



Fédération Internationale des Géomètres
International Federation of Surveyors
Internationale Vereinigung der Vermessungsingenieure

**EXPERT GROUP MEETING (EGM) ON
TRANSPARENCY IN LAND ADMINISTRATION(TLA)
A CAPACITY BUILDING AGENDA FOR SOUTH AND
SOUTH EAST ASIA**

Universitas Gadjah Mada
Yogyakarta, Indonesia
20 - 21 July 2010

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**EXPERT GROUP MEETING (EGM) ON
TRANSPARENCY IN LAND ADMINISTRATION(TLA)
A CAPACITY BUILDING AGENDA FOR SOUTH AND
SOUTH EAST ASIA**

**Opportunities to Enhance Land Governance
in South and South East Asia**

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Greetings from  Council & Office



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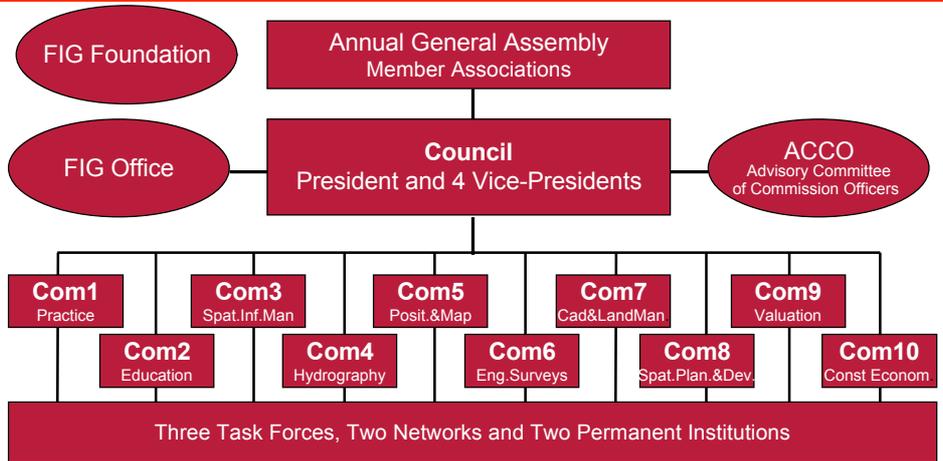


102 FIG member associations from 83 countries

30 affiliates, 34 corporate, 18 correspondents and 85 academic members



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The International Federation of Surveyors
Organizational Structure



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“Building the Capacity”

A broad concept – including societal, institutional and individual level.

Addressed through FIG activities at all levels, council, task forces, commissions. Providing guidance for government, members associations and individual surveyors on capacity development.



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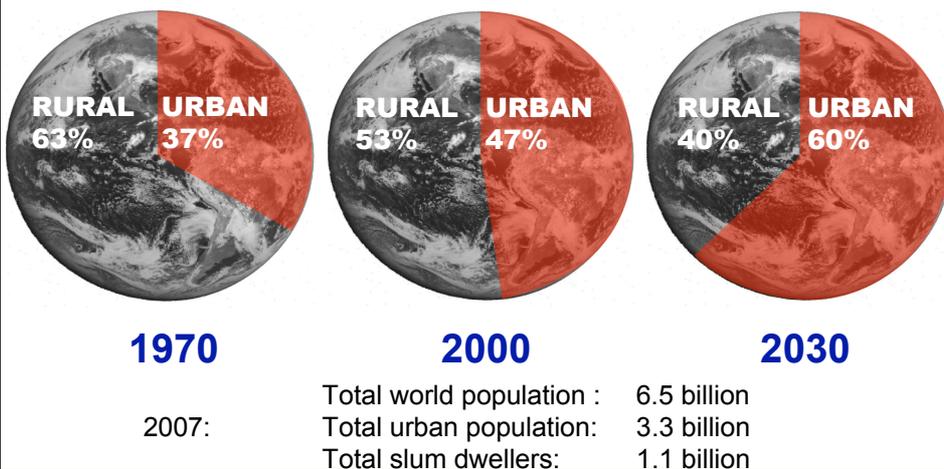


Land, in an economic sense, includes all naturally occurring resources. The air, the ground, the minerals, the water is included in the definition of land. Everything that is freely supplied by nature is categorized as land and natural resources, whose supply is inherently fixed, are fundamental to the production of all goods, including capital.

Land is finite and is the common heritage of humankind and land distribution holds the key to the prosperity and social justice of many a nation.

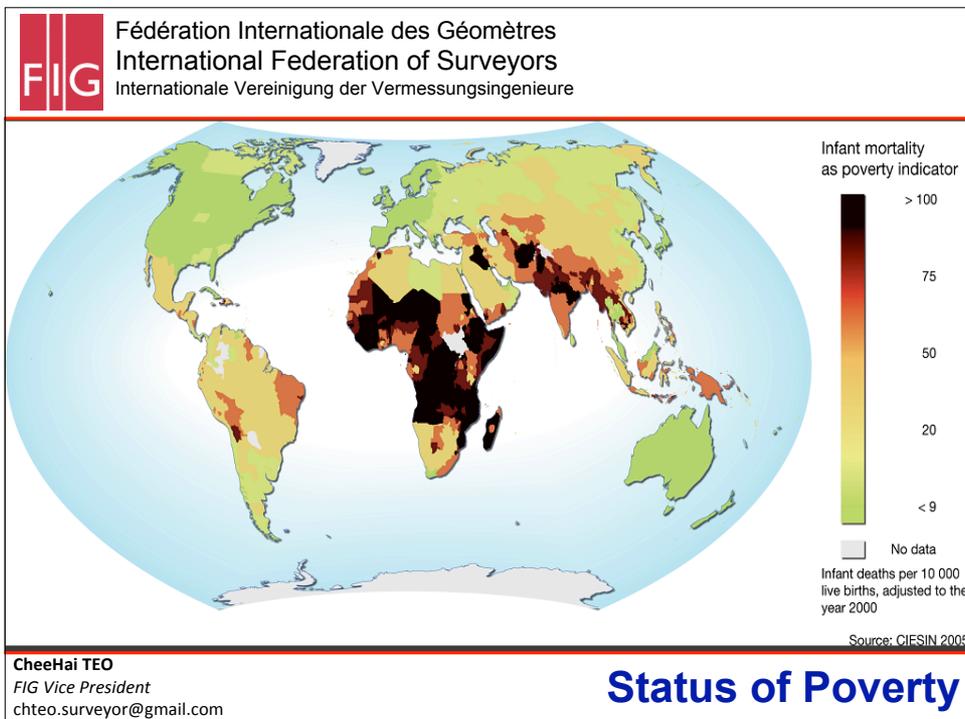
"Secure land tenure and property rights are fundamental to shelter and livelihoods, and a cornerstone for the realization of human rights and for poverty reduction" (UN-Habitat)

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Urban Population Growth





*“One of the most successful efforts of economic upliftment of the poor people ever carried out in any developing country . . .
Land for the Landless . . .
Good Land for Good People”*

(Tun Abdul Razak, Malaysia’s 2nd Prime Minister)



Photo 1.1 Tun Abdul Razak (front) visiting the Iseruh Rilau Fields scheme. The walkabout management style of Fields and the leaders of the country helped to boost morale in the early days when rugged terrain and lack of infrastructure prevailed in the early fields schemes

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Laos:

Design 1993
Pilot 1994
LTP I, II 1994 – 2009

Thailand:

Design 1982
LTP I-4 1984-2004
Plans for computerization

Cambodia:

Design 2001
LMAP 2002 – 2009
On-going activity

Malaysia:

Qualified Titles 1960s
Pilot DCDB 1986+

Singapore:

Evolution to titles 1950s
Cadastral reform – 1990s

Indonesia:

Design 1993
LAP 1994-2001
LMPDP 2004-on-going

Japan:

~1945+

China:

New policy 1986
Pilots 2006-on-going

Taiwan:

~1945+

Philippines:

Design 2000
LAMP I 2001-2005
LAMP II 2005 on-going

Vietnam:

Pilots 1990-2005
New Laws 1993-2003
VLAP 2008- on-going

Timor Leste:

Pilots 2003 – on-going

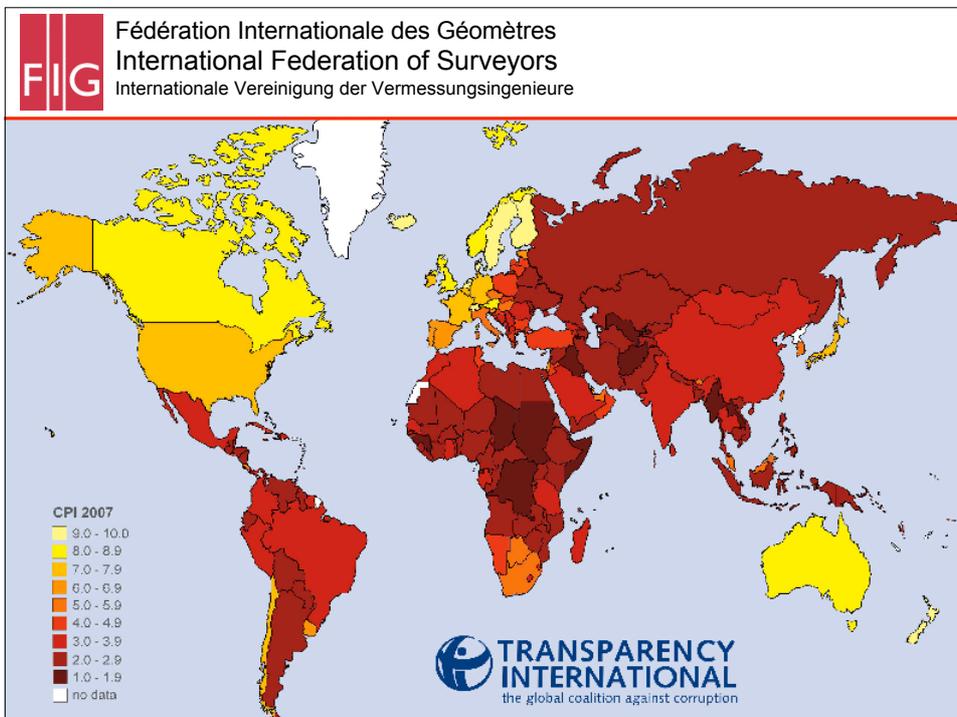
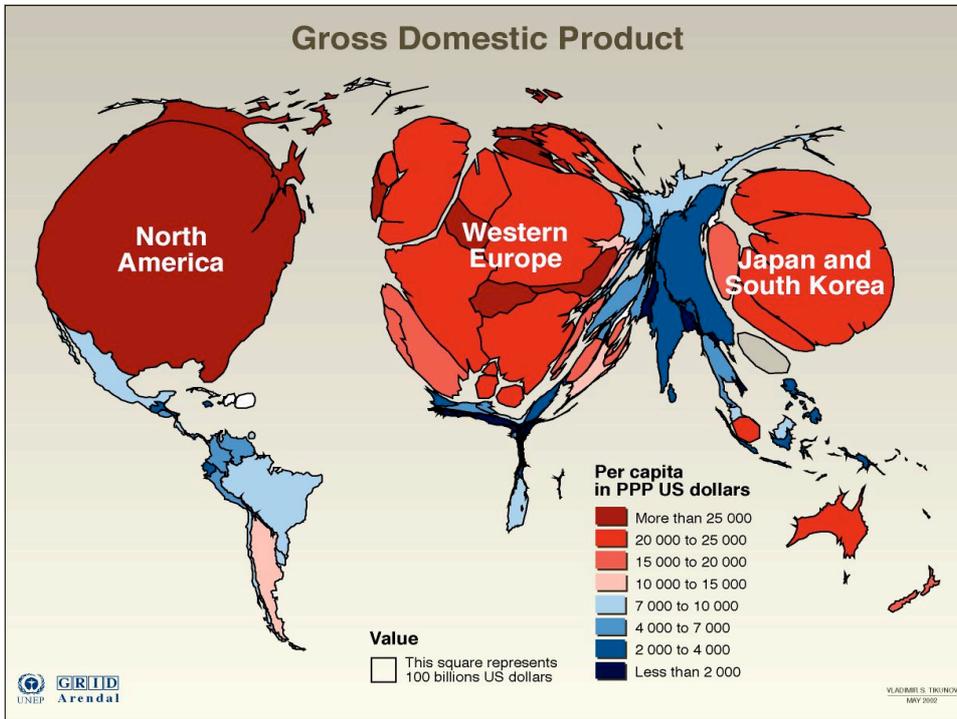


(Land Equity International)

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The 2009 Global Corruption Barometer (Transparency International) -

- for the first time, corruption in relation to land was included;
- participated by more than 73,000 people from 69 countries

Q In the past 12 months have you or anyone living in your household paid a bribe in any form to each of the following institutions/organisations?

Q How serious do you think is, in this country, the problem of bribes being paid to land authorities to obtain favourable decisions in selling, buying, leasing, inheriting and registering land, or in land tax declaration, or in handling land disputes?

Q How serious do you think the problem of grand or political corruption in land matters is, in this country?

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Malaysia

Transparency International: Global Corruption Barometer 2009:

5% of the households surveyed reported to have paid a bribe to land services in 2008.

33% of households consider grand or political corruption in land matters to be a 'very serious problem'.

28% of respondents consider bribes to land authorities to obtain favourable decisions a 'very serious problem' in Malaysia.

Transparency International Malaysia: Transparency Perception Survey 2007:

21% of corporate respondents name the Land Office as the most, the second most or the third most corrupt public institution.

www.business-anti-corruption.com

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Thailand

Transparency International: Global Corruption Barometer 2009:

8% of respondents in this household survey report to have paid a bribe to land services in 2008.

53% of households consider grand or political corruption in land matters to be a 'very serious problem'.

35% of respondents consider bribes to land authorities to obtain favourable decisions a 'very serious problem' in Thailand.

Office of The National Anti-Corruption Commission 2009:

The average amount of bribe paid to the Lands Department amounts to TBH 8,933 per case in 2009.

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India

Transparency International: Global Corruption Barometer 2009:

12% of the households surveyed reported to have paid a bribe to land services in 2008.

43% of households consider grand or political corruption in land matters to be a 'very serious problem'.

52% of respondents consider bribes to land authorities to obtain favourable decisions a 'very serious problem' in India

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India

Transparency International India & CMS: India Corruption Study with Focus on Below Poverty Line Households 2007:

36% of the households availing the services of the land records/registration during the previous year report having paid bribes - the second highest figure among the institutions surveyed (9.7% used a contact and 4% did not take the service because they were asked for a bribe).

69% of the households surveyed perceived the land records/registration to be corrupt.

82% of the bribes are paid directly to the land records/registration officials, while 17% of the bribes are paid through a middleman, as reported by the surveyed households.

It is estimated that a total of INR 1.24 billion is paid bribes per year to the land records/registration.

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Republic of Korea

Transparency International: Global Corruption Barometer 2009:

None of the households surveyed reported to have paid a bribe to land services in 2008.

17% of households consider grand or political corruption in land matters to be a 'very serious problem'.

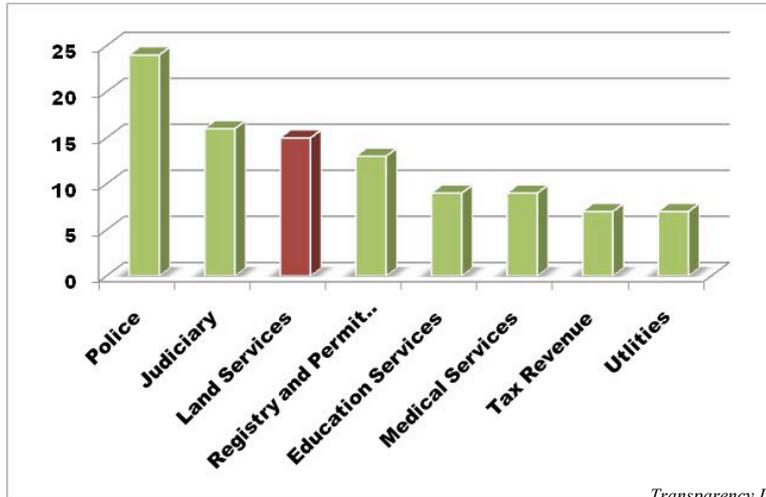
17% of respondents consider bribes to land authorities to obtain favourable decisions a 'very serious problem' in Korea.

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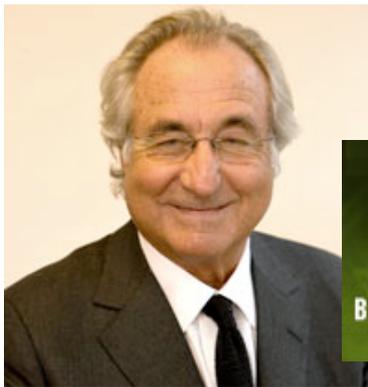
Transparency International

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Percentage of people who reported paying bribes
by service



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Your home may not be your own, says expert

By [Anne Gibson](#)

4:00 AM Wednesday Jun 16, 2010

Safe as houses, right?

Not according to a legal expert who holds fears about the system which says who owns a property.

Rod Thomas, a barrister and senior lecturer at the Faculty of Business and Law at Auckland University of Technology, said the property registration system was open to abuse.

Land transfer is prone to fraud or error and while you might own your house and think your name is registered on the title, you could be wrong, he says.

Title registration is at the mercy of dishonest or incompetent conveyancers, he says, criticising the electronic system operated by the Government's Land Information New Zealand.

Either through fraud or a lawyer's mistake, someone else could be the legal owner of your property, Thomas said.

Even if your name is on the title today and you have a copy of the title to prove that, the property could easily be transferred into someone else's name without your authority or knowledge, Thomas claims.

"We've heard of leaky-home syndrome, well this is leaky-title syndrome," Thomas said.

A lawyer can fill out a transfer form, saying they are representing the homeowner and transfer the title, he says.

The system is ripe for exploitation, he says. He recommends it be changed so homeowners each have a



Land Information New Zealand says it has robust security measures and systems in place. Photo / Janna Dixon

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"Few will disagree that inappropriate land policies can constitute a serious constraint on economic and social development: insecure land tenure, outdated regulations, and dysfunctional land institutions constrain private investment and undermine local government's ability to raise taxes in many countries. Highly skewed land ownership distributions and discrimination along lines of gender or ethnicity limit economic opportunities for the disadvantaged groups and, in addition, foment social conflict - which has often erupted in violence. However, the complexity of the subject and the fact that change is often fiercely resisted by vested interests benefiting from the status quo have historically frustrated many efforts to bring about policy change."

(World Bank)

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“As economic growth shifts into reverse, poor households are increasingly forced to make impossible choices in allocating scarce resources”

(Huguette Labelle. TI Chair)

“Do parents pay a bribe so that a sick child can see the doctor or do they buy food for their family? It is simply unacceptable that families continue to face these decisions.”

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Good governance is:

§ Sustainable and locally responsive: It balances the economic, social, and environmental needs of present and future generations, and locates its service provision at the closest level to citizens.

§ Legitimate and equitable: It has been endorsed by society through democratic processes and deals fairly and impartially with individuals and groups providing non-discriminatory access to services.

§ Efficient, effective and competent: It formulates policy and implements it efficiently by delivering services of high quality

§ Transparent, accountable and predictable: It is open and demonstrates stewardship by responding to questioning and providing decisions in accordance with rules and regulations.

§ Participatory and providing security and stability: It enables citizens to participate in government and provides security of livelihoods, freedom from crime and intolerance.

§ Dedicated to integrity: Officials perform their duties without bribe and give independent advice and judgements, and respects confidentiality. There is a clear separation between private interests of officials and politicians and the affairs of government.

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(Adapted from FAO, 2007)



Land governance is about the policies, processes and institutions by which land, property and natural resources are managed. This includes decisions on access to land; land rights; land use; and land development. Land governance is about determining and implementing sustainable land policies.

(Enemark)

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Land Governance



Key Principles in LA System	Implications of Poor Governance	Examples of Possible Improvements
A variety of land rights are legally recognized and protected		
<ul style="list-style-type: none"> • Variety of rights recognized (sufficient duration/security): <ul style="list-style-type: none"> ○ Private rights ○ Commons ○ Customary rights ○ Public land (public use, protection, future use/land bank) 	Encroachment, exclusion, informality, illiquidity of assets, limited land markets	Policy formulation, legislation – examples, Tanzania, Uganda Systematic registration – examples, Thailand, Peru
<ul style="list-style-type: none"> • Condominium (multi-storey dwellings) law 	Informality, illiquidity of assets, limited land market	Legislation and systematic registration – examples Macedonia, Slovenia
<ul style="list-style-type: none"> • Linkage between rights and use (exercise of rights) 	Speculation, idle land, informal settlement, social unrest	Policy formulation, legislation – Philippines (idle lands tax) Systematic registration - examples Bolivia
<ul style="list-style-type: none"> • Externalities impacting on rights (particularly for peri-urban areas): <ul style="list-style-type: none"> ○ Administrative boundaries ○ Land classification ○ Land use planning/zoning ○ Construction codes 	Informality, rent seeking by officials	Policy formulation, legislation – examples Peru Formalization of unplanned settlements – examples Tanzania (land use planning), Peru (construction) Forest boundary definition – examples Thailand, Philippines
<ul style="list-style-type: none"> • Spatial extent of rights clear 	Lack of clarity of rights, overlaps/gaps in rights, increased disputes	Creation of spatial framework/linking textual records – examples Andhra Pradesh (India)

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(Tony Burns)



The Corruption in *South Asia* report 2002 recommends -

- (1) institutionalize user surveys in order to enhance the influence of public feed back to the policy environment,
- (2) Strengthen accountability in order to close the 'accountability vacuum',
- (3) set norms and standards in order to make officials accountable for the service delivered, and
- (4) enhance citizen participation in governance in order to mobilize the role of civil society as a force for improvement of services

(TI, 2002c)

Transparency is widely recognised as a core principle of good governance: transparency means 'sharing information and acting in an open manner', 'it allows stakeholders to gather information that may be critical to uncovering abuses ...'

(UN-Habitat 2004)

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Professionals should be increasingly be reminded their ethical responsibility
(Makthimo, 2004)



"A Code can stiffen the backbone of PEOPLE who want **to do the right thing** when their organization demands otherwise".



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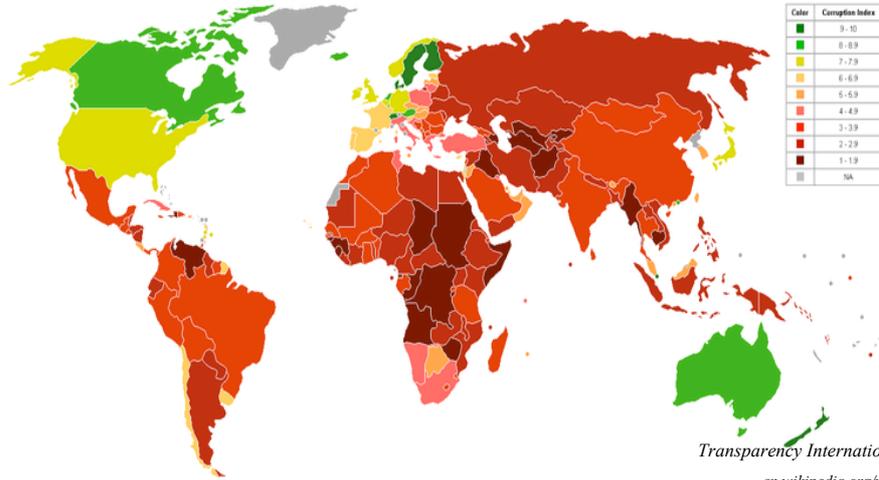
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**Building the Capacity
and Ethics**



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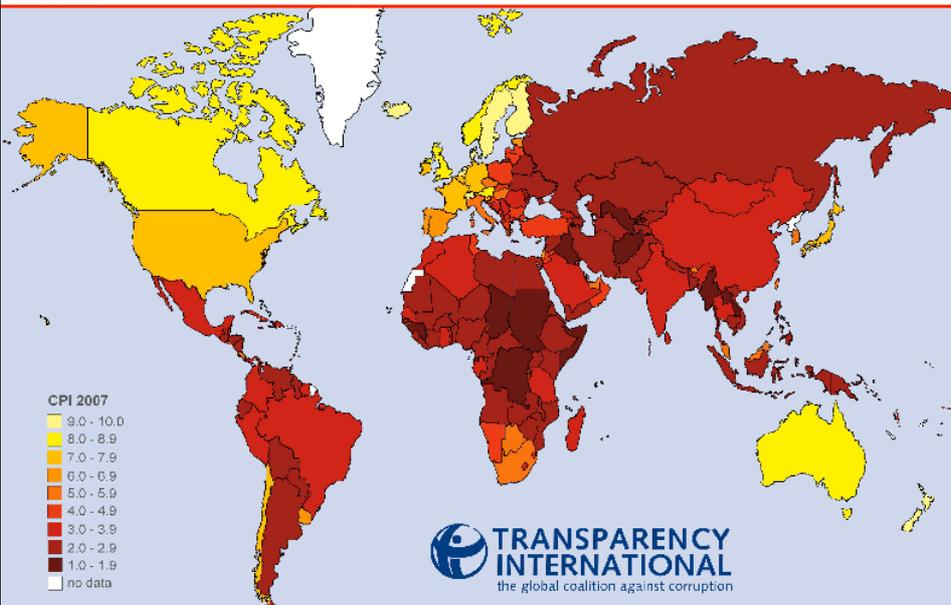


Transparency International
en.wikipedia.org/wiki/

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Opportunities Exist to Enhance Land Governance in South and South East Asia



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FIG Working Week
- Bridging the Gap Between Cultures
Marrakech, Morocco
May 18-22 2011



2014 FIG Congress & General Assembly

Kuala Lumpur Convention Centre
Kuala Lumpur, Malaysia

11 - 16 May, 2014