



APPROACHES FOR ERADICATING CORRUPTION IN LAND REGISTRATION TITLES IN DEVELOPING AFRICAN COUNTRIES

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ABSTRACT

Land registry remains a cesspit for bribery and corruption in most emerging economic worlds. This challenge has been an obstacle in the wheel of effective land management. Land's unique characteristics makes it attractive to all, everyone wants it at all cost including those that could not afford it, hence high increase in land grabbers. The only legitimate mean

Introduction

Land is the mother of every human activity from time immemorial (Food and Agriculture Organisation, F.A.O, 2016). "It is the habitation of man, the sources from which he must get his supplies and the resources to which labour must be committed in order to satisfy all of his demands. We are born on the soil, live there, and eventually return there. If you strip a man of everything, he has to do with land, all that remains of him is a ghost".

It is known internationally that land remains the solid part of the earth surface (Gregory, 2010; Dech, 2005). Other unique characteristic of land such as immovability, relative fixed in Supply, low cost of creation, heterogeneity, market for real estate, appreciation in value, economic rent, indestructibility, law of diminishing return, the use of specialists, durability etc. make land such an indispensable asset. Land registration the system by which all matters concerning possession, ownership, or rights conveyed in land can be registered and recorded with the government to provide evidence of title, facilitate transactions



of providing authority and exercising ownership conveyed on land is by registration of land titles with government. In most of developing African countries the machineries for land monitoring and management is inadequately available. Many forms of corruptions evident in different stages of registration of land titles. This paper however, reviews the multifaceted corruption in land titles registration in developing African countries and efforts made by some African to ameliorate corruptions by some land related laws and Acts of parliaments. Other approaches for eradicating corruptions in land title registrations were also established and explained.

Keywords: Land management, Registry, Corruption, Land title, Land grabbers

and prevent the unlawful transfer of ownership (Resolution Law Firm, 2020). Olubodun and Onukwuli (2010), opined that land titles' registration is crucial to providing evidence of individual ownership of land. Land title registration remains the only reputable document that may be used to verify the legitimacy of a land interest. Lack of adequate land registry and proper documentation has led to land grabbing in Nigeria, Olabampe (2021) observed that land grabbing of various types and consequences has become extremely common in Nigeria. Land grabbing is a relative threat to rural land (Ibeagwa et al., 2022)

Efforts to improve land title registration have greatly expanded in recognition of its relevance in enhancing property rights. Land as a fixed and non-renewable resources and with its indispensable nature, make land prone to a number of unlawful and unethical behaviours among all parties in land sectors (Barrya and Whittal, 2016).

Also, there have been many difficulties in the registration of property titles, including delays in the creation of site plans, leasing contracts, and the completion of title registration forms. Though, title registration helps to ascertain possession of interest in land with the approved authorized government agencies in a particular state. This facilitates real estate



transactions, supports legal advancements, promotes regularization in land-related concerns, and helps to avoid illegal disposal, which differs depending on the jurisdiction (Babajide, 2014).

Nevertheless, land sector in African countries experiences multifaceted corruption, which are still persistent (The World Bank, 2014). In African countries corruption in land administration emanates from different directions of which land grabbing is a part (Ibeagwa et al., 2022). Corruption in land administration might come in form of misuse of office for personal benefit (UN-Habitat, 2004), small-scale bribes, misappropriation, illegal payments for title registration, illegal acquisition of official documents and approval of building permits, among others which can be administrative or political corruption (Transparency International, 2011). Self-interest, favouritism, nepotism, and clientelism are the causes of this. Long-term national or municipal land plans among other things are jeopardised by administrative or/and political corruption.

The rule of law, democracy, and human rights are all weakened by corruption, which also affects good governance, equity, and social justice. Corruption also distorts the market, inhibits economic growth, and threatens the viability of democratic institutions and the moral pillars of society (Brankov & Tanjevic, 2013). Thus, understanding the level, pattern and nature of corruption in land sector is necessary to provide effective measure to combat it (The World Bank, 2013). Amidst different forms of corruption in the land sector such as political corruption is usually extremely hard to document. Although, the operation of corrupt practices in land sector is not visible but its evidence is observable and destructive to any nation. Therefore, measures to totally combat this issue is needed to protect the present and future of African countries from chaos.

This paper therefore examined different forms of corruption in Land Registration Titles in developing African countries with a view of postulating approaches for Eradicating these discovered forms of corruption.

RESEARCH METHODOLOGY

Secondary sources of data were employed. Published articles, textbooks and sourced internet materials were used for this academic research



Land Title Registration challenges in Africa

Land registration is a process for formally documenting land rights through deeds or titles to interests in real estate (Aravind and Christmann, 2011). This connotes an official record (the land register) of right on land or deed of changes in the legal state. Land title helps to express the legal owner of a parcel of land (Addai, Owusu, poku-Gyamfi & Gyambibi, 2011; Olubodun & Onukwuli, 2011). However, in many African countries, there are challenges related to corruption in land sector (Brankov & Tanjevic, 2013). The major difficulties frequently discovered include lack of transparency in land title registration (Adeyinka, 2019). Unprecedented demands on land have been created as new habitats are developed, urban centres continue to grow, or wastelands are created as a result of squalor, land conflict, and climate change (Adeyinka, 2019; Transparency International, 2011). The regulations, procedures, and organizations that regulate which land resources are used, by whom, for how long, and under what conditions have been put under pressure by these advancements.

In the meantime, protection of both rural and urban land via customary land rights and register titles are done through number of laws governing title registration and ownership of land were formed in Northern, Southern, Western, Central, and Eastern Africa. Fundamentally, Land Use Act (LUA) 1978 was established to regulate land issues in Nigeria. Also, other African countries like Mozambique has Land Act 1997; Uganda has Land Act 1998; Tanzania enacted Land Act and Village Land Act of 1999; Niger's Code Rural of 1993; Namibia enacted Communal Land Reform Act 2002 and others from the five sub-regions in Africa Countries were primarily created to control land issues. It is possible to register the usage or leasing of state-owned land in Namibia, Mozambique, and Ethiopia (Byamugisha, 2016; Government of Mozambique, 2005). Customary right holders often can get land titles in nations like Ghana, Niger, Mozambique, and Tanzania where customary rights are safeguarded, in contrast to the systematic land registration and titling programs of the past, although the impact of corruption is still evident in the process. (Chimhowu, 2019; Wily, 2012; International Development Law Organization, IDLO, 2010). However, it must also be



noted that some African countries have maintained or embraced policies abolishing customary systems, as in Eritrea's Land Proclamation 1994 and Burkina Faso's Réorganisation Agraire et Foncière 1984, as amended in 1991 and 1996 (Adeyinka, 2019).

In Nigeria, there are three types of land registration (Oluyede, 1978). These are; registration of instruments, registration of title and registration of encumbrances or charges (Thontteh and Omirin, 2015). The law regulating registration of land instruments is Land Registration Act No. 36 of 1924. which was enacted for the whole country. Though, it was adopted and re-enacted in some states under several terms. Later, the Land Registration Law (LRL) 2015 assist in facilitating registration in the land registry under the supervision of a land registrar who is responsible for recording instruments affecting land in the state and maintaining related records and files (Barrya & Whittal, 2016). Recently, computerization of the entire procedure is one of the modern methods of registration that involves the use of Geographic information system (Magis) and Land Information System (LIS). The methods, which have facilitated to enhance the process of registration and also gives well-defined details, measurements and design efficiency but it is effective in very few African countries (Kombe, Manyilizu & Mvuma, 2017; Akeh, Modu & Butu 2014).

Assessment of Corruption in Africa Land Governance.

Land governance's concept relies on the policies, processes and institutions in which land, property and nature resources are handled, which can be decisions on access to land, land rights, land use and land improvement (Muduva, 2018). According to United Nations Human Settlements Programme (UN-Habitat) (2017), basically, land governance helps in determining and implementing sustainable land policies and foster a strong relationship between people and land. Land governance and proper administration of land related matters are critical for accomplishing economic advancement and physical development in any country (World Bank, 2012). Hence, the existence of corruption in land governance can create stunt growth in the land sector which could affect future land sustainability (Chêne, 2014).



It is not a contravening fact that corruption is very endemic in most Africa land registry governance. Focusing on Nigeria, Transparency International (2019), Nigeria is ranked 144 (out of 180) with a score of 27 percent in the Corruption Perceptions Index 2018. Corruption in the land governance, administration and registration of land titles is on high side that potential land title seekers are ready to disburse adequate bribes beyond the request, to have his parcel of land registered and proceed. For instance, in Nigeria, some segments of land sector reek of corrupt practices in land and housing from the early conception stage to completion. Purchases of land from individuals in almost all the African countries rural and urban centres promotes deceit by greedy landowners and their agents. Many of them sell same plot of land to many prospective buyers and also forge land title to present to others and if the buyers are not knowledgeable about his right to visit the land registry to confirm the authenticity of the land then the illegal transaction will be perfectly concluded. This has taken the lives of numerous victims in such situation. Therefore, for the strategies to curb corruption in land sector to be effective, Adeyinka (2019) opined that the followings should be properly supervised, monitored and restructured:

- Land tenure
- Urban land use planning and development
- Rural land use and land policy
- Land valuation and taxation
- Public land management
- Public provision of land information
- Dispute resolution
- Large scale land acquisition

Forms of Corruption in Land Sector in Africa.

The immovability of land by all means makes land and exceptional resource and by that nature becomes incapable of expansion. Otherwise, there are marginal increases through reclamation. According to Adeyinka (2019), corruption in land sector at several stages in our societies is a behavioural consequence of power and greed. With no title, corruption is covert, unscrupulous, monotonous, powerful and reliant



upon dominance. According to Transparency International (2013) are numerous areas of land sectors that are prone to corruption in immeasurable forms. These includes; land administration, customary land tenure, management of state-owned land, land use planning, conversion and investments and payments for environmental services among others. The main risk factors are inadequate land laws and procedures and unclear institutional tasks or property rights, absence of transparency in several stages, procedures and bureaucracy. The below table explains some areas liable to corruption in land sector along with it forms and the risks involved. Table 1 displays the prone areas to corruption in land sector and the risk forms involved

Table 1: Prone areas to corruption in land sector and the risk forms involved

Corruption Prone Areas	Corruption Risk Factors	Forms of Corruption
Land use planning, conversion and investments	<ul style="list-style-type: none"> -Lack of transparency of planning processes and land allocation procedures; -Opaque, slow and bureaucratic processes; for issuing building development permits; -Unclear land use and property rights; -Lack of effective complaint, grievance, independent oversight and enforcement mechanisms; -Lack of sovereign. 	<ul style="list-style-type: none"> -Capture of rents and profits originating from land conversion and re-zoning by government officials and investors; -Abuse of government official's' discretionary power to propose real estate and land developments that increase the value of her/his personal property; -Acquisition of land through state capture and/or by investors and developers having received insider information from government officials; -Bribery of government officials by Individual, Investors and/or Developers.
Land Administration	<ul style="list-style-type: none"> -Insufficient land laws and measures; -Excessive or unpublished fees for land services; -Lack of recognition of land uses and rights; -Under-developed and non-transparent 	<ul style="list-style-type: none"> -Bribery of officials and law enforcement authorities; -Fraud and production of fabricated land certification.



	land registration systems; - Existence of multiple land management authorities; - Uneven practices in the assemblage of land taxes; - Lack of active compliant, grievance and oversight mechanisms.	
Payments for environmental services	-Lack of legal recognition of tenure rights; -Lack of recognition of protected areas and lands reserved for environmental protection; -Opaque, slow and bureaucratic payment systems.	-Capture of funds by developers, investors and government officials; -Acquisition of parcels eligible for payments by developers, investors, and government officials.
Customary land tenure	-Lack of legal recognition and delineation of customary land; -Traditional practices of payments and exchanges; - Opaque systems and lack of clarity in allocation of land; -Monetarisatation and speculation on land sales.	-Abuse of power by chiefs; - Conversion of property and capture of revenues by chiefs and powerful personnel; - National institutions and business interests override local land rights.
Management of state-owned land	-Lack of inventory, delineation and management of state land; - Irregularity of land prices for disposal and acquisition; - Unclear institutional responsibilities and decision mechanisms; - Clarity of regulations for leasing land or exercising eminent domain.	-Bribery of government officials to obtain public land at a segment of market value; -Influencing compulsory land acquisition and compensation processes - Uneven conversion of property and land classification status by government workers.

Adopted from: Adeyinka (2019)

Detrimental Consequence of Corruption in Land Sector

Corruption has the greatest devastating effects in majority of African developing countries because it obstructs several advances in economic advancement and democracy (UNDP, 1998). Global complexity of land sector has permitted diverse atrocity in land-related issues. When corruption in the real estate industry is being investigated, transparency in land title registration should not be considered separately. For example, across the majority of Nigeria's rural and urban areas, western region of Africa, land information is documented, managed and disseminated in an emblematic structure as hard-copy, indicating that



contemporary land information administrative system is at infancy level while this increases the level of bribery and others corrupt practices (Gupta et al. 2002; Rose-Ackerman & Palifka 2016). Therefore, the development of the rural and urban land sectors will be interrupted if the level of openness in the land registration is insignificant, which might not be good for society as a whole. Therefore, the degree of transparency should not be restricted because it blatantly encourages the release of all pertinent information to all parties involved.

Measures to Improve Transparency in Land Sector/Strategies to Curb Corruption.

Anti-corruption measures must be adopted to ensure possibility of corrupt-free system, which should be encouraged in all Africa sub-regions. These are measures capable of been effectively rooted, reasonable and well-defined at a wider level of law and regulations, operational process and procedure level (Babatunde, Kemiki, Abdulkareem & Fabunmi, 2014). The instruments should be capable of safeguarding land tenure security, regulating the dynamism of land market, land use control and development, land reform, land taxation and management of natural resources among others. The instrument to be adopted should focus on stakeholders from different altitudes in the land sector. Using the chat below is the classification of anti-corruption measures focusing on individual groups to penetrate the land sector at large for a corrupt free system. These are societal anti-corruption measures, organization anti-corruption measures and individual anti-corruption measures.

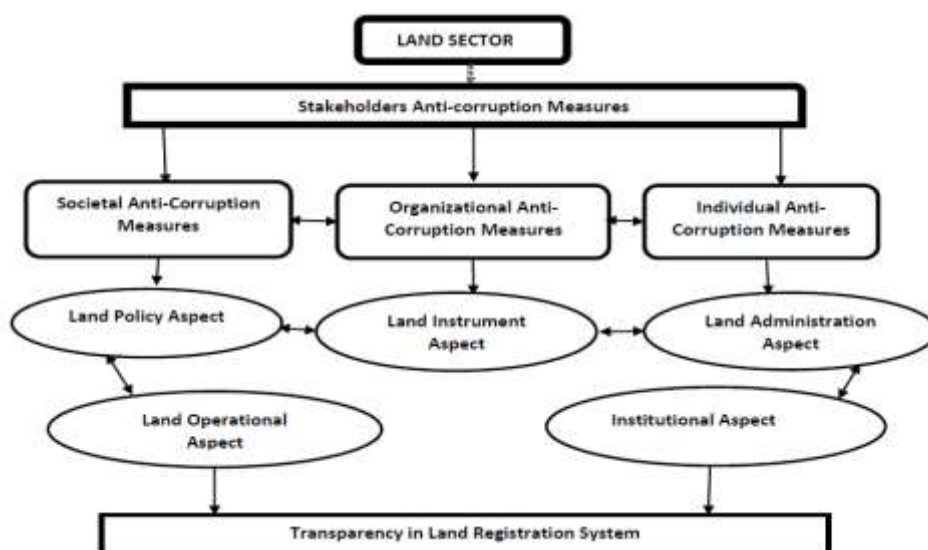


Figure1: Classification of Individual Stakeholders



Formation of inventory of registered land tenure

Creation of inventory will help to ascertain the ownership of every unit of land in the land registry. This will aid prevention of land grabbing. The nature of corruption in all sectors is always hidden in which land sector is not exempted. The practice of fraud, bribery and nepotism, among others, occurs in an atmosphere of secrecy. All land must be documented in the central registration system at the time of transaction to be legally valid and have legal priority over unregistered interest in land. This is the principal rationale for the existence of land registers, where rights to land and their right-holders are registered under the certified authority.

Open access to information on ownership, value and use of land

Openness in an entity or organizational practice promote transparency. An achievement of open access of ownership, value and original land use could be ascertained through the adoption of blockchain technology. Blockchains' are useful technologies in recent years, especially within the IT community and the financial services industry. It is a technological application that involves creating verification records for digital files such as documents/or transactions on land. These verification registers are the uniquely identifiable 'fingerprints' of the actual files. These verification records are grouped into categories called Block (Luisanna et al. 2014). Each block is then added to a chain of blocks such that it bears a verification record of the block that preceded it. This creates a chain of fingerprints tracing back to the first block. The information stored will be intact in previous blocks without changing the succeeding blocks. Therefore, if blockchain technology is adopted in all Africa land registry, there will be transparency, accountability and simplicity of every single transaction because it makes verification records approachable without jeopardizing the security of the original documents. Therefore, everyone can trust that the person who has the original document and who can recreate the verification records, is telling the truth.

The following can be considered as merits of block chain technology:

- ❖ It gives open access for public inspection which promotes monitoring of illegal land-related transactions.



- ❖ It also limits personal privacy protection by avoidance of hidden illegal interests#
- ❖ It regulates procedures for decision making, recording and dissemination of information.
- ❖ There is no change in inventory without source document that justifies the change (title application, deed, other document), to prevent double registration of single parcel of land and several illegal land transactions
- ❖ It limits discretionary proficiencies to prevent concentration of powers

Computerization

Availability of information and access to data are peculiar in land registry especially in land systems where large amounts of data are involved is hardly possible without adoption of information and communication technology (ICT). The benefits of automation in our recent world cannot be overlooked. It reduces land officials' bulky operational assignment, reducing direct contacts between officials and customers, guaranteeing easy access, and monitoring of processes becomes possible and improves transparency. The aim of the possession rights was one of the establishment of a corruption-free land sector, ascertain security of tenure, transparent and secured land registry system through a balanced framework of institutional, legal, administrative, financial and technological reforms

Conclusion

Land sectors requires a comprehensive development strategy involving legal reform in areas other than land (property ownership and management, contract, family, and succession law), and concerted policy formulation in major areas relating to agriculture, rural development and food security (access to credit, training/awareness and extension; marketing and trade; etc. Hence, Information and Communication Technology (ICT) tools must be adopted. Very friendly software applications admissible on all mobile operating systems need to be invented in order to make transparent all processes involved in land registration and avert corruption.

An adoption of methods like Digital Public Services, Crowdsourcing Platforms, Whistle blowing Tools, Transparency Portals, Grass Root Awareness, Big Data, Distributed Ledger Technology (DLT), and Artificial



Intelligence (AI) are to be provided in all land units, land ministries and offices of village leaders/heads.

Highly secured websites dedicated to only land activities should be created by Government at all level of governance in order to ensure all coordinates of parcels of lands and their respective owners are enlisted. The newly emerging distributed ledger technology (DLT) and blockchain technologies are also anticipated to have great potential for promoting transparency and accountability in the land sector. Although, the impact and added value of blockchain technology is yet to be determined as its implementation in land sector is yet to be experiment in Africa. Inventions of ICT in land title registration system in all Africa sub-regions will promote anti-corruption measures in variety of ways.

Awareness should always at a regular interval on land titles' registration be created to the members of public through newspapers, television, radios and workshops or seminars.

Also, government at various levels should collectively empower, encourage and create an implementation measure to achieve a corrupt free land sectors system in Africa sub-region.

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