

## Open Land Data in the Fight against Corruption

### Online Discussion - Concept Note

#### Setting the Scene

The global data revolution has undoubtedly reached the land sector. Land information is increasingly created, stored and shared as data. New technologies to capture, monitor or analyze land data are increasingly being developed. These innovations could very well be the catalyzing factor that is necessary to bring this data where it can be put to good use to achieve land tenure security for all, at a speed and scale that would otherwise not be possible.

The land sector is regularly ranked among the sectors where people are most likely to pay bribes for access to services, according to Transparency International's Global Corruption Barometer.<sup>1</sup> Corrupt government action and the looting of state property are often considered a priority development challenge. There are five factors that contribute to corruption in the land sector: (a) lack of transparency, (b) weak governance, (c) no or poor accountability, (d) no or poor law enforcement, and (e) no proper participation of civil society actors.

A lack of transparency feeds into weak governance, poor accountability and poor civil society engagement. Open Data has been put forward as a tool to increase transparency, support innovation and increase civic engagement. Open Data is data that can be freely used, shared and built-on by anyone, anywhere, for any purpose.<sup>2</sup> The argument that open data, as a key public good, empowers citizens to gain more insight on government spendings and decisions and gives them the power to hold their governments accountable for those actions, is one of the main arguments used in support of Open Data.<sup>3</sup>

In 2014, the G20 officially recognized the importance of Open Data in the fight against corruption, highlighting that they believe Open Data can shed light on government activities, decisions, and expenditures; as well as increases levels of accountability, allowing citizens and government to better monitor the flow and use of public money within and across borders.<sup>4</sup> The ever-growing amount of Open Data initiatives show that Open Data as an anti-corruption tool is gaining momentum.

Not surprisingly given the fact that the land sector has long had corruption issues, the Open Data Charter has marked the land register as one of the key datasets to open up in their "Open Up Guide: Using Open Data to Combat Corruption" for governments.<sup>5</sup> Still, land ownership data systematically ranks lowest on the Global Open Data Index or the Open Data Barometer: year after year, the land ownership dataset is marked least likely to be open. This issue persists within and across all regions. The Land Portal's State of Land Information reports piloted in four East African countries corroborate these conclusions, none of the key land data categories are completely open. The land ownership chapter in the 2019 State of Open

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<sup>1</sup> Afrobarometer 2018.

<sup>2</sup> Open Definition, Open Knowledge.

<sup>3</sup> OECD. (2017). Compendium of good practices on the publication and reuse of open data for anti-corruption across G20 countries: Towards data-driven public sector integrity and civic auditing. Paris: Organisation for Economic Co-operation and Development.

<sup>4</sup> <http://www.g20.utoronto.ca/2015/G20-Anti-Corruption-Open-Data-Principles.pdf>, p.2.

<sup>5</sup> Open Data Charter. (2018). Open up guide: Using open data to combat corruption. <https://open-data-charter.gitbook.io/open-up-guide-using-open-data-to-combat-corruption/>

Data report also concludes that, when it comes to land ownership data, “we are confronted by a transparency gap and a messy reality of patchy and overlapping recordkeeping and data systems”.

The question we are faced with is: how can we leverage the Open Data revolution to ensure that data related to land ownership becomes open in ways that can be used to tackle land corruption? In this debate we want to explore the potential for a step-change in support of and advocacy for open data on land ownership and land governance.

## Topics of discussion

Throughout the three weeks of the discussion, we will focus on three key statements on Open Land Data as an Anti-Corruption Tool. Every Monday, a new key statement will be released.

### Week 1: Monday September 9th - Sunday September 15th 2019

#### Discussion Statement #1:

**THE LAND SECTOR IS NOT THERE YET**  
Before we can talk about open data, we need to have good data.

In the last few decades, a lot of time and money has been invested to digitize land information and to develop land information systems. Though these efforts have been significant, it is still an often-repeated rhetoric that there is a lack of land data. Land ownership data is a topic of sovereignty of (national) governments. Of the 94 countries whose land ownership data were studied in the Global Open Data Index, only 17 scored more than 0% open.<sup>6</sup> Assuming this is a representative sample, this means that less than one in five countries in the world has some (*not even all*) information about land ownership publicly available. For land administration experts, this will hardly come as a surprise. There are valid privacy and security issues that play a role in publishing land data, as well as the enormous challenge that lies before land registries to digitize the available land ownership records, while keeping up with a rapidly changing and ever-moving (informal) land market.

Does this mean that we should give up the mission to make land data available as open data? Should we first prioritize availability of land data before we talk about accessibility and usability?

#### Key questions:

1. Which types of land data can play a role in the fight against corruption? Does a solid baseline of available open land data exist? Are there examples on how this data was used in the fight against corruption?
2. Is government the only source of land data, or should we also be looking at other sources of data in the fight against corruption? Are there examples of how this data was used in the fight against corruption?
3. What have been the main concerns for policy makers and funders not to prioritize openness of data and information in their programs and priorities? What would it take to increase policy maker and funder interest in open land data?

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<sup>6</sup> <https://index.okfn.org/dataset/land/>

## Week 2: Monday September 16th - Sunday September 22nd 2019

### Discussion Statement #2:

**OPEN DATA IS NOT A MAGIC BULLET**  
It takes more than open data to fight corruption

While the excitement over the potential of open data as a tool to combat corruption is widely shared across the world, evidence of this impact is difficult to find. The Open movement has done well in other sectors to open up datasets and make more available, but the focus is now shifting towards the realization that more needs to be done than 'simply' disclosing more data. Further action, by researchers, journalists and civil society, is needed to leverage Open Data as indeed a resourceful tool in the fight against corruption.

Why is this currently not happening and what are the reasons for this? How can we make sure that increasing access to data also translates to data use?

#### Key questions:

1. What are the needs of the different stakeholders to use Open Data? Why is it not happening? Which capacities or tools are needed to increase data use?
2. How to avoid that increasing accessibility to open land data increases the digital divide?
3. How can we ensure that use of Open Data is used as a means to combat corruption without invoking harmful side effects, such as putting land rights defenders at risk? What safeguards are needed to ensure data is used responsibly?

### Week 3: Monday September 23rd - Sunday September 29th 2019

#### Discussion Statement #3:

##### **THERE IS A GUIDANCE GAP TO OPEN LAND DATA**

Governments are not getting the necessary guidance to take action to open land data responsibly.

Within this complicated framework of open land data and land corruption, the question is now how we can move from individual actions that have created minor ripples in the fight against corruption, to more large-scale and sector-wide impacts. Considering the mantra “open by default” embraced by open data advocates tends to scare many other actors away, clearly, there is a need for more nuanced guidance. Not only should the land sector be triggered to be more open, in turn, the Open Data sector should be more guided on risks in opening up data.

What are concrete steps we can take to move towards this more nuanced guidance? It is possible to provide general guidelines that allow for sufficient nuance, safety for all stakeholders and adaptable to many different and greatly varying contexts in which land corruption plays a role?

#### Key questions:

1. How can we build stronger, sustainable and more effective connections among those working on land, corruption and/or open data?
2. How can we leverage a nuanced Open Data message that convinces land data stakeholders across the globe to open up land data responsibly?
3. How can we facilitate and strengthen the work of various stakeholders to generate and use data evidence to demand accountability and to lead in the fight against land corruption?