

INTERNATIONAL ANTI-CORRUPTION CONFERENCE 2024

Vilnius, Lithuania

18-21 June 2024

SESSION REPORT

Please know you may design the structure of this report to better suit the session. It's important to capture the key outcomes and solutions proposed for the future.

Session Title: Losing Ground: Grand Corruption in the Land Sector

Date: 21 June 2024

Time: 05:15 - 06:45 PM (GMT +3)

Report prepared by:

- Lola Tarnaud
Project Associate, Land and Corruption in Africa
Transparency International Secretariat

Moderated by:

- Daniela Patiño Piñeros
Programme Lead Public Resources
Transparency International Secretariat

Panellists:

- Claudia Baez-Camargo
Prevention, Research and Innovation Team Lead
Basel Institute on Governance
- Rukshana Nanayakkara
Global Policy and Advocacy Expert
International Land Coalition
- Renato Morgado
Programme Manager
Transparência Internacional Brasil

The recording of the workshop is available [here](#).

Share the thematic focus of the session, its purpose and corruption risks?

This workshop examines the pervasive issue of grand corruption involving political elites in land allocation and management. Land is not immune to grand corruption and elite capture. Corruption in land management contributes to kleptocratic capture of land policies, unfair allocation, and the use of land for political patronage. Our workshop invites diverse land and corruption experts and activists to discuss grand corruption in land grabs and calls for a structured policy response in line with a recent UNCAC submission.

Key points:

- Raise awareness of mechanisms and impact of grand corruption in the land sector including the identification of cases of high-level political land corruption
- Advocate for a collaborative, cross-sectoral approach to identifying clear policy solution and approaches to high-level political land corruption
- Discuss how fit-for-purpose/relevant are existing anti-corruption strategies/approaches
- Garner support by states parties to push for the implementation of the recommendations included in the [written submission to the 10th UNCAC CoSP](#)

Summary of panellists' contributions & discussion points (please be as detailed as possible)

I. Introduction by Daniela Patiño Piñeros

Contextualization of the problem:

- 2.5 billion worldwide depend on land to survive. Land has a cultural heritage. Land is close to many people's beliefs.
- Corruption Perception Index: 1/5 people worldwide have either paid a bribe or been asked to pay a bribe when accessing land services. How does corruption materialise in the land sector?

There has not yet been a focus of state capture on land, which is why it is relevant to discuss the following points in our workshop:

- What is land corruption?
- Definition of grand corruption
- High-level review of the findings of the [FAO report on high-level corruption by political elites](#)
- High-level corruption in resource allocation (allocation and management of public assets)
- How anti-corruption tools can be relevant for the land sector. For example, asset declaration can help identify "stolen land" or registers that have been manipulated/land that has been sold under the price to benefit private interests; conflict of interest laws; financial risk assessments, etc.

The three speakers:

- Claudia Baez Camargo is Head of Prevention, Research and Innovation at the Basel Institute on Governance. Claudia's work brings together academic research and technical assistance with the goal of promoting anti-corruption approaches that are context sensitive and address relevant drivers of corruption.
- Rukshana Nanayakkara is a global policy and advocacy expert for the International Land Coalition. Previously, he worked for the Transparency International Secretariat in Berlin where he held three different portfolios: advocacy manager for sustainable

development goals, regional outreach manager for Asia Pacific and senior regional coordinator for South Asia. His current work focuses on advocating for tenure and territorial rights of people who live on and from the land, in relevant global policy making processes especially in relation to the SDGs, climate change and food systems.

- Renato Morgado is Program Manager at Transparency International Brazil. He has worked for 15 years on initiatives aimed at strengthening transparency, integrity and accountability in environmental, climate and land policies.

II. Presentation by Claudia Baez-Camargo

As a grand corruption expert, Claudia sets the stage for the patterns we are talking about. Grand corruption is not circumscribed to a certain set of countries. It exists in advanced consolidated democracies. And corruption doesn't always happen through illegal means.

- **Political economy lens** is needed to understand and grasp grand corruption
- Land corruption's **relevance in any kind of political system** (state capture, limited democracies, advanced democracies – real estate etc.):
 - **State capture:** the instruments of the state are captured by a small elite who use them for their benefit. It is not illegal but is corrupt. For example, in the American context, there are processes of lobbying that influence the public.
 - **Implementation:** some of the biggest challenges are that good laws exist but are not enforced. The ones in charge of implementing them do not do so.
 - **Informal networks of political and private sector elites** collude and orchestrate grand corruption. For example, they corrupt the heads of law enforcement agencies. Those are cases of rules by law.
 - For example: the head of land registry is very instrumental for people who want to conduct land corruption. We have to think about who is in power and can detect and stop, or be co-opted and pressured about turning their head to the side and let a corruption deal go ahead.
 - Highly connected networks that work together and infiltrate places of power.

In land corruption, we are talking about grand corruption, systems of opaque ownership... Many issues cut across.

Solutions:

The community working in the land sector should reach out to communities working in other anti-corruption sectors, which can allow a coordinated push. The corrupt are very organised in networks, and the anti-corruption community should be too. This would make grand corruption more complicated across sectors.

Reflection on how **different anti-corruption tools might apply in different contexts** (role of international community, etc.)

- Going narrow, we can work in a very targeted way in developing specific legal frameworks.
- We need to also educate people on how to defend their cultural background, for example Indigenous communities.
- Huge corporations buy leaders, even in democracies, to prevent governments from adopting policies that have a positive environmental impact.

How do we **defend the defenders**? We need compelling answers.

- Advocate to heads of State to create a **global financial** fund that can be used to help our defenders that are in danger. Help take them away if necessary, from the area where their lives are threatened.
- **Follow-the-money** (FTM) approaches (working group in the [Practitioner's Forum](#): Meetings of the Follow-the-Money Working Group are led by the Basel Institute on Governance and are open to any professional in the Countering Environmental Crime Practitioners Forum who is working (or aspiring) to target financial and environmental crimes. Sessions are held under the Chatham House rule and convene virtually).
- In addition to FTM, work on the prevention side: the role of the Basel Institute's existing partners in this area

III. Presentation by Rukshana Nanayakkara

Why do we need to talk about grand corruption in the land sector?

- In the land sector, two sectors are involved: **land users** such as pastoralists, local farmers, Indigenous people, who use land for life and for cultural purposes. On the other hand: **corporation, private sector, local elite, stakeholders** working for government, who see land as a source of money.
- Facts from the [Uneven Ground: land inequality report](#): 70% of the world farmlands are controlled by 1% of corporations
- Example from South Africa: 0,28% of farms in South Africa produce around 80% of the value of agricultural production.

What are the implications of this?

- **High stakes in financial investments**, who controls what we eat, and impact of land investments on communities.
- According to the statistics of the world Food and Agricultural Organisation, small holders farmers (having less than 2 hectares) and family farmers still feed 60-70% of the world's population.

How does corruption interact here? In this very unequal playing field, which is why land is so susceptible for **grand corruption**:

- **Green grabbing**: carbon offset market. For that, you need land you offset your carbon.
- Land Matrix data: 20% of the land used for offsetting programmes are actually green grabs. And this concerns land used by small farmers, and Indigenous peoples.
- 25 thousand million hectares of land based in Africa are going to carbon removing projects.

Often, governments declare land as wasteland to be used for those projects, although the land is owned by Indigenous communities.

- Under the **UNFCCC framework**, governments have now committed to allocate land areas equivalent to current global crop lands for carbon removal programmes, and half of these pledges interfere with the small-scale farming practices.
- **Carbon and biodiversity offset markets** offer massive amount of lands. For example, the fossil fuel giant Shell has set aside USD 450 million for offsetting projects. And there are number of other big players involved – Meta, Amazon, etc. The single environmental asset creation firm, UAE based "Blue Carbon", has signed agreements for 25000 million Ha of land in Africa for carbon removal projects.
- Land is taken over for green mineral rush, as we are supposedly moving to a greener economy. Huge amount of land is therefore required, and this land is often inhabited and used by Indigenous Peoples and other local communities.
- 70% of the soja produced by companies worldwide is used to feed farm animals and farm fish, only 30% for humans.
- Beneficial ownership of land deals and political corruption

- Right to information on land deals

But the **underestimation of land inequality** is even worse, if control over land is taken into consideration:

- You do not need to own land, to control it. Less visible forms of control do not necessarily require ownership
- Through new types of instruments, from **contract farming up to shareholding**, which is not visible in census and surveys, control over land is even bigger.

Land investors: shareholders that are visible but also invisible to the public. How can we trace the money flow, and understand the people behind it?

2 messages here: **inequality is greater and more opaque** than before.

- With the complex corporate structures, cross shareholding and other interrelations, the **monitoring and regulation of the corporatised and financialised system** is becoming harder, just as it is becoming more important. The overall inequality in the sector appears to be far greater and is also harder to measure and regulate than the inequality in direct land holding. Much shareholding in agricultural assets is not made public, with entities acquiring parts of or multiple assets or farms. In addition, the primary investors of these financial actors, especially investment funds, are often unknown. Surveys, whether household or farm census, that are relied on for farm size and distribution data, do not pick up corporate and multiple land holdings within single countries; and even less so across borders. The control of production (instead of outright purchase of assets) is also difficult, if not impossible, to monitor and quantify.
 - Together with this comes the global land grabbing. **Since 2000, land around twice the size of Germany has been snatched up in [transnational deals](#) around the world** (Land Matrix data). This investor is involved in 21 countries, 56 deals and 2, 732, 269 ha under contract. Number of other investors are involved in this asset manager's investments. Land is increasingly being turned into a financial asset, which IPs, pastoralists and other local communities have a very different relationship to land.
 - Since the Covid 19 pandemic and war in Ukraine, this narrative of "Let's feed the world" drives deregulation of land markets and adoption of pro-investor policies.
 - The fundamental questions to ask here:
 1. Corruption risks in each of the investing countries;
 2. Governance standards and investment policies – right to information and its scope;
 3. Corporate accountability standards;
 4. Democracy and space for civil society, independence of judiciary.
 5. Investor countries – due diligence in investment in the global south (human rights and environmental/sustainability standards).

We are talking about millions of hectares.

We see the **impact on the local food systems, local populations, and mercenary violence**.

- In 2022, based on the data of Global Witness, 177 land activists were killed.

It is very difficult to quantify the land corruption, but we can see the results and what drives corruption.

Solutions:

- ***Corruption risk in investors' and investing countries. Efforts from national governments can proactively address corruption. The legal and integrity land scape of a country matters in this regard. A few countries in the world have specifically sanctioned land corruption in their anti-corruption. These include Lebanon, Seychelles, Indonesia, and Gabon,***
- ***Opening contracting and open data on land deals***
- ***Independence of the judiciary***
- ***Having land tenure security for local communities/ Free, Prior and Informed Consent (FPIC) / Bottom-up approach***
- ***Foreign anti-bribery laws and their effective implementation***
- ***Availability of right to information***
- ***Corporate accountability standards***
- ***Democracy and CSO space and changing the narrative.***
- ***Involvement of multi-layers of actors in combating corruption***
- ***Due diligence and human rights standards***
- ***Political corruption and beneficial ownership***

How to gather the impacted communities to take part in this fight? They are very vulnerable communities. And the ground is uneven.

- Columbia, Brazil, Mexico, Philippines: most dangerous countries for land defenders. It is so important for **investing countries to look at the integrity landscape of the country one wishes to invest in.**
- It is hard to prosecute a land corruption case, because of how many actors are involved and how opaque the land deals are.
- **Free, Prior and Informed Consent** of people who are affected by large scale investments is vital. Many land areas are not registered through title deeds but are owned through inheritance. The government and land registries take advantage of that to sell fake land deeds, or declare it as wasteland.

Solutions:

- ***Indigenous people, small farmers etc do not contribute to any of the world's problem, and yet are considered as less developed, less intelligent, less important. We need to change the narrative.***
- ***Just transition: bring people to the centre and let them do sustainable solutions for land and ecosystem conservation. Don't ask companies to do that. Bottom-up approach is necessary. No new solutions are needed, the ways that they have been living are the solution.***

IV. Presentation by Renato Morgado

An Indigenous leader was killed in 2018 while hunting on Indigenous land. Brazil is the deadliest country for land activists and Indigenous communities.

In Brazil, some land is public but considered "no man's land" and the land governance there is not clear.

Human rights violation, violence against Indigenous communities, deforestation: all are interlinked in Brazil.

- Presenting one or two of the 11 cases analysed in TI Brazil's [research on corruption and land grabbing](#). Several of the cases demonstrate the involvement of elected

politicians and high-ranking officials from the Executive, Legislative, and Judicial branches in specific land corruption schemes.

- Lack of transparency in land registries, lack of accountability allowed these kinds of problem.
- Land grabbing happens through land registries and the creation of fake land titles through bribery.
- You can also bribe the police to allow the physical invasion of a piece of land.
- Political corruption allows the systematic problem of land corruption with fraud of registry, private militia, capture of land, etc.
- **Faroeste “Wild West” Operation:** revelation of the existence of a private network trying to bribe a huge amount of land. 10 judges were selling the judicial sentences that allowed the land to be grabbed. 300 000 hectares were trying to be grabbed. Huge bribery scheme. A group of police invaded a person’s area to grab it, and this person was murdered in 2021. This shows the high involving of the judiciary branch and the lack of protection of whistleblowers.
- **Indue influence** shaped a lot of land policies and laws in Brazil, which mainly happens because of the power imbalance in national congress. Role of agribusiness and their influence on public policies (issue of state capture in land and environmental agencies and policies).
- Providing a more general overview of large-scale corruption and land sector in Brazil. They have a systemic problem in the country of undue influence and **capture of the State in land policies**. The agribusiness sector is very politically powerful in the country, with various consequences. In the legislative branch, this implies constant pressure for the approval of laws that “legalize” land grabbing, weaken Indigenous territorial rights, and environmental protection. The most recent law passed was the so-called “Temporal Framework,” which weakened protection for Indigenous lands in various ways, opening space for land grabbing, the advancement of agribusiness, and the violation of rights of this group. In the Executive branch, this means the weakening of land institutions and policies, in many cases promoting their almost total inoperability. It is a historical problem in Brazil, but it has worsened in recent years during the Bolsonaro government. We could present the “Bolsonaro case” demonstrating the problems of this period and how anticorruption mechanisms could have reduced the problem (and reduce the probability that this will occur in the future).
- A recent law will make the recognition of Indigenous land right much more difficult.
- INCRA, main land management agency in Brazil, suffers from a lack of human and financial resources. Grand corruption due to undue influence and state capture.
- Social protest from people who do not have land and ask the State to give it back. The person appointed as the head of INCRA is linked to the Chair of Congress and will therefore serve their interest, not public interest.

Available solutions:

- *The institutions need to fight corruption in all sectors, including environmental crimes and land corruption.*
- *Tools like lobby regulation, mobilising anti-money laundering agencies on land corruption issues, Court of Accountants (how have this applied to land topics – audits on land/environmental issues – need for training)*
 - *TI Brazil works with 9 court of accountants, which has the mandate to oversight the results of public policies in general. They are training the auditors and providing guidelines. 8/9 started doing forest auditing, which shows the influence of TI Brazil.*

- **ENCCLA (National Strategy to Combat Corruption and Money Laundering):** network of almost 100 Brazilian institutions that have working groups to work on solutions to fight money laundering and corruption. TI Brazil introduced land and environmental issues in the working groups. Since 2021, ENCCLA choses some land topics to work on.
- **Checks and balances and other tools are needed to fight grand corruption.**
- **We need to change the balance of power to fight grand corruption. If someone with more power denounces corruption, less threats to their life.**

Main outcomes of the session (include quotes/highlights and interesting questions from the floor)

Main outcomes:

Thematic Focus: The workshop focused on grand corruption in land allocation and management, particularly involving political elites. It explored how corruption enables kleptocratic capture of land policies, leading to unfair land allocation and its use for political patronage.

Purpose: The workshop aimed to raise awareness, advocate for policy solutions, and push for the implementation of recommendations aligned with the UNCAC submission. It highlighted the need for a collaborative, cross-sectoral approach to combat high-level land corruption.

Corruption Risks:

- **Grand Corruption:** Identified as systemic and pervasive across all political systems, including advanced democracies.
- **State Capture:** Where political elites manipulate state instruments for personal gain, often through legal yet corrupt means.
- **Informal Networks:** Collusion between political and private elites leading to grand corruption in land deals, often involving the manipulation of land registries and law enforcement.

Key Discussion Points:

1. **Claudia Baez Camargo:**
 - Emphasized the global prevalence of grand corruption and the need for a political economy lens.
 - Discussed the role of informal networks and the importance of targeting key positions (e.g., heads of land registries).
 - Proposed a coordinated anti-corruption approach across sectors.
2. **Rukshana Nanayakkara:**
 - Highlighted the unequal land distribution and its implications for small farmers and Indigenous peoples.
 - Discussed the interaction of land corruption with carbon offset projects and global land grabs.
 - Stressed the importance of addressing corruption risks, corporate accountability, and protecting vulnerable communities.
3. **Renato Morgado:**
 - Detailed Brazil's systemic land corruption, driven by undue influence and state capture by agribusiness.
 - Provided examples of land grabbing facilitated by corruption in land registries and judiciary.
 - Suggested solutions, including stronger institutional checks, lobby regulation, and anti-money laundering efforts.

Conclusion:

The workshop emphasized the need for comprehensive and targeted policy responses to address grand corruption in the land sector, including international collaboration, protection for vulnerable communities, and robust anti-corruption mechanisms across sectors.

Quotes:

Here are some powerful quotes extracted from the minutes that capture key insights from the workshop:

1. Claudia Baez Camargo:

- *"Grand corruption is not confined to a certain set of countries. It exists in advanced consolidated democracies, and it doesn't always happen through illegal means."*
- *"Corruption that is legal: practices that are lawful but awful."*
- *"The corrupt are very organized in networks, and the anti-corruption community should be too."*

2. Rukshana Nanayakkara:

- *"In the land sector, we face an unequal playing field where 70% of the world's farmlands are controlled by just 1% of corporations."*
- *"Indigenous people and small farmers do not contribute to the world's problems, yet they are considered less important. We need to change this narrative."*

3. Renato Morgado:

- *"In Brazil, we face a systemic problem of undue influence and state capture in land policies, driven by powerful agribusiness interests."*
- *"It is hard to prosecute land corruption cases because of the many actors involved and the opacity of land deals."*

These quotes encapsulate the workshop's key themes and the urgent need for coordinated action against grand corruption in land management.

Relevant questions:

1. Claudia Baez Camargo:

- How grand corruption materializes in the land sector? Which are the main areas/risks to focus in?
- Which existing tools from the anti-corruption field can be translated to the land sector?

2. Rukshana Nanayakkara:

- What are the most relevant trends in the land sector that particularly vulnerable to corruption?
- How to prevent vulnerabilities to grand corruption at the ground level: for this, we need to understand both its impact, new trends/old trends which cause them. Refer to the recent release of the "Land Squeeze" report. - [Land Squeeze - IPES-Food](#)
- How can we make anti-corruption sexy to the land sector? How can we better mainstream anticorruption in land? What are the solutions available?

3. Renato Morgado:

- How can integrity mechanisms contribute to reducing corruption in the land sector?

- What is the role of anti-corruption institutions in combating corruption in the land sector? What are Brazil's experiences in this regard?

How to really implement Free, Prior and Informed Consent?

- ASEAN started a process elaborating what FPIC means in their countries in business processes. There are many implications of a project such as extracting minerals. What does the consent of communities really mean? Do they understand what the steps after the extraction? Who has the ownership of the benefits made from the resources extracted?

Reference to the movie [The Grab](#).

Key recommendations for the future and concrete follow-up actions

1. Investigative journalism is so important. Their role is relevant to bring to the light many land grabbing cases and to give voice to the communities and to mobilise citizens on the cause.
2. Land corruption is not considered “sexy”. We need to emotionalise this story and show how important land is, so essential.
3. **We need to change the narrative.** And question our lifestyles. Our meat consumption.
4. **Multistakeholder platforms:** we need to come together and show how corruption is happening, bring it from behind closed doors to the front.
5. Let’s start respecting people who are respecting our planet. Let’s not call them uncivilised, or uneducated, and ask for their knowledge, ask them questions. We need patience for that, to translate what they say, go to meet them. Let’s not listen to big corporations for these questions.
6. **Defend the defenders.**
7. **Keep breaking the silos:** when we put sectorial problems into the anti-corruption fight, we refresh the fight and vision.
8. **How do we put the community of land and the community of corruption together, to work together?** land governance is very complex, needs specific knowledge. The exchange of knowledge between communities is essential.
9. **Break the silo between institutions:** they need to work together, land corruption is not the issue of one institution but across multiple. For example work with court of accounts.

What can be done to create opportunities for scaling up the solutions discussed in the session? And by whom?

How do we change the balance of power? How to change the systemic issue of corruption on environment, communities, food, water?

We need to see the impact of the work we are doing on the livelihood of communities and people.

How can we counteract this in public spaces? Not enough prosecution is done due to undue influence in those spaces.

Is there a specific call to action to key stakeholders, such as governments, businesses, funders, civil society, young people, journalists or any other stakeholder that should be noted? Please specify if relevant.

Join [Land Corruption Working Group](#) with the Basel Institute of Governance, chaired by staff from Transparency International (TI) and World Wildlife Fund (WWF).

Reference to the movie [The Grab](#).

Rapporteur's name

Lola Tarnaud
Project Associate, Land and Corruption in Africa
Transparency International Secretariat

Date submitted

20 August 2024

Action! This report needs to be emailed to iacc-av@transparency.org within 24 hours of the session. If you wish to update the report, please do so by 21 July. Thank you.