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH**

- **Aled Williams, Senior Advisor, U4 Anti-Corruption Resource Center**

A complete recording of the webinar is available on YouTube: https://youtu. be/6pmRsGswELU

Key Findings of the Study 'The Role of Open Data in Fighting Land Corruption'

- It is important to ensure all land data is 'open by default'. The land sector needs to reject the 'closed by default' approach that has dominated for too long, and embrace the open data principles and standards needed to increase transparency and achieve anti-corruption goals.

- There is a need to create an open land data ecosystem. Open data initiatives require a functional information environment including an enabling legal framework and political will.

- The full potential of open data systems can only be realized with the active participation of different user groups at all stages of the data life cycle - from inception through using data for accountability and anti-corruption purposes.

- Ensuring the participation of women and disadvantaged groups is imperative. Those currently on the margins of land information systems must not only be given access to the data, but also contribute to the creation and evolution of the ecosystem itself.

- New and existing initiatives must scale up monitoring and evaluation efforts and improve their impact assessments, helping to make the case for interventions at the intersection between open data, land governance and anti-corruption.

- A simple, powerful, evidence-based advocacy message, shared by initiatives around the world, is needed.

- Open data and ICTs are not a magic bullet to ensure greater transparency and curb land corruption, but there is no doubt that much can be achieved when these tools are used widely, effectively and responsibly. Existing initiatives have proved their potential to counteract land corruption over the last few years and are entering a crucial phase where they are called upon to scale-up, measure and magnify their impact.

- Despite existing limitations it remains very hard to imagine corruption-free and sustainable land governance without an open data ecosystem that enables the free flow and reuse of relevant data and information.

Webinar Summary

1) WHICH FRAMEWORKS NEED TO BE IN PLACE FOR OPEN DATA TO WORK AGAINST CORRUPTION?

- There is a need for a combination of social, tecnical, legal and financial factors to be in place to eliminate corruption. This includes trust between different actors (government, civil society, individual, development partners, etc.), technical factors like adequate internet and electricity, appropriate legal frameworks and data protection standards, as well as monetary means to invest in systems and proper business models.

- It depends on the use of data by either state or non-state actors to follow up on irregularities, discrepancies, etc., either as regulators or watchdogs. The threat of sanctions for such irregularities and the sense of a solid monitoring system for the data should then make it less likely that actors engage in various forms of corruption.

- However, there are a number of assumptions built into this picture which may not hold true depending on what happens in a particular context. For example, if state authorities are involved in corruption then they will have no interest in following-up on irregularities. Or, if a national NGO uses the data and finds irregularities but then there is no follow-up from authorities either because of involvement in corruption or lack of capacity, then the anti-corruption effects of open data can be assumed to be weak.

- Overall, the effectiveness of open data for land sector corruption will be dependent upon the political economy of land in a given setting and it is important to understand this in order to tailor open data interventions in the right way for a certain context.

2) IN WHAT CONTEXT DOES IT MAKE SENSE TO PUSH FOR OPEN DATA IN ANTI-CORRUPTION?

- Even in conditions of systemic corruption, if there are serious state and non-state actors who are investing in enforcement, monitoring and research in this area, it can make sense to pursue open data for land corruption. There may be change agents who are interested in reforming the political economy of land governance.

- However, these conditions may quickly change and there is a need to be nimble and follow political economic development closely. An important question is whether anti-corruption enforcement actions in land are being used to grab resources or target political opponents, or whether there is a rule of law based approach.

- A model similar to the continuum of land rights of the Global Land Tool Network may be helpful toreflect different open data standards and levels to accommodate the different readiness, resource availability, capacities and legal frameworks of partners. This would involve a discussion on "fit-for-purpose" open data systems adjusted to affordability, readiness and legal framework of partner countries .

3) WHICH PRACTICAL EXAMPLES OR EXPERIENCES DO YOU HAVE – EXPERIENCES AND EXAMPLES THAT CAN DEMONSTRATE THE IMPACT OF OPEN DATA ON (LAND) CORRUPTION? WHAT WERE THE CHALLENGES?

- There are several Open Data tools of relevance to forestland in Indonesia, among them the One Map One Data Policy which seeks to provide one map for many different thematic areas and consolidate a previously diverse set of maps used by the Indonesian state that did not always link up or "speak to" each other. The One Map One Data Policy has made some progress in data collection and consolidation, through a series of pilots. The original notion that this map would be fully public, however, has not materialized yet, complicating its possible impact in anti-corruption terms. The map is however available to state agencies. (Aled Williams)

- The **Rural Cadaster System** in Peru allows to monitor legal recognition and titling procedures of peasant and native communities involving innovative web applications with a map viewer to be used by all 25 regional governments. The system allows uploading and validating plans, perform quality control, migrating cadastral information and generating cadastral products It is interoperable with diverse governmental geographic information systems on other territorial categories (e.g. natural protected areas, production forests, mining and oil concessions). (Andreas Lange)

- CHALENGES: Without demand from civil society or business there is little pressure on public authorities and government institutions to make data available. Interoperability needs make open-data very complex and eventually also expensive in terms of initial investment Different needs for data of different societal groups require clear concept of utilization and communication ("data for what, for whom"?). Moreover, there is a need for enabling conditions, data protection and privacy and building both individual and institutional capacity of users.

4) DO WE NEED MORE RESEARCH?

- We need more critical policy analysis that investigates the effectiveness of open data for land sector anti-corruption under varying governance conditions. We need to better understand the prerequisites for improvements.

- Data is a reflection of power. The way data is gathered and used, is a reflection of how power is distributed in our societies. It mirrors power dynamics that aim to protect the status quo. Who gets to decide what we collect, how we collect it, what we keep private and what we share

- By opening up data we can challenge distribution of power to allow for greater scrutiny of how decisions are made. It is not surprising that global availability of land data is patchy about who owns and benefits from land.

- The **Open Data Index** and the **Open Data Barometer** have reported that data about who owns and benefits from land to be one of the least available categories of data.

- Impact studies where open data studies were pilioted would be interesting to showcase.

5) WHAT PRACTICAL STEPS CAN BE TAKEN TO PUT OPEN DATA TO WORK IN THE FIGHT AGAINST LAND CORRUPTION?

- The willingness to implement open-data policies are closely related to the general openness of governments to engage in land tenure regularization (or not). With little will to document land rights in many states, the progress of open data will remain limited. We need to build stronger cases why land rights and the documentation of rights have a positive impact on various areas of development to gain more interest among african leaders to invest in land registration systems; this might trigger also more interest to invest into open data

- At the same time, building up grassroots voices that demand more transparency might be a good strategy to build up the pressure on public authorities to invest in land registration.

5) WHAT ARE THE POWER DYNAMICS OF LAND DATA IN THE LIBERIAN CONTEXT? (ELLEN O. PRATT)

- There is open data in other sectors, agriculture, energy, and Liberia actually has an open data platform, not as populated as maybe some other countries, but it's a start. But for land, Liberia has no such system.

- There is political will with regard to the enactment of legislation that created a land agency to combat corruption, fraudulent transactions, etc. This land agency was developed and consolidated land functions from multiple agencies. Then Liberia saw the passage of what is argued to be one of Africa's most progressive land rights policies. Liberis is moving in the right direction, but the challenge lies is in institutional capacity, as well as technical capacity.

- In order for open data to be successful, it has to be participatory. It has to involve these different agencies. One of the challenges in the development of this land agency has been developing the land Information system and having data, which is a prerequisite berfore looking at how is it open.

- One challenge for Liberia is how to understand the technology that best fits the context of 63%, illiteracy and less than 5% of the country electrified. The issue of the internet is a very urban issue; in rural areas, there is barely phone coverage, much less internet coverage. Most Liberians outside of the cities do not own a smartphone. All of this needs to be taken into account with regard to the use of open data and how effective it can be for the citizens of LIberia.
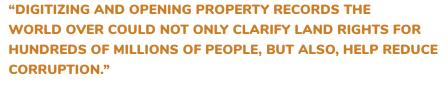
6) WHAT IS THE FUTURE OF DATA IN ANTI-CORRUPTION WORK IN RELATION TO LAND?

- Thee is a need to better understand how to create the conditions under which marginalized and disadvantaged groups are empowered to access and use data on land ownership to secure their property claims, to seek justice, and to address corruption.

- Not all data must be open by default; there is a need to engage with communities to define high value land governance data and for systems to be open data ready, while the proprietary control of land ownership and use data must be ruled out.

- There is a need to devise open data systems for rural areas that conform to pro-poor criteria such as affordability and that adjusted in terms of accessibility and availability.

Notable Quotes from the Panelists

"DIGITIZING AND OPENING PROPERTY RECORDS THE WORLD OVER COULD NOT ONLY CLARIFY LAND RIGHTS FOR HUNDREDS OF MILLIONS OF PEOPLE, BUT ALSO, HELP REDUCE CORRUPTION."
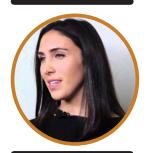
- TIM HANSTAD, CEO OF THE CHANDLER FOUNDATION

"LAND CORRUPTION IS MUCH MORE COMMON THAT WE THINK. IT RANGES FROM INTERNATIONAL MONEY LAUNDERING THROUGH LAND AND REAL ESTATE OPERATIONS, TO FORGERY AND BRIBERY OF LAND TITLES. IF WE REALIZE HOW IMPORTANT LAND IS SOCIALLY, ECONOMICALLY AND ENVIRONMENTALLY, THEN THIS SHOULD NOT BE ENTIRELY SURPRISING."

- DR. MARCELLO DE MARIA, POSTDOCTORAL RESEARCHER, UNIVERSITY OF READING

"REALLY HEARING THE VOICES OF VULNERABLE WOMEN AS WE LOOK AT THESE SOLUTIONS IS KEY. WE NEED TO UNDERSTAND WHO WE ARE TRYING TO PROTECT, AND PUT IN PLACE SAFEGUARDS AND MECHANISMS THAT WILL ACHIEVE THAT PURPOSE."

- ELLEN O. PRATT, COMMISSIONER, LIBERIA LAND AUTHORITY

"TALKING ABOUT ANTI CORRUPTION DOESN'T OFTEN SIT WELL WITH POLICYMAKERS, SO WE HAVE TO THINK ABOUT HOW TO SHARE STORIES ABOUT THE BENEFITS OF OPEN DATA IN POLICY DISCUSSIONS."

- DR. ANDREAS LANGE, SENIOR ADVISOR, RURAL DEVELOPMENT AND FOOD SECURITY, DEUTSCHE GESELLSCHAFT FÜR INTERNATIONALE ZUSAMMENARBEIT (GIZ) GMBH

"LAND ADMINISTRATION AND MANAGEMENT NEEDS TO BE TRANSPARENT, EFFICIENT AND PARTICIPATORY, WHILE ENSURING YOU KNOW THAT THE OUTCOMES ARE ALSO EQUITABLE."

- ANIA CALDERON, EXECUTIVE DIRECTOR, OPEN DATA CHARTER

"WHEN WE TALK ABOUT A REGULATORY OR A BUREAUCRATIC RESPONSE TO CORRUPTION, THE EFFECT IS USUALLY CONDITIONED BY THE POLITICAL SETTLEMENT. IF THERE ARE ELITES WHO ACTUALLY SUPPORT RESOLVING THESE CHALLENGES, THEN THE CHANCES OF SUCCESS ARE POTENTIALLY QUITE GREAT. "

- ALED WILLIAMS, SENIOR ADVISOR, U4 ANTI-CORRUPTION RESOURCE CENTER