

# HANDBOOK ON LAND CORRUPTION RISK MAPPING

## HOW TO IDENTIFY AND TACKLE CORRUPTION RISKS IN LAND GOVERNANCE

Rainer Tump, Johanna Damböck, Patric Hehemann, Victor Kanyangi Ouna, Oscar Koome Mbabu, Lukas Nagel, Manuel Risch, Anne Wanjiru Mwangi, Fanni Zentai



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## Foreword

Corruption in land governance is a global phenomenon which has gained growing attention in recent years. Land is an important factor for people living on it, no matter whether it is in rural or urban areas. Land is also closely intertwined with people's sense of belonging, cultural identity, their income, livelihood and food security.

Land grabbing, corrupt practices and illegal transactions in land governance reduce the basis for income and identity of small-scale producers, agricultural labourers, indigenous communities and landless rural and urban poor. Moreover, young people, women and indigenous minorities are usually among the groups who are particularly affected by land corruption.

With all these being long-known facts, it is all the more surprising that there has not been a simple, comprehensive and participatory instrument to analyze and tackle corruption risks in land governance until today. Instruments like the World Bank's 'Land Governance Assessment Framework' are well-structured, but require an immense amount of time, financial resources, data and expert knowledge to produce and apply.

Fortunately, this 'Handbook on Land Corruption Risk Mapping' attempts to fill this gap by providing a pragmatic instrument which can be applied quickly and with comparably few resources. Additionally, the instrument is easy-to-use, adaptable, participatory and inclusive. As it focuses on corruption risks in land governance processes rather than searching for offenders, it allows an open discussion on land corruption even in countries where this may be a taboo topic. The systemic approach of the handbook focuses on structural corruption risks and related solutions and is based on the diverse voices of the people who can be regarded as genuine experts when it comes to corruption in land governance: people affected by corruption, the involved administrative staff, activists, politicians, officials, farmers, minorities, NGO workers and many more. Bringing all these people together, the handbook encourages coalitions between all the crucial stakeholders and helps them to develop joint counter-measures.

I hope that the handbook will be applied in many countries. All users are invited to contribute to the improvement of the handbook – may it contribute to a strong global alliance securing land tenure and equitable access to land.

Peter Eigen

Founder and former Chair of Transparency International (1993 to 2005)

Chair of the Transparency International Advisory Council

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## Abbreviations

AGEE	Arbeitsgemeinschaft Entwicklungsethnologie e.V. / Ethical Guidelines of the Workgroup Development Anthropology
FAO	Food and Agriculture Organisation of the United Nations
GROOTS	Grassroots Organizations Operating Together in Sisterhood
KISCOL	Kwale International Sugar Company Ltd
LGBTIQ	Lesbian, Gay, Bisexual, Trans, Intersex, Queer
MoL	Ministry of Lands (Kenya)
NGO	Non-governmental organisation
NLC	National Land Commission (Kenya)
NSSF	National Social Security Fund
OECD	Organisation for Economic Co-operation and Development
SLE	Centre for Rural Development (Seminar für Ländliche Entwicklung)
TI	Transparency International
UNCAC	United Nations Convention against Corruption

# 1 Introduction

## 1.1 Purpose of the handbook

The Handbook on Land Corruption Risk Mapping provides a generic Land Corruption Risk Mapping Instrument that enables users to identify, analyse and assess corruption risks within land governance processes and to develop counter-measures to tackle these corruption risks. The generic instrument as the principal item of this handbook was developed for application in sub-Saharan African countries. The driving factors that have led to its development are a lack of awareness of land corruption and the fact that information on corruption risks in land governance is not systematically available. Thus, an instrument was needed that bridges this information gap, raises awareness, and ultimately supports the work of engaged civil society organisations, governments and businesses to prevent and address land corruption in their work and operations.

The Land Corruption Risk Mapping Instrument can be used to address several issues within land governance. More specifically, the instrument can be used to

1. systematically provide information on corruption risks in land governance with the aim of developing intervention and prevention strategies;
2. promote sustainable reforms in land governance through identification of loopholes for corruption in land governance processes;
3. identify and promote best practices within land governance processes;
4. monitor, evaluate and assess projects in land administration with the aim of reducing incidences of corruption.

## 1.2 Users of the handbook

Since land corruption is a widespread phenomenon in many countries and concerns individuals throughout all spheres of society, the Land Corruption Risk Mapping Instrument as described in this handbook is based on a participatory approach and allows for application by a wide range of users. Not only is the cost of applying the instrument fairly low compared to other risk assessment instrument, but it is designed in a practical and user-friendly way that enables actors from many different backgrounds to make use of it:

- *Public institutions* mandated to manage and administer land, e.g. land ministries and departments, may use the Land Corruption Risk Mapping Instrument to improve the delivery of land administration services by identifying and addressing loopholes that facilitate incidences of corruption.
- *Policy makers* may use the instrument to assess the strengths and weaknesses of the land governance system in their jurisdiction and to design reforms and counter-measures that make that system more resilient against corruption.
- *Non-governmental organisations* and *community-based organisations* seeking to fight land corruption can use the Land Corruption Risk Mapping Instrument to systematically collect evidence that helps them in their advocacy work and in their efforts to hold public actors accountable for their actions. In addition, the instrument can help these organisations to engage communities in discussions about their rights and responsibilities and to ultimately empower them for the struggle against land corruption.

- *International organisations* and *donor organisations* that fund or implement land governance projects can utilise the instrument to systematically collect information for planning and designing well-founded projects and programmes, and to provide an empirical basis for monitoring the progress and results of their work.
- *Private sector organisations* can use the Land Corruption Risk Mapping Instrument to analyse the land governance system they conduct or plan to conduct business in. The instrument can help them to detect and avoid improper activities by public actors and to implement and promote responsible and sustainable business practices.
- *Academic institutions* and *research bodies* can use the instrument to generate empirical evidence on corruption in land governance and on how corruption is inter-linked with other economic, social or political dynamics. This research can help governmental institutions and other actors to improve land governance systems and to design counter-measures for tackling land corruption.

### 1.3 Structure of the handbook

The Land Corruption Risk Mapping Instrument is the key component of the Handbook on Land Corruption Risk Mapping and consequently takes up most its space. However, additional chapters are provided that contain important background information and facilitate the understanding and application of the instrument. More specifically, this handbook consists of the following parts:

- *Chapter 2* provides an overview of the most important concepts and definitions used in this handbook, such as corruption, land governance, and risk mapping. It further contextualises the handbook by shedding light on the causes and consequences of corruption in land governance, and by emphasising the importance of fighting it.
- *Chapter 3* briefly summarises the case studies that were conducted in Kenya between August and October 2016 as part of the development and initial testing of the Land Corruption Risk Mapping Instrument. Examples from these case studies are used throughout the instrument to illustrate the methods used.
- *Chapter 4* contains the main part of this handbook: The Land Corruption Risk Mapping Instrument. The instrument consists of three phases: a Research Phase, a Workshop Phase and a Strategy Development Phase. These phases are further subdivided in a total of nine individual steps (for an overview, see Fig. 1). The three phases and the nine steps that they contain form a logical sequence and should be followed from start to finish in order to generate consistent and reliable results. However, the user might find it helpful in some cases to use only specific phases or steps of the instrument.
- *The final remarks* provide a brief evaluation of the benefits and limitations of the Land Corruption Risk Mapping Instrument from the authors' point of view. They put the instrument into perspective and show a possible way forward.
- *Templates* of important tables and charts that are part of the Land Corruption Risk Mapping Instrument and that need to be used during its application are provided in the annex. The templates are in an easy-to-use format and can simply be copied by the user of the handbook.

## 2 Main concepts and definitions

### 2.1 The concepts of corruption and governance

*Governance* can be referred to as the manner in which people and institutions entrusted with power exercise their authority to carry out their mandates (Palmer et al. 2009). Furthermore, governance is the exercise of political, economic and administrative authority in the management of a country's affairs at all levels. Land governance on the other hand is about the policies, processes and institutions by which land, property and natural resources are managed. In addition, a working definition by Palmer et al. (2009: 14) states that "land governance concerns the rules, and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed."

"*Corruption* is the abuse of entrusted power for private gain" (TI 2009b: 14). It affects the social, economic and political aspects of a society in many ways. It destroys the economic stability of a people and widens social inequality as the poor and weak are left disenfranchised of their right to a decent and modern livelihood. It can have devastating effects to the point that "corruption is eating away the very fabric of [...] society" (Ochola 2010: 22). The "abuse of entrusted power" in the above definition not only refers to the state, but can also refer to private and state-like power structures. For example, chiefs are often the representatives of a group of people living in rural areas in traditional societies. Their entrusted power is not formally given but traditionally grown. Thus, if a chief abuses power for "private gain", this would be covered by TI's definition of corruption.

*Corruption risks* represent "weaknesses within a system which may present opportunities for corruption to occur" (TI 2011: 1). Thus, corruption risks need to be differentiated from actual incidences of corruption: Corruption risks describe the *potential* for corruption in a given system. Actual corruption can follow from such a risk, but this is not necessarily the case.

A *corruption risk assessment* is a means of systematically evaluating corruption risks. After such risks are identified, the potential impacts associated with each corruption risk and the likelihood of the corruption risk occurring are assessed (TI 2011: 1). The results of the risk assessment can then be visualised through a corruption risk matrix as a basis for prioritising the corruption risks that need to be tackled first.

*Corruption risk mapping* is a visual method of showing complex issues, such as land governance processes and the corruption risks within these processes, in a simplified but systematic way. The aim of the visualisation is to reduce the complexity of such issues and make them easily comprehensible at a first glance. Based on this understanding of a complex issue, more proper and practical counter-measures for corruption risks can be developed.

### 2.2 Corruption in land governance

Following the definitions above, corruption in land governance is the abuse of power for private gain while carrying out the functions of land administration and land management. Incidences of corruption are likely to occur frequently when weak land governance prevails. Corruption compromises land administration systems and is a great hindrance to effective and efficient service delivery.

Corruption in land governance occurs at many levels. At the policy making level, the process of formulation can be compromised to further fulfil interests of powerful individuals or groups that would be unable to benefit if the correct process is followed. Policy and legal frameworks may be constructed in a manner that does not benefit society at large, and the rights of people to use land and its resources become highly compromised. At the institutional level, ministries and public agencies mandated to manage land directly or indirectly have been found to frequently misuse their powers. In many countries, land services rank among the most corrupt sectors and institutions (TI 2014: 2). The problems concern land administration institutions both at the national level where far-reaching decisions are made and implemented, and at the local level where citizens get in contact with the administration. At the local level, citizens are often unable to access land administration services – to which they are legally entitled – without paying bribes which they can hardly afford.

By contrast, when land governance is effective, equitable access to land and security of tenure are facilitated. This can contribute to improvements in social, economic, and environmental conditions that benefit all members of society.

### **2.3 Causes of corruption in land governance**

Corruption in land governance has a variety of causes. First, there is increasing pressure on land due to rising prices worldwide. Especially countries in Africa have been targeted by global investors in their search for fertile land, for natural resources, or for land in fast growing cities. This increasing pressure on land and on land deals is challenging the governance and safeguard mechanisms in the targeted countries (Owen, Duale, Vanmulken 2015).

Second, poor land governance and corruption is often a result of Institutional fragmentation and flawed policy. Institutional fragmentation is the result of too many institutions mandated to manage land and the lack of proper coordination between institutions (Deininger et al. 2011). Flawed policies or the lack of clear policies open up the possibility of loopholes in the legal framework which are the entry points of manipulation and corruption.

In a bid to address the many challenges, various pieces of legislation may be adopted and enacted. If these pieces of legislations are not designed in a harmonious manner, there is a risk that there will be conflicts in the implementation and enforcement of their different provisions. This scenario makes land administration and management complex and offers an entry point for corruption to occur (Deininger et al 2011).

### **2.4 Consequences of corruption in land governance**

Corruption in land governance can lead to severe consequences for entire states and threaten the livelihood of people affected. The ability of land governance systems to enforce and protect people's right to land becomes impaired and services in land administration become expensive and exclusive to those who can afford it. The poor in the society are left out of the formal systems and security of tenure is eroded.

If tenure rights are insecure, the incentive for people to engage and invest in land-based economic activities is reduced, which concerns both small scale or large scale investments (Wren-Lewis 2013). The consequences are food insecurity and non-sustainable use of land. In addition, if land corruption prevails, societies become more exclusive. This



means that only a few exclusive members can benefit from economic growth and prosperity generated on land, and the large bulk of the society is left behind (Action Aid International et al. 2015).

Finally, corruption in land governance can influence and affect people differently and hit those the hardest who are already the most vulnerable in society. For example, in many countries, women are already discriminated against when it comes to ownership of and access to land. Their ownership is often not recognised and access restricted against their will. Corruption increases these inequalities and disproportionately affects women, because of their dependence on land as a livelihood base, property and investment option and because their employability, if land is lost, is perceived as lower than that of men (Mutondoro, Ncube, Addah 2016).

In summary, corruption in land governance can be linked to various consequences and negative impacts, e.g. increasing poverty levels, food insecurity, land disputes, displacement and the complete breakdown of livelihood systems. For further information on the consequences of corruption in land governance, see for example Koechlin et al. (2016) or Owen et al. (2015).

## **2.5 Recommendations for fighting corruption in land governance**

The concept of good governance, explained in chapter 2.1, is the key to fighting land corruption. With good governance, the use and development of land and natural resources can generate large revenues to foster economic growth and reduce poverty, if equitably distributed (World Bank 2016). When good governance exists, decision-making is more transparent, accountable, and participatory. Decision makers act with integrity, the rule of law is applied equally to all, and some disputes are resolved before they escalate into conflict. Finally, effective land governance improves tenure security and reduces social tensions.

Thus, in order to reduce corruption in land governance, there is a need to improve the quality of land governance. This can be done through systematic periodic assessment and improvement of the system to ensure that it is responsive to the ever-changing needs and expectations of society. Harmonisation of policy and legislative frameworks is necessary to reduce complexities in land governance, clarify the role of each institution, and reduce the conflicts between different land institutions (Koechlin et al 2016: 36).

There is also the need for reforms and capacity building in land administration. The different institutions should be able to effectively carry out their mandates in accordance with the technological innovations of the digital age. The need for modernising land administration functions in order to combat corruption cannot be overemphasised. Technology-based innovations in land administration can lead to more transparency and accountability. The elimination of manual systems and processes would improve the effectiveness of land governance in the delivery of services to all parts of the country. Modern technology can also integrate pro-poor and gender-sensitive aspects that take into account the needs of groups that are adversely affected by corruption (ibid: 39).

### 3 Case studies in Kenya – Application of the Land Corruption Risk Mapping Instrument

Case studies were conducted in four regions of Kenya. The case studies reflect four thematic areas that are relevant in the context of land governance and corruption for Kenya, but also for other Sub-Saharan African countries.

The case studies cover the following four topics: (1) Urban space land conflicts in Nairobi, (2) Indigenous communities and their role in initial land registration in West Pokot, (3) Inheritance of land and land rights for women in Kakamega, and (4) Large scale land acquisitions in Kwale.

#### 3.1 Urban space land conflicts in Nairobi

The case study “Urban space land conflicts” deals with the case of St. Catherine primary school in the capital of Kenya, Nairobi. This case depicts how a conflict over land arises on a public school ground and exemplifies the role and extent of corruption in urban areas and its detrimental effect on the right to affordable education for many families in Nairobi.

Originally, the school land belonged to the municipality, but then about 80 per cent of the school land was handed over to the National Social Security Fund (NSSF). Subsequently, the NSSF leased the land to a private investor to build residential buildings on the school land. The private investor subdivided the land and intended to destroy parts of the school for building purposes. The local community resisted and the conflict resulted in several clashes between pupils, teachers and armed police forces. No documents on the selling or lease process were published and there are rumours that corruption was involved at various stages of the process.

Therefore, the instrument was tested in the case of St. Catherine’s Primary School to map corruption risks in the land governance processes “Change of Land Category from public to private” and “Initial Land Registration”.

#### 3.2 Indigenous communities and their role in initial land registration in West Pokot

West Pokot County is located in the Rift Valley region of Kenya with the Republic of Uganda at its western border. It is home to a number of ethnic minorities, which are often referred to as Pokot people (County Government of West Pokot, 2016). The inhabitants of West Pokot largely rely on agriculture and live predominantly in rural areas (ASDSP, 2016). Therefore, property of land is essential for their livelihoods and income generation. However, most land in West Pokot has never been surveyed and is also not registered. Thus, there are a myriad of problems in relation to registered and unregistered land, change of status and ownership of land, conflicting title deeds/claims, mistrust between communities and the county government, and lack of transparency & participation in land governance processes.

Accordingly, the rationale for conducting this particular case study was to take a comparative look at the progress in land registration and to analyse the corruption risks involved in that process.

### **3.3 Inheritance of land and land rights for women in Kakamega**

The case study “Inheritance of land by women” dealt with the inheritance of land rights for women in Kakamega county.

Although the new Kenyan constitution (which came into force in 2010) ensures equal land rights, the implementation of the laws remains a great challenge. Women are still disadvantaged in respect to access to, use and control of land and it seems to be common practice in Kenya and in other parts of Sub-Saharan Africa that women, especially in rural areas, are deprived of their rights to inherit land from their relatives by corrupt practices (GROOTS Kenya, 2012). Additionally, cultural traditions and practices have worsened this situation as they often made it impossible for women to own land.

The instrument was applied together with a women’s group network in Kakamega to identify and analyse corruption risks within three land governance processes, namely “Succession/Inheritance”, “Sale of land”, as well as “Occupation and use of land without formal registration”.

### **3.4 Large scale land acquisitions in Kwale**

The case study “Large scale land acquisition” in Kwale dealt with the case of Kwale International Sugar Company Ltd (KISCOL), a large sugar producing company, buying and leasing land in Kwale county in the coast region. It depicts how a conflict over land arises between a large investor claiming land, the government supporting the investor’s claim, and the local community living on that land.

Part of the area which is contested today was owned for decades by the sugar company Madhvani Group International of India (originally 45,000 acres of land). However, the company abandoned the factory in 1988, and the growing local community took over the land and used it for 15 years for agricultural and building purposes. In 2007, the government acquired the land and leased 15,000 acres to KISCOL for a period of 99 years. Subsequently, many of the community settlements were destroyed and the people were evicted and banned as “squatters”. A resettlement plan that was part of the agreement between KISCOL and the government was not properly implemented, and most families haven’t received any compensation for the land. KISCOL is accused of using a lot more land for farming sugar cane than they are legally allowed to and that corrupt practices were used during the whole process.

Accordingly, the instrument was tested in Kwale to identify and analyse corruption risks in the processes “Lease of land” and “Compulsory land acquisition”.

## 4 The Land Corruption Risk Mapping Instrument

The Land Corruption Risk Mapping Instrument aims to systematically identify and assess corruption risks in land governance, and to identify and design counter-measures for tackling these risks. To achieve this aim, the instrument is generally based on both a process-oriented and a participatory approach. *The instrument consists of three phases* that differ from one another with regard to the specific methods and sources of information used, as well as the degree of involvement of stakeholders:

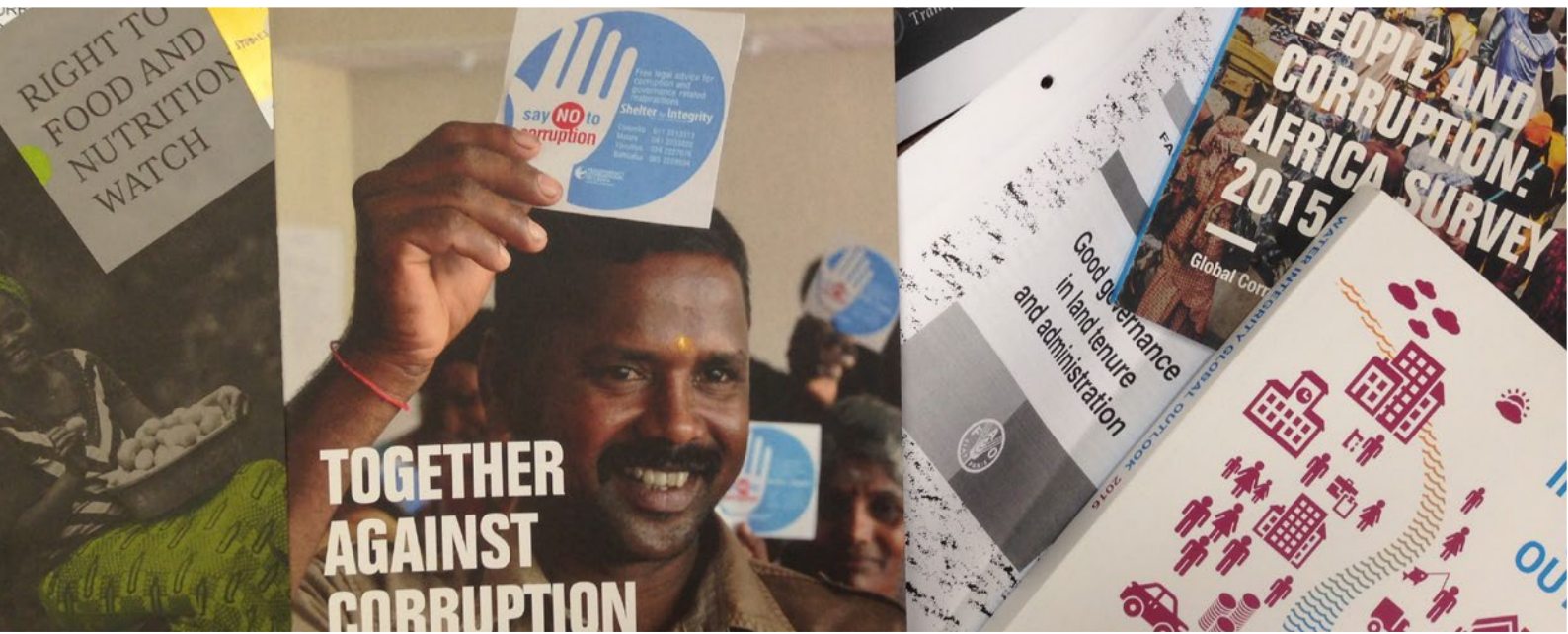
- Phase I – Research: This phase is about systematically collecting background information as a basis for the corruption risk mapping. Not only the legal and institutional framework of the respective context are analysed, but historical and cultural aspects are also taken into consideration. In addition, the specifics of relevant land governance processes in the respective context are analysed and taken into account. The research is mainly based on desk studies and expert interviews, for which the instrument provides detailed instructions and guidelines.
- Phase II – The Land Corruption Risk Mapping Workshop: In this phase, the actual mapping of corruption risks within relevant land governance processes takes place. To take account of the instrument's participatory approach, in a multi-stakeholder workshop different parties are invited to share their experience and expertise regarding corruption risks. The instrument provides a variety of methods to conduct the workshop and to gather and systematise the information that is provided by the participants.
- Phase III – Strategy Development: In the final phase of the instrument, priorities for tackling the identified corruption risks are set, counter-measures are identified, and an action plan for implementing these counter-measures is developed. These decisions are based on structured group discussions within or among organisations that are active in the fight against corruption. The instrument provides methods that help the organisation(s) to identify and select counter-measures to tackle the identified risks.

The three phases of the Land Corruption Risk Mapping Instrument are further subdivided into a total of *nine different steps*. These should be applied subsequently by the user in order to carry out a well-informed and comprehensive land corruption risk mapping. Figure 1 gives an overview of the three phases and nine steps of the instrument.



Figure 1: Overview of the Land Corruption Risk Mapping Instrument

Source: Own representation



## PHASE I

### Research

- Step 1 Analysis of the case
- Step 2 Analysis of the context
- Step 3 Selection of land governance processes & adaptation of process illustrations

## Preparation

To allow for a smooth application of the Land Corruption Risk Mapping Instrument, it is necessary for the users to make some preparations and arrangements at the very beginning. These concern the following four aspects:

1. Logistical and administrative arrangements
2. Selection of a case for the application of the instrument
3. Selection of a team for the application of the instrument
4. Considerations regarding ethics and confidentiality

### a) Logistical and administrative arrangements

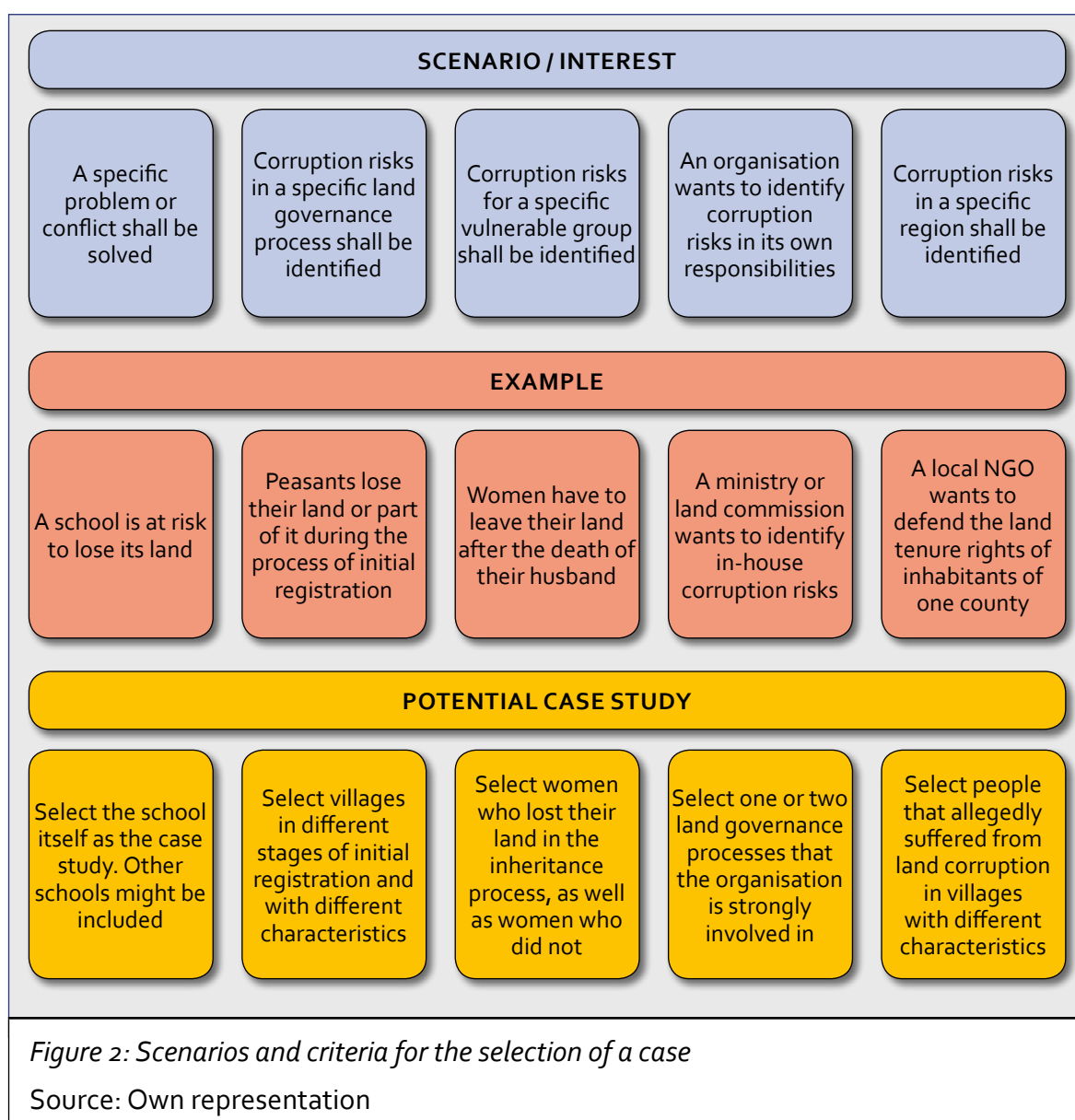
Since the Land Corruption Risk Mapping Instrument is based on a participatory and qualitative approach, it is not necessary to conduct extensive representative surveys or other high-cost quantitative data collection. Thus, the funds necessary for the application of the instrument are in general quite moderate, which is consistent with the aspiration of making the instrument accessible and usable for as many organisations and users as possible. However, the total costs depend on many factors. The list below will help to consider which items should be included in a budget calculation:

- Salary for employees (or per diems for volunteers)
- Remuneration for translator(s)
- Transport costs
- Workshop costs: venue and catering
- Materials (stationary and printing costs)
- Office space, computers and internet

To ensure that the application goes smoothly (e.g. legal documents are available, contacts are available, field visit can be conducted), it is essential to start reaching out to partners as early as possible. It can take a long time until the people with important information, contacts, or documents, are found. Therefore, *a case study should be planned well ahead.*

### b) Selection of a case for the application of the instrument

The Land Corruption Risk Mapping Instrument can be of use in many different situations and applied by many different organisations. Yet, to apply the instrument consistently and in a focussed way, one or several specific cases should be selected. The selection of the case(s) depends on the users' interest. For example, they may be interested in identifying corruption risks in a specific land governance process, with regard to a specific vulnerable group, or in a specific region. The selection of a case for the application of the instrument would vary according to these different interests. Figure 2 gives an overview of scenarios and examples for the selection of a case.



### c) Selection of a team for the application of the instrument

The size and composition of the team that applies the Land Corruption Risk Mapping Instrument will depend on the scope of the task. A mapping of land corruption risks for a whole country needs a good number of people with different backgrounds (e.g. land governance, political science, law, history, sociology, economics) who are able to collect empirical evidence. The application of the instrument to a specific case study, on the other hand, might be conducted mainly by just two or three persons who cover most of these backgrounds and have a focus on qualitative data.

For an adequate application of the instrument, the users should further make sure that men and women are equally represented, and that the following areas of expertise are available in the team:

- background knowledge and practical experience in land governance,
- legal background of land governance,
- history of land governance,



- experience in conducting expert interviews and participatory multi-stakeholder workshops.

Irrespective of their individual backgrounds, however, it is crucial that the team members possess an in-depth knowledge of the local context in all its facets (culture, history, language, etc.). Thus, it is important that the team is – at least partly – made up of locals. Only this will enable the team to fully comprehend and correctly interpret the situation as it unfolds on the ground, and to conduct expert interviews and workshops in a nuanced and sensitive way.

## d) Considerations regarding ethics and confidentiality

Corruption is a very sensitive topic in most contexts. Therefore, project teams must reflect on the question of ethics, confidentiality and anonymity and take corresponding action to ensure that the project team as well as the participants and informants are secure.

### *Ethical guidelines*

The Handbook on Land Corruption Risk Mapping is based on the Ethical Guidelines of the Workgroup Development Anthropology (AGEE) e.V. These “form a frame of orientation for ethically conscious and reasonable decisions and ways of operating in development cooperation as well as in development-related contract research” (Schönhuth, Bliss & Wentzel, 2001: 4), and address the following eight topic areas:

- Development
- Respect
- Participation
- Transparency
- Holism
- Unintended effects
- Assuring the protection of data and informants
- Limits of the requirement of confidentiality.

It is highly recommended that the users adhere to these ethical guidelines during the application of the Land Corruption Risk Mapping Instrument.

### *Confidentiality and anonymity*

Since corrupt practices are criminalised in most countries, persons who provide evidence on corruption could be in danger. Therefore, it is important to protect their identities and to treat the information that they provide with care and confidentiality.

Moreover, participants and informants will talk more openly and provide more essential information on land corruption if they can be sure that they are secure and that all the information is treated with confidentiality. It is therefore of utmost importance that names and special characteristics of people are not mentioned to third parties, and that all information is anonymised for reports or any other documents that are published or circulated, unless the involved parties explicitly want the information to be published. Some

examples of how to anonymise sources are shown in Table 1. More detailed information on how to anonymise information can be found at The European Code of Conduct for Research Integrity (European Science Foundation (2011)).

Original Information	Anonymised data
Ms. Smith from Ukunda	A lady from Kwale county
Mr. Imani, wife died, 4 children (3,5,7 and 9 years old) from Kisumu city	A widower from Kisumu county (4 children)
Anne Mburu, 8 years old, from Nakuru	An 8-year old girl from Nakuru county
<i>Table 1: Examples of how to anonymise sources</i>	
Source: own representation	

#### *Working with "corruption"*

The word corruption has a very negative connotation and is a taboo topic in many countries. Consequently, it might even be dangerous for the user of the Land Corruption Risk Mapping Instrument to use the term "corruption" in their work or in public. It is therefore important to analyse and understand the context in which the instrument shall be used and then make an informed decision on whether to use this term or not. In some instances, where it might be too dangerous to explicitly do research on 'land corruption', alternative descriptions such as 'land management research' or 'quality of land governance' can be used.

Similarly, the users have to reflect in advance on how to deal with allegations of corruption that might be voiced by informants or workshop participants with regard to specific persons or actors. In order to remain neutral and to collect reliable information, it is in generally recommendable for the users to 'objectify' a situation and not to blame a person or institution by name. In essence, the Land Corruption Risk Mapping Instrument is designed to systematically collect information on corruption risks in land governance, and not to blame individuals. This 'objective' approach also allows the users to include stakeholders in the risk mapping that might otherwise be cautious to cooperate out of fear of being personally accused.

## Step 1 Analysis of the case



**Aim:** In this step, the users should systematically collect information on the case they choose for applying the instrument. The collected information not only improves the users' understanding of the case, but also helps to apply the subsequent steps of the instrument.



**Main methods:** Desk study/document review, expert interviews, interview with affected people, field visits



**Expected time frame:** 1 – 2 days

Sub-steps	The instrument provides...	Source of information
1.1 Conduct a desk study and conduct expert interviews to gather relevant information regarding the selected case.	Guiding questions for desk study / expert interviews	Legal documents, survey maps, correspondence, newspaper articles, scientific reports, etc.  Lawyers, surveyors, historians, CSO representatives, government officials, etc.
1.2 Conduct interviews with people affected by events caused by corruption in the selected case.	Guiding questions for interviews with affected members of the community.	Affected members of the community (both men and women), community representatives, activists etc.
1.3 Conduct field visits on the land in question and create a field map.	Model field map	The actual plot of land
1.4 Capture the information on relevant legal documents in a document review table.	Document review table	Legal documents, correspondence, etc.
1.5 Create a timeline indicating the most important events in the selected case.	Timeline	Information gathered in Sub-steps 1.1 and 1.2

*Table 2: Overview of Step 1*

Source: own representation

**General Instructions:**

- This step provides a variety of methods that can be applied by the users to gather background information and develop a systematic understanding of the selected case. However, *not all of these methods need to be applied in every case*. Rather, the users should select and apply only those methods that seem most promising in their specific case. Nevertheless, it is of course advisable to use as many of the methods as possible in order to get a complete picture.
- The specifics of the selected case that the users want to work on not only determine *which* methods to choose, but also *in what way* the methods should be carried out:
  - If the users want to apply the instrument with regard to a very specific case (e.g. conflicts about a certain piece of land), only one field visit is necessary, and the range of relevant documents/interview partner(s) is limited.
  - If the selected case concerns a land governance process (e.g. initial registration of land, inheritance of land by women), it is advisable to find several examples that can illustrate different facets of this general process. Therefore, several field visits may be necessary, and the range of documents and interview partners that should be considered could be much broader.
- Since the overall aim of this instrument is to *identify and tackle corruption risks* in land governance processes, it is crucial to collect and gather any kind of information encountered in this step that relates to corruption risks early on. This will not only be very helpful for the users' understanding of the most severe issues related to the selected case, but will also enable them to moderate the workshop in an informed way.

**1.1 Collection of background information****Instructions:**

- The following questions enable the users to get an overview of the selected case by conducting a desk study and carrying out expert interviews. However, note that the questions are merely a guideline. It may be necessary to include others that are not included in this handbook.
- It is recommended not to solely rely on a desk study, but to conduct expert interview(s).
- A template of these questions that can be copied for the application of the instrument is provided as Template 1 in the annex.

**Guiding Questions:***Ownership and land use:*

- Who owns the land right now? What is it used for now?
- Who owned the land before? What was it used for then?
- When, how and why did the land title change? Who is the initiator of the change of title?

- Was a land title issued? If so, when and by which authority?
- Is there any evidence to suspect irregularities or corruption when it comes to ownership?

*Land governance processes:*

- What are the relevant land governance processes?
- Who are the main actors involved in those land governance processes?

*Actions and events:*

- Which relevant actions (e.g. police coercion, strikes, boycotts) took place on the disputed land?
- Which notable events (e.g. eviction, forceful occupation) affected the disputed land's title?
- Where do you think any accusations of corruption or other irregularities could occur in the land administration of this particular case?

*Dispute Resolution:*

- Which parties are involved in the land dispute? Are there any competing or overriding interests over the land?
- Was the land title disputed in court?
- Were there any court proceedings and is there any judgement/ruling/order?
- What do the parties claim regarding the disputed land?

## 1.2 Interviews with affected members of the community

**Instructions:**

- To properly understand the selected case, it is advisable for the users to not only talk to 'experts', but to also capture the perspectives of the members of the community adversely affected by events caused by corruption. Therefore, conducting interviews with the community might be very useful.
- The following questions help the users to carry out such interviews. Again, these should be understood only as a guideline. Depending on the case, some of the questions might be unnecessary, while others might be added. A template of these questions is provided as Template 2 in the annex.

**Guiding Questions:**

*Implications for an individual within an affected community:*

- How are you personally affected in this particular case? How has your source of livelihood been affected?
- How are your dependents affected in this particular case?
- What were the most important events that took place?
- Who are the most important actors involved?
- What are the underlying problems and issues from your perspective?

- Do you think corruption has contributed to the problems?
- What actions did you take to solve the problems?

*Implications for the community as a whole:*

- What are the economic repercussions of this case (for your community)?
- What are the social implications of this particular case (for your community)?
- What are the political implications of this particular case (for your community)?
- Has any group of your community been particularly affected?

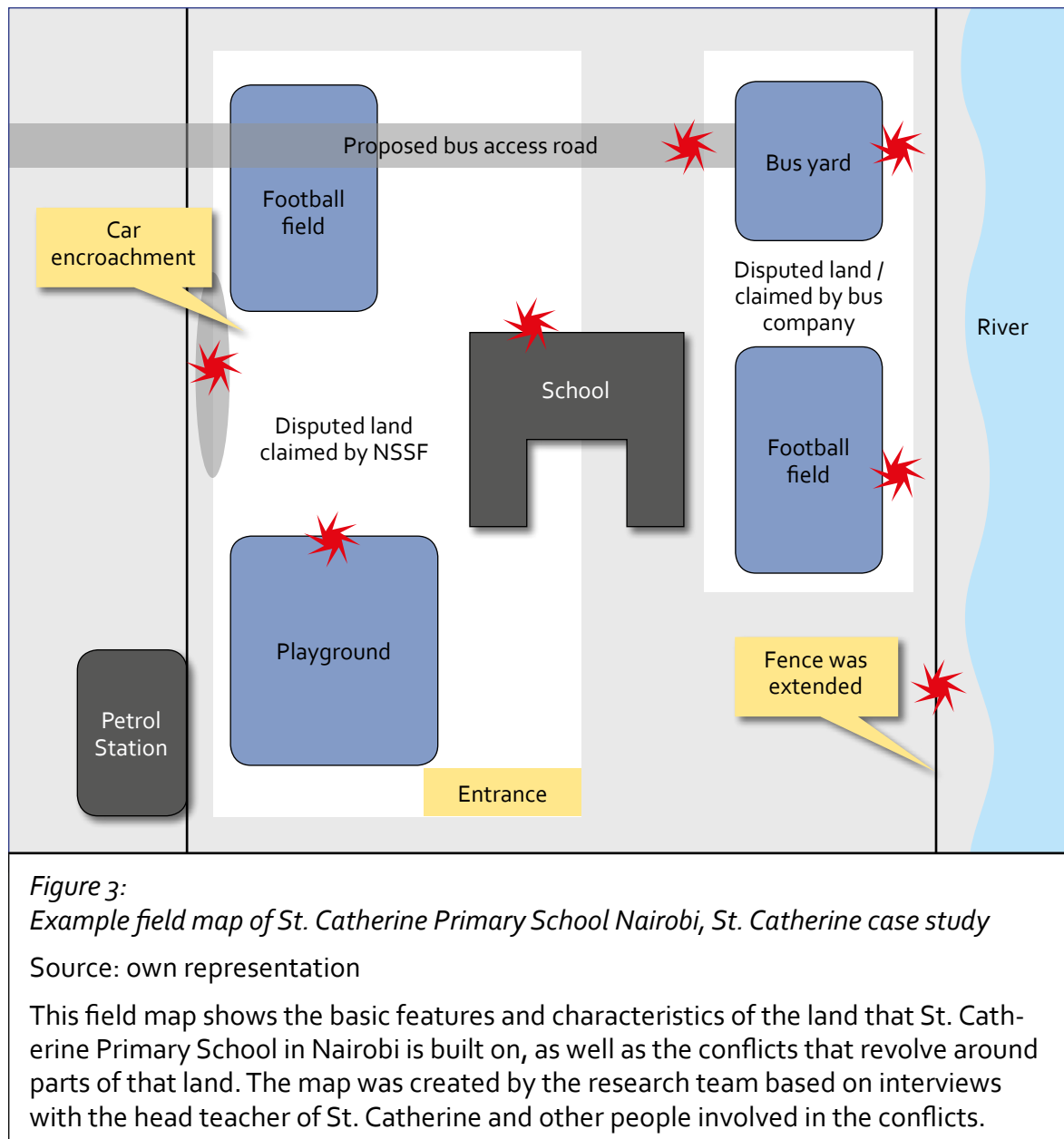
*Questions regarding the state of land governance within the selected case:*

- Do you have a title deed for the land in question?
- How familiar are you with the formal land governance processes?
- Which government institutions/actors have you been in contact with?

### **1.3 Conducting a field visit & creation of a field map**

**Instructions:**

- If possible, the users should visit the land in question with the affected groups and draw a map indicating the conflicts/disputed areas. This map is useful to gain a better understanding of the case, but also to properly visualise the conflicts/disputed areas for the participants of the main workshop.
- An example of a field map that was created for a case regarding urban spaces in Nairobi can be found below.



## 1.4 Completion of a document review table

### Instructions:

- The users should obtain legal documents or correspondence between parties relevant to the case, and capture the collected information in a chronologically arranged document review table. This will help the users to develop a deeper and systematic understanding of the past and/or current legal position. An example of a document review table can be found below.

Date	Documents	Action/Information
31.3.1994	Letter from the Assistant City Education Officer to the head teacher of Mukuru primary school	Permission from the City Council to level the playground for use by both Mariakani and Mukuru primary school.
30.5.1996	Letter from the head teacher to the Mayor of Nairobi	The head teacher requested the mayor to allocate the plot directly to the school in order to stop the repeated attempts to grab the land.
11.9.1998	Letter from the Director of city education to the head teacher	The Permanent Secretary of Education instructed all public schools on 20.6.1998 to obtain title deeds for their land. Here he instructs the head teacher to acquire title deeds for the Mukuru schools. It is noted in the document that the order was unaccomplished as the original survey documents were missing.

*Table 3: Example table for document review (excerpt), St. Catherine case study*  
Source: Own representation

## 1.5 Visualisation of events in a timeline

### Instructions:

- To systematise the information on the case that was selected, it can be helpful for the users to create a chronological timeline of the events that took place. Such a timeline also helps to summarise all information collected, and to focus on the most important events when discussing the case in the workshop.
- An example of such a chronological timeline is provided in Figure 4. The arrow indicates the progress of time. Moving from left to right – that is, from the past to the present – the blue boxes are filled with a very brief description of important events, including the year in which the particular event took place.



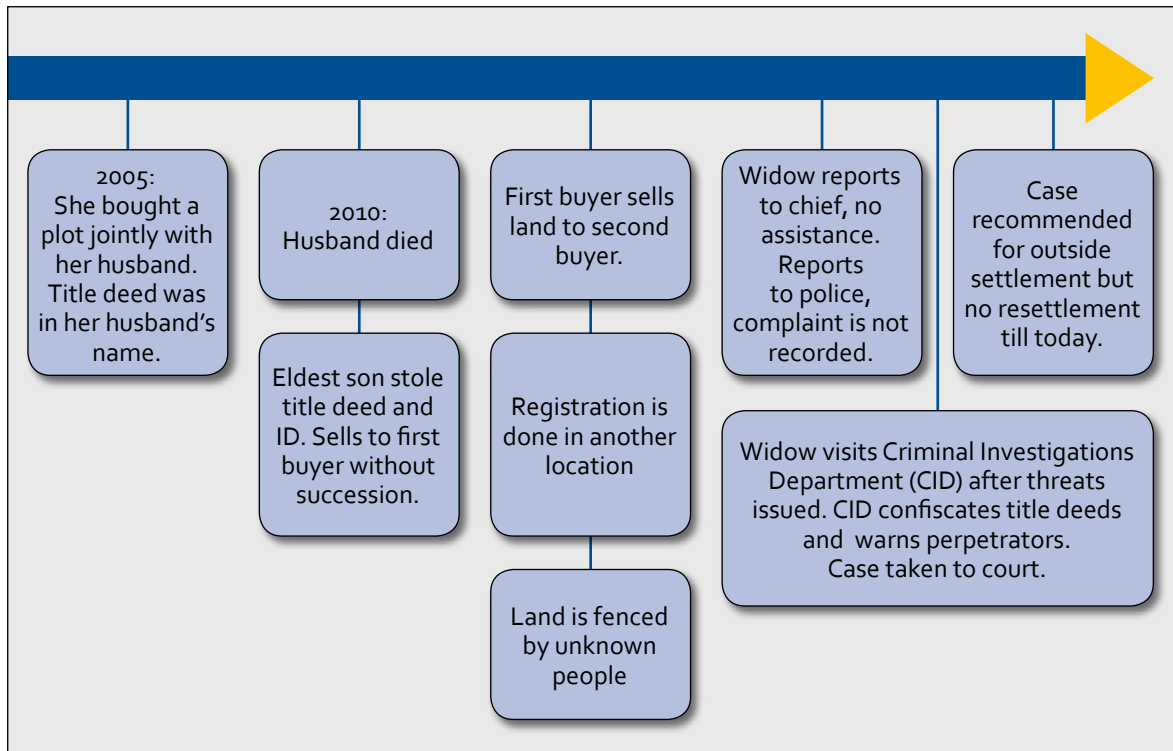


Figure 4: Example timeline, Kakamega case study

Source: Own representation based on interviews with community members in Kakamega

This timeline summarises the events of a case where a widow in Kakamega county was deprived of her rightful land inheritance after the death of her husband. It is one of the cases that were reported to the research team in Kakamega investigating the corruption risks that women might face when it comes to inheriting land.

## Step 2 Analysis of the context



**Aim:** In this step, the users analyse the historical, legal & institutional context to have a basic understanding of the origins of the land tenure regime, the institutions involved and their specific characteristics.



**Main methods:** Desk study; ideally: expert interviews



**Expected time frame:** 2 – 3 days

Sub-steps	The instrument provides...	Source of information
2.1 Conduct a desk study on the <i>historical context</i> of the case study and conduct expert interviews on the historical, cultural and political-economic context.	Research questions for the desk study and expert interviews	Books on history, politics, culture; academic papers, websites  Experts (e.g. historians, political scientists, sociologists, legal experts, administrative staff, politicians, qualified CSO members, journalists)
2.2 Map the most important information on the historical context in a timeline.	Timelines A and B	Information from the previous research and interviews
2.3 Get an overview of the <i>legal and institutional framework</i> in the country/ region by conducting a desk study and by conducting expert interviews.	Guiding questions for the desk study and expert interviews	Laws, internet research, interviews with lawyers in the field of land governance, land governance specialists, corruption experts, qualified CSO members
2.4 Prepare a visualisation of the legal and institutional framework.	Visualisation of the legal and institutional framework	Information from the previous research and interviews

Table 4: Overview of Step 2

Source: Own representation

### General Instructions:

- Basic research and understanding of the historical, legal and institutional context is crucial to grasp the underlying issues of corruption in land governance in any selected case. Accordingly, it is highly recommended to not merely rely on a desk study, but to verify the facts with experts at this point.

- *Historical Context:* To understand the case-specific history and its relation to land governance, a variety of sources should be taken into consideration. Information on culture, politics and social issues from different periods can contain vital information. However, it is crucial not to accumulate irrelevant information, but to restrict the research to essential case-specific information.
- *Legal and institutional Context:* The users should analyse the legal and institutional framework that is relevant to the selected case with a focus on the present anti-corruption measures and case-relevant land tenure regimes. This step not only provides necessary background information for the mapping of corruption risks, but is also a prerequisite for selecting intervention areas and counter-measures in Steps 8 and 9.
- It is very important to *note down any corruption risks* which might come up while doing research on the historical and judicial context. They will be very useful for the general understanding of the case at hand and for the communication with the participants in the workshop.

## 2.1 Analysis of the historical and cultural context

### Instructions:

- The guiding questions should be put to experts or be answered in a desk study. The users should understand that those questions only act as guidance, since not all questions might be relevant in every context and may thus be left out. Similarly, the user can and should ask questions that are not provided by the instrument whenever necessary.
- The provided questions have a general frame. Depending on the context and purpose of the application of the instrument, they can be answered with regard to a country in general, or with a focus on a specific region.
- A template of these questions that can be easily printed or copied for the application of the instrument is provided as Template 3 in the annex.

### Guiding Questions:

#### *Pre-colonial period:*

- What are the most important historical and cultural factors influencing land possession and governance?
- Do specific groups/actors have historical ties to specific areas of land?
- Are there historical conflicts concerning land between different indigenous/ethnic groups?
- Are there any areas/landmarks which are important due to religious, ethnic or traditional customs?
- What different 'tenure regimes' existed in the past and how was land divided?

#### *Colonial period:*

- What were important changes of land governance due to colonisation?

- Who were the (foreign or local) actors involved in the implementation of regulations and governance of land?
- What were the underlying principles and rationales (e.g. economic, political) of the colonial land governance system? How was the land used?
- Did the colonial system result in the creation of any long-lasting conflicts or mischiefs?
- Who were the main privileged/underprivileged groups of the colonial land governance system, and do these privileges still have consequences today?
- Was land unjustly awarded to elites or collaborators during colonisation?

*Post-independence period:*

- What are important post-colonial and contemporary factors or events influencing land governance?
- Was land unjustly awarded to elites or collaborators after independence?
- What are the major differences and parallels between the colonial and contemporary land governance systems?
- What role does land possession/development play in the country's economy?
- How equal is the distribution of ownership of land (e.g. does most of the land lie in the hands of few or many)?
- Are there conflicting interests between different groups or networks affecting contemporary land governance? Does land play an essential role in the struggle over political power?
- What were/are the most important social or political events since independence having an impact on land tenure and governance today?
- Have there been any relevant settlement schemes that have consequences until today? If yes, what were/are the consequences?
- Does ethnicity or tribalism play a role regarding possession of and access to land?
- What are the specific challenges that particular groups (such as ethnic and religious minorities, indigenous groups, people with disabilities, elderly etc.) face when it comes to their right to possess and access land?
- What role does gender play when it comes to possession of and access to land?

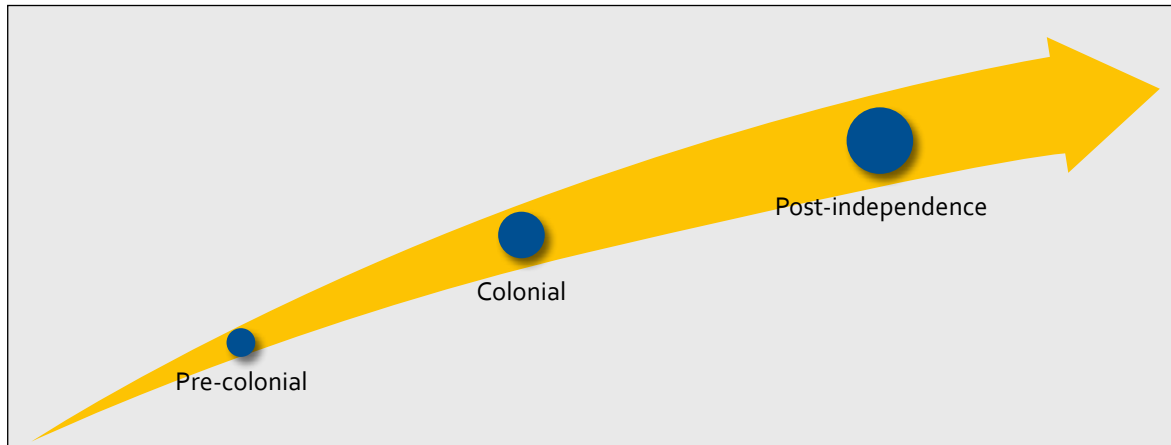
## 2.2 Mapping of the most important historical events in a timeline

**Instructions:**

- At this point, iconic historical events and facts should be mapped. Since it is not possible to visualise all the information resulting from the research, it is important to be very selective and to focus on the most impactful historical facts and events.
- Below are two options for the visualisation that can be chosen depending on the particularities of the selected case and the information available to the users.

- **Option A:** Visualisation of the general historical context only

The following timeline can be used to visualise the general historical context of a selected case in a structured but comprehensive way. To do so, the users should simply write the most impactful historical events above or below the arrow at the appropriate spot along with the year the event/development took place.



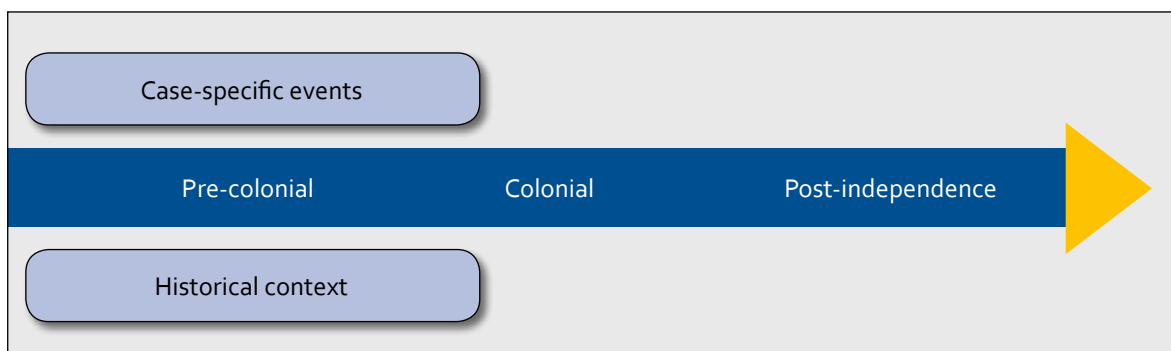
*Figure 5: Timeline for the general history*

Source: Own representation

- **Option B:** Joint visualisation of the historical context and case-specific events

The following timeline can be used to jointly visualise case-specific events (results from Step 1) and relevant information on the historical context (results from Sub-step 2.1). In this way, the respective relationship between the general historical context and the case-specific events can be shown.

To fill out the timeline, the users should add the most impactful case-specific events along with their respective date of occurrence on top of the designated horizontal arrow and the most important information regarding the historical context below the arrow.



*Figure 6: Timeline for case-specific and general history*

Source: Own representation

Examples of how timelines A and B can be prepared can be found on p. 57 & 58.

## 2.3 Analysis of the legal and institutional framework

### Instructions:

- The following guiding questions can be used for both expert interviews and desk studies in order to gather important information on the legal and institutional framework. The users should amend, add or delete questions, if necessary.
- A more comprehensive template of these questions that can be easily printed or copied for the application of the instrument is provided by Template 4 in the annex.

### ■ Guiding Questions:

#### *Land tenure regime:*

- What are the land tenure regimes and have they been clearly defined by law?

#### *Institutional framework:*

- What are the main institutions governing land tenure rights and does the legal framework define clear competences of these institutions?
- Does the country have an anti-corruption statutory body and which bodies of the governmental system are the main ones fighting corruption?
- Are these institutions independent and effective in tackling corruption? If not, why not?
- Does this anti-corruption body issue statistics on investigations, prosecutions, etc.?
- In practice, is there evidence that this body has been effective?

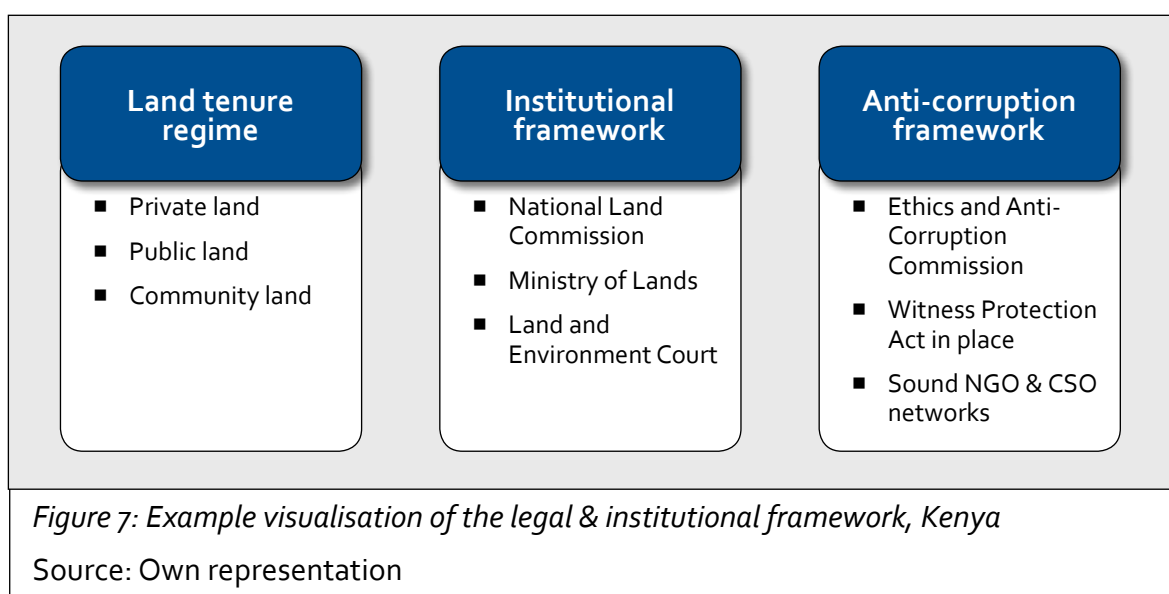
#### *Anti-corruption framework:*

- Does the judicial system efficiently tackle corruption?
- Does the judicial system allow affordable access to court and availability of lawyers?
- Is the judicial system effectively enforcing existing laws?
- Do strong and independent accountability mechanisms exist and which kind of mechanisms are those (e.g. Media, NGOs, formal and informal, complaining procedures).
- Are whistle-blowers protected from persecution according to the legal framework? If so, how and to what degree?
- To what extent are the accountability mechanisms in place well-known and accessible to everyone (e.g. are certain groups excluded)?

## 2.4 Visualisation of the legal and institutional framework

### Instructions:

- Based on the information acquired from desk research and from the expert interviews in Sub-step 2.3, the users should then prepare a visualisation of the legal and institutional framework.
- Such a visualisation helps to summarise and systematise the collected information and to focus on the most important aspects when discussing the legal and institutional framework in the workshop. Figure 7 provides an example of such a visualisation from the Kenyan context.



An example of the visualisation of the legal and institutional framework as used during a workshop can be found on p. 59.

## Step 3 Selection of land governance processes & adaptation of process illustrations



**Aim:** In this step, the users select the land governance processes that are most relevant to the selected case. In addition, they adapt the generic illustrations of these processes provided by the handbook to their specific national or local context, and they identify the key actors involved in these processes.



**Main methods:** Desk study; expert interviews



**Expected time frame:** 1 – 2 days

Sub-steps	The instrument provides...	Source of information
3.1 Familiarise yourself with the overview and the short descriptions of the generic land governance processes.	Overview and illustrations of the generic land governance processes;	Legislation touching on land, legal documents, legal correspondence (e.g. between ministry and devolved government)
3.2 Select the two (maximum three) most relevant processes by using a desk study and expert interviews.	Guiding questions for desk study / expert interviews	Documents related to the case: legal documents, correspondence, newspaper articles, scientific reports, etc.
3.3 Adapt the generic illustrations of the selected land governance processes to the specific local/national context by using a desk study and expert interviews.	Guiding questions for desk study / expert interviews;	Legal documents, policy papers on specifying land governance processes, rules and guidelines; Land governance experts, public officials, surveyors, NGO/CSO members etc.
3.4 For each selected process, create a stakeholder map indicating the most important actors involved.	Stakeholder map	Information gathered in Sub-step 3.3

*Table 5: Overview of Step 3*

Source: Own representation



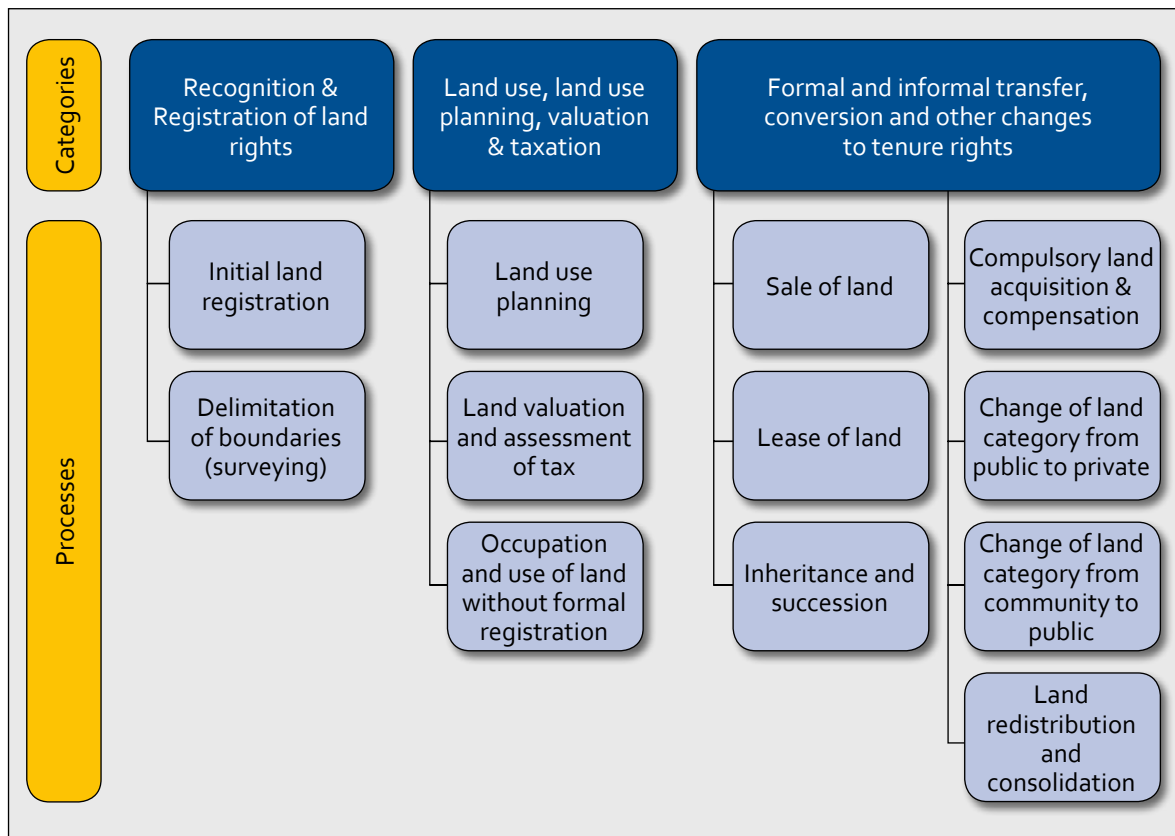
**General Instructions:**

- The underlying logic of the Land Corruption Risk Mapping Instrument is that corruption risks are systematically identified *within the land governance processes* relevant to a case. Therefore, the selection of the relevant land governance processes provides the basis for the land corruption risk mapping.
- For the instrument to be applicable throughout Sub-Saharan Africa, it is important to note that the processes depicted here are *generic* processes. Therefore, they show generalised patterns and central characteristics that can be found in the land governance systems of different countries. However, the processes differ from country to country. Thus, the illustrations of the generic processes provided here should be *adapted by the user to the specific country context* (see Sub-step 3.3).
- This step marks the completion of the Research Phase (Phase I) of the instrument. The results of Steps 1-3 of the instrument will be then discussed and validated with the workshop participants in Step 4.
- A desk study and expert interviews on land governance processes might bring up informative details about corruption risks. These should be well documented and clarified, so that they can be of use for the next steps, where the users will interact with workshop participants who are likely to be directly concerned by corruption. In that way, the users can sensitise themselves to the needs and grievances of the participants and will then be able to conduct an informed moderation of the workshop.

### 3.1 Overview and explanations of the generic land governance processes

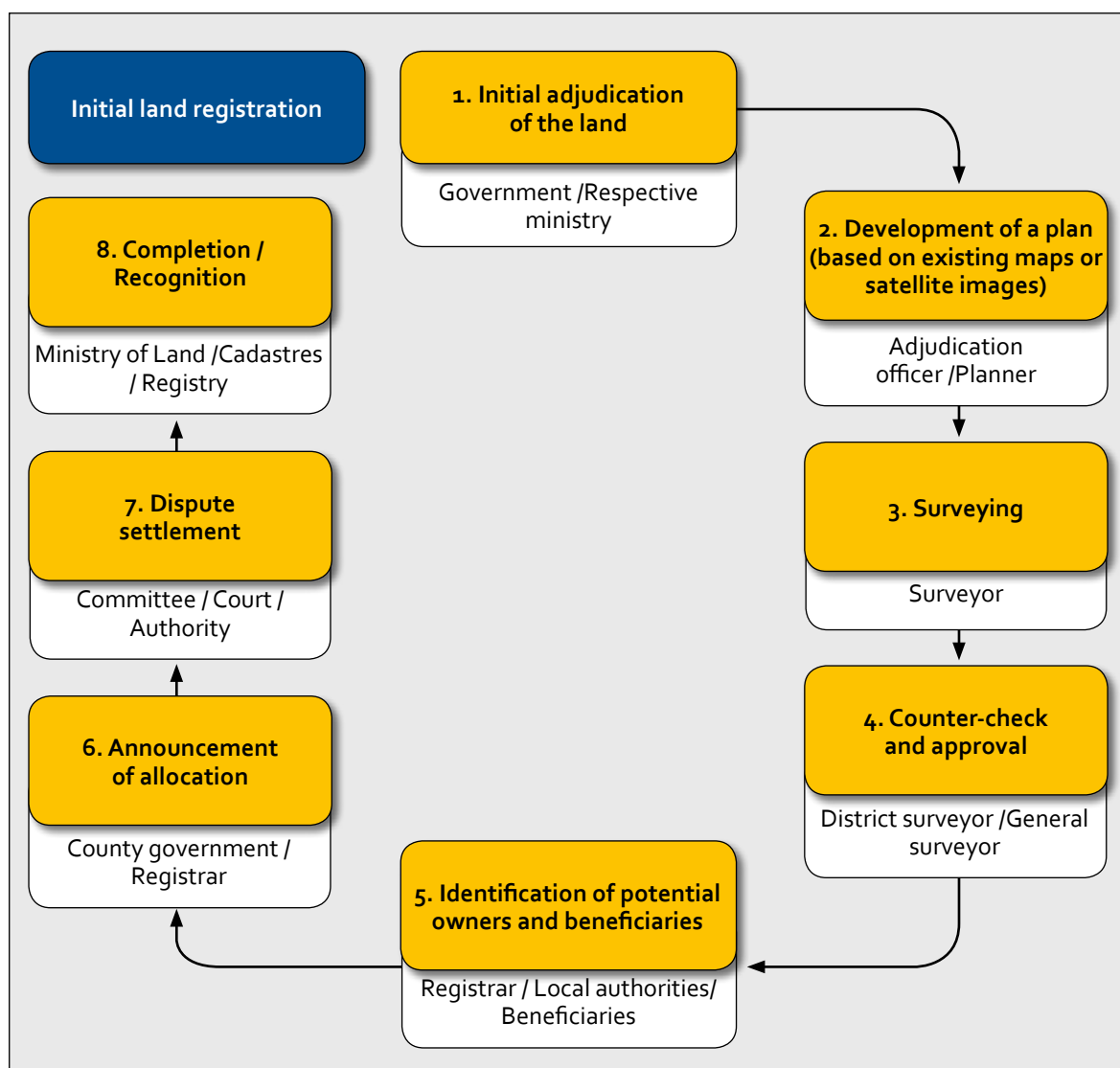
**Instructions:**

- In order to select the land governance processes that are relevant to a case, it is necessary for the users to have a good understanding of the key processes that land governance consists of.
- To this end, Figure 8 provides an overview of the key land governance processes that are covered by the instrument. In total, 12 processes are included. Additionally, detailed illustrations and short explanations are provided for each land governance process.
- As can be seen in the process illustrations in Figures 9-20, a process consists of various activities (yellow boxes) and of actors involved in the activity (white boxes).
- The processes maps are visualised in the workshop and form the basis for the land corruption risk mapping.



*Figure 8: Overview of the generic land governance processes*

Source for all following figures on land governance processes: Own representation based on FAO (2012), Deininger, Selod, & Burns (2011), and Enemark (2010).

**1st Category: Recognition and Registration of land rights**

*Figure 9: Initial Land Registration (Source: Own representation)*

Land registration is the official recording of legally recognised interests in land (FIG 2014).

Initially, the Government may declare a defined piece of land as an area where the government will either engage in the process of either determining and titling existing tenure rights or enabling the settlement of the landless. The Government may then survey the respective land.

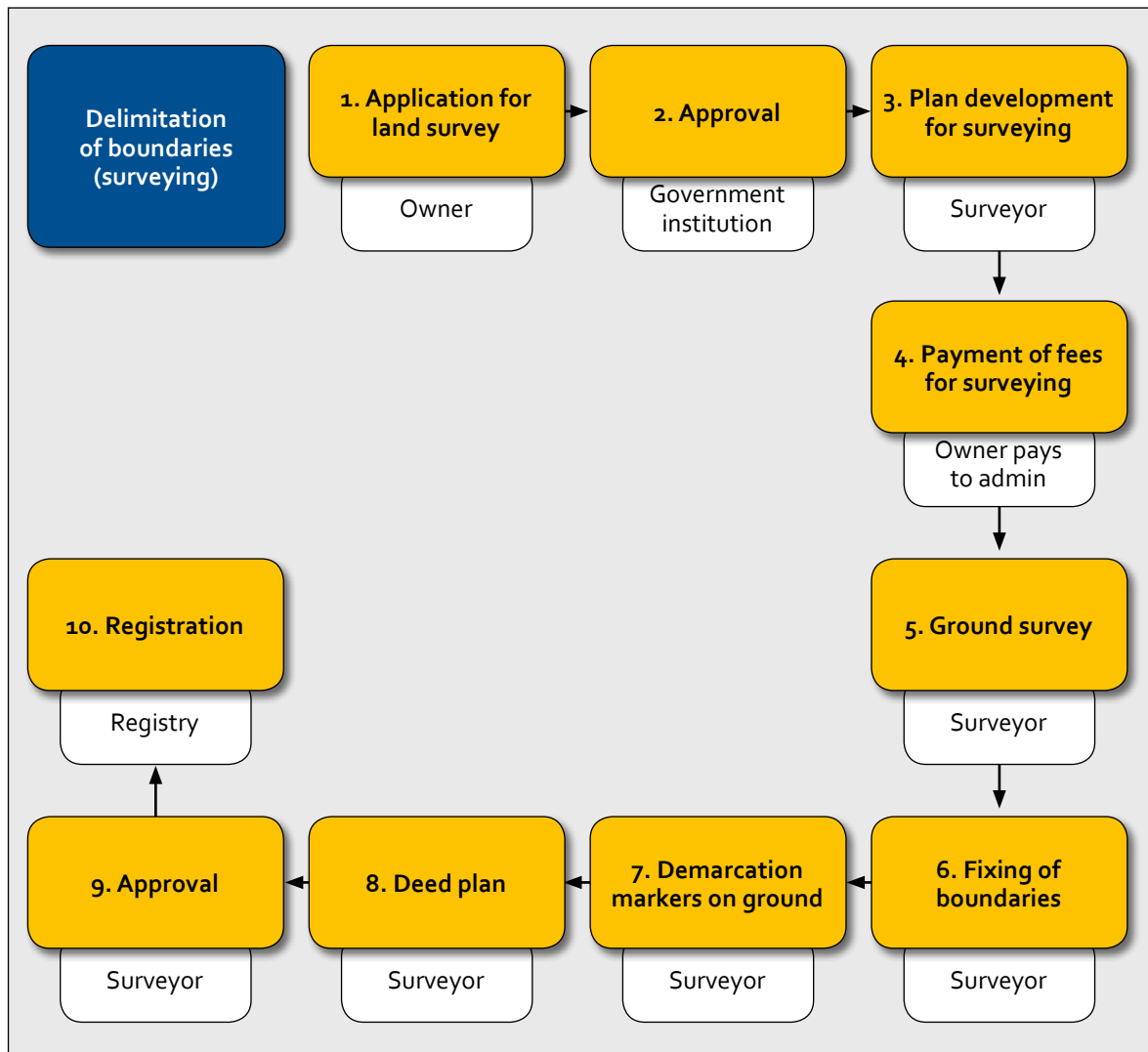
The adjudication plan should then be drawn in a participatory manner and include the sub-division of the defined parcel of land into smaller plots with identifiable reference titles.

The local authorities may identify potential owners and beneficiaries of the adjudicated parcels of land. This involves listing and confirming claims posed by the public.

The local government may then announce the allocation of the adjudicated parcel of land and proceed to allocate "letters of allotment" to the new intended owners of the subdivided parcel. Letters of allotment are documents that evidence the ownership of a parcel of land prior to the processing of an official title deed.

The local authorities may then set up a forum/institution/dispute resolution committee which allows to object/make alterations to the official allocation;

The process is finally concluded with the titling, registration and formal recognition of the new land owners ('deeds registry').



*Figure 10: Delimitation of boundaries (surveying)*

Source: Own representation

Surveying is typically initiated by the proprietor of the land, who intends to understand the boundaries and demarcations of the piece of land.

The land owner's application for the process is reviewed and approved by the government institution in charge of physical planning and upon approval, the plan development is then initiated by a government-appointed surveyor.

The proprietor then effects payment of fees for the implementation of the survey plan; upon payment, the ground survey is then carried out.

The fixing of boundaries and placing of demarcation markers on the ground is then carried out by the government-appointed surveyor.

Finally, the surveyor prepares the deed plan documenting the boundaries; the deed plan is then approved by the governmental institution in charge of surveying and after the Surveying Institution's approval, the Deed Plan is then handed back to the proprietor who engages the National Land Registry to finally officiate the delimitation of boundaries.

2nd Category: Land use, land use planning, valuation & taxation

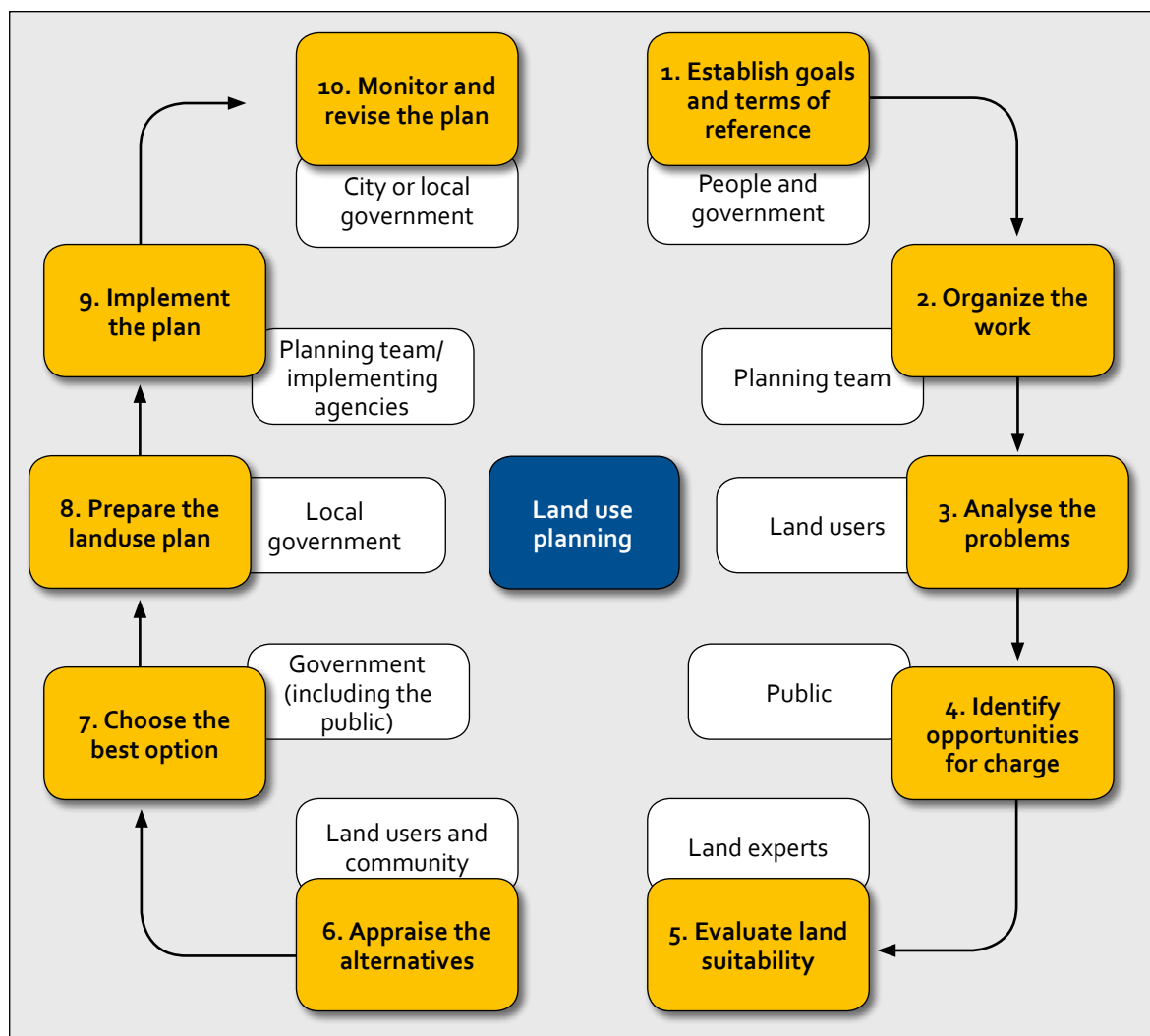
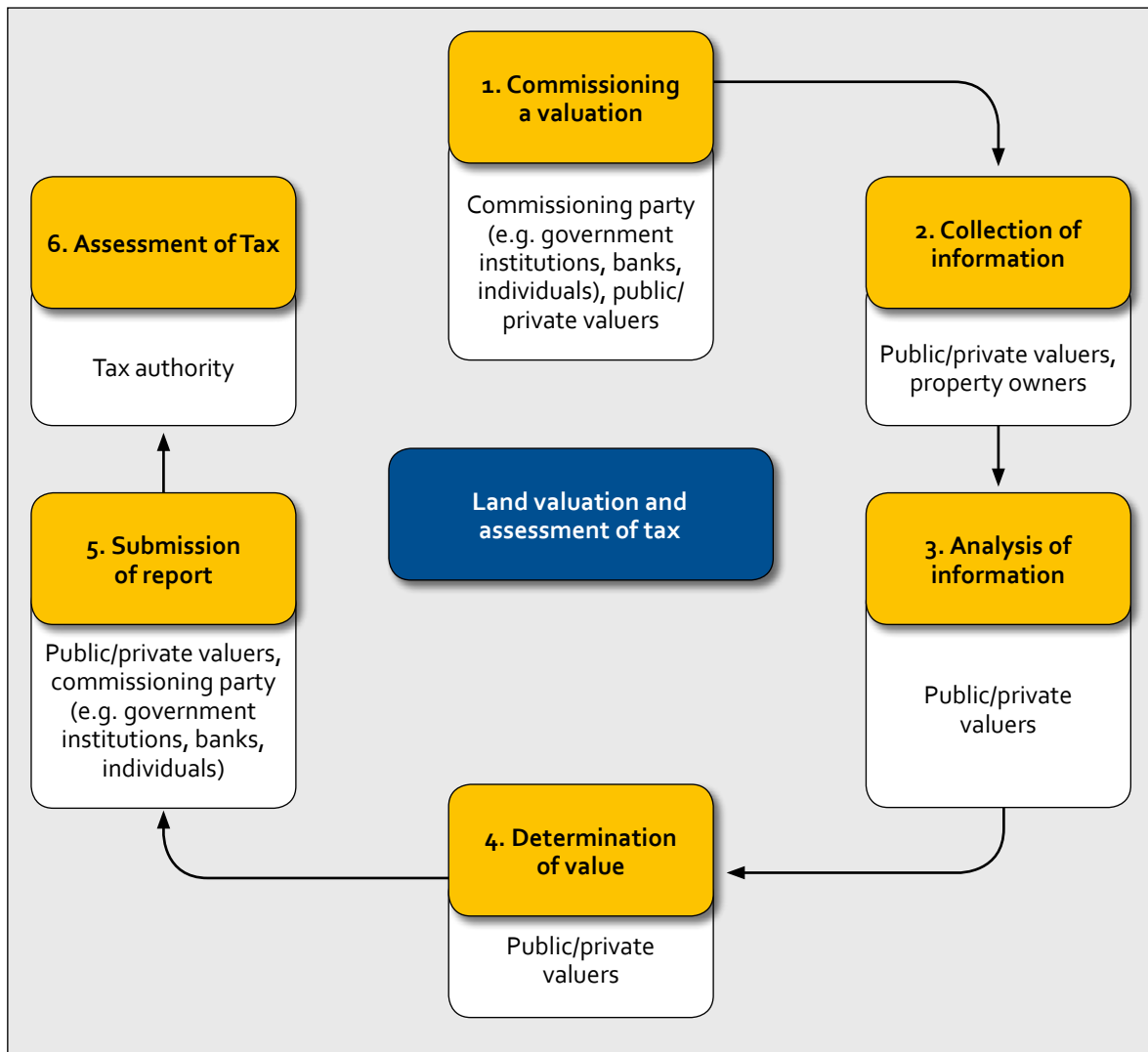


Figure 11: Land use planning (source: own representation)

“Land-use planning is the systematic assessment of land and water potential, alternatives for land use and economic and social conditions in order to select and adopt the best land-use options. Its purpose is to select and put into practice those land uses that will best meet the needs of the people while safe-guarding resources for the future. The driving force in planning is the need for change, the need for improved management or the need for a quite different pattern of land use dictated by changing circumstances.” (FAO 1993: 64).

Land use planning is used at all planning levels (national, regional and municipal level plus the sub-municipal level of villages or neighbourhoods). The elements or activities of land use planning vary depending on the planning level. Different kinds of decisions are taken at each level, where the methods of planning and plan objectives tend to differ.



*Figure 12: Land valuation and assessment of tax (source: own representation)*

The process of valuation provides a carefully considered estimate of worth of landed property based on experience and judgment by identifying and assessing the characteristics of a given parcel of land. The determination of a land parcel value depends on a number of physical and economic characteristics which must be taken into consideration very carefully in any land valuation procedure.

Some of these characteristics are intrinsic to the land; others are external or environmental factors. These factors can be determined in an objective way but there is always a certain degree of subjectivity that is difficult to measure in the valuation process.

The objects of land valuation are generally vacant or built-up plots of land. The value of either type of land is largely influenced and characterised by factual and legal conditions which may be entirely different in nature according to the land involved (Yomralioglu, Tahsin/Nisanc, Recep 2004).

Vacant plots may be agriculturally used lands of varying yield potential, they may be areas planned for potential building use or they may be plots available for construction with considerable variation in the type and extent of building allowed.

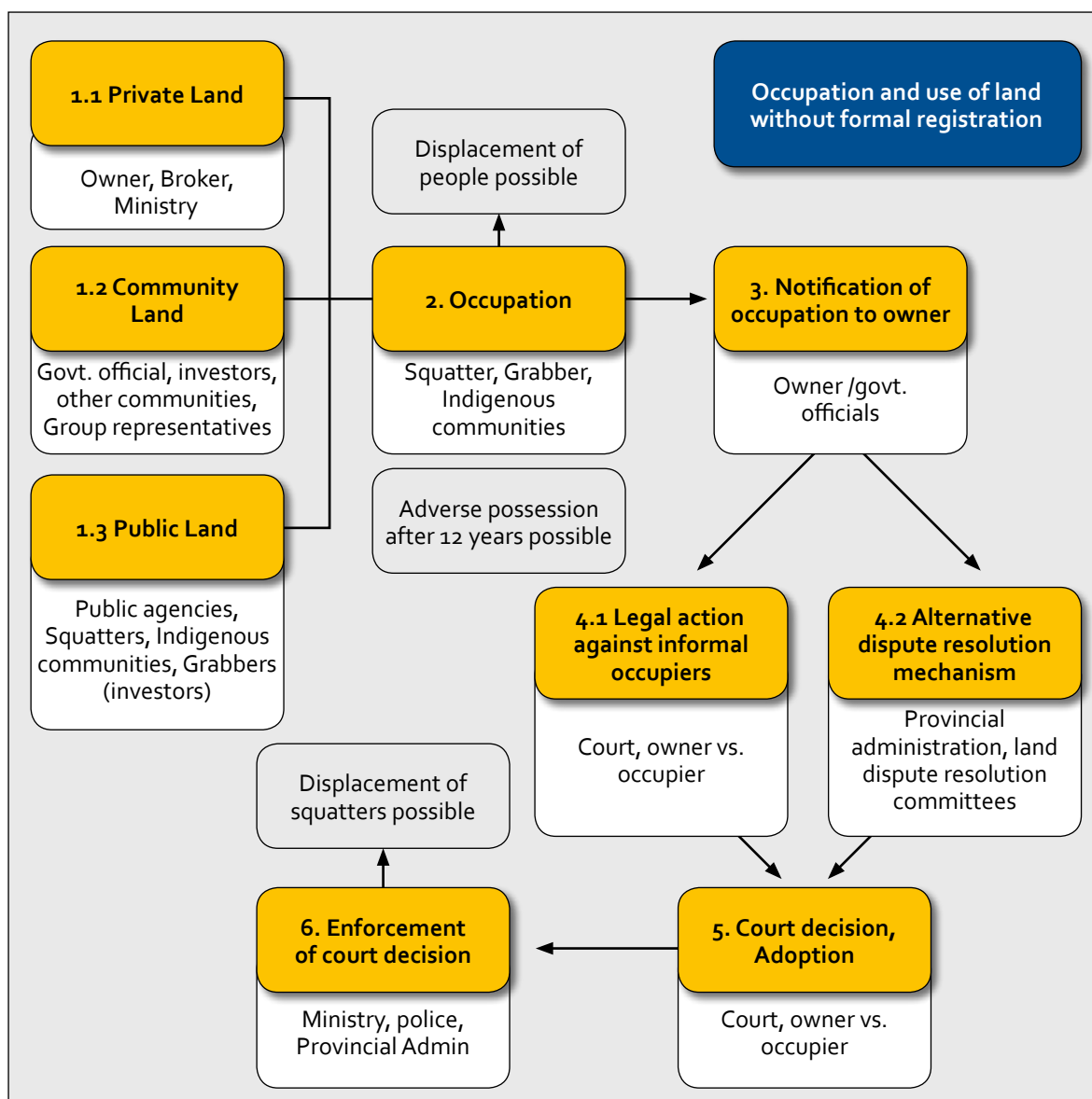


Figure 13: Occupation and use of land without formal registration (source: own representation)

Occupation and use of land without formal registration can be defined as the physical possession or use of a dwelling or piece of land without having the legal tenure right to live on that land (BusinessDictionary, 2016).

In order to properly map this particular process, it is important for the users to identify the land tenure regime, i.e. private, community or public land, which is relevant to their specific case.

The process will apply where there is informal occupation of the land by squatters, grabbers or occupants of the land without title to the land, often displacing the people originally owning the land.

After receiving the notification of the occupation of land, the owner then takes formal legal action against the occupiers or attempts to resolve the dispute through available alternative dispute resolution mechanisms.

The court may rule in favour of the owner and evict the owners from the land. Where the ruling favours of the occupants, as in the case of adverse possession, the owner loses ownership of the land, and the land title is registered in the names of the persons occupying the land.

### 3rd Category: Formal and Informal Transfer, Conversion & other changes to tenure rights

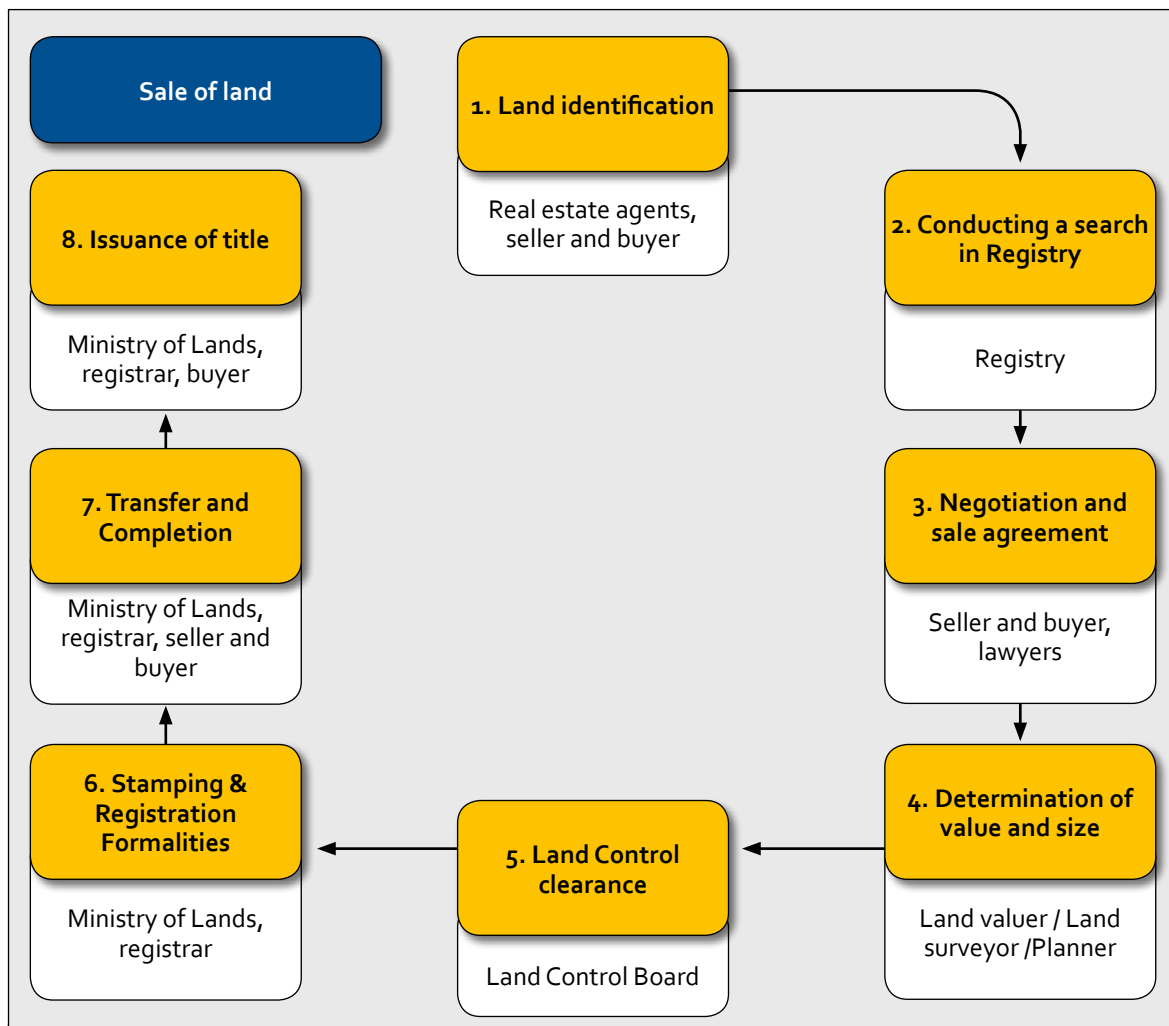


Figure 14: Sale of land (source: own representation)

The process of land purchase often begins with the identification of a suitable parcel of land by the buyer through contacting a real estate agent to carry out a land search or through sale adverts.

The buyer may then conduct a land search in the respective jurisdiction's Registry in order to carry out preliminary investigation on the clear details of the land, such as whether the land actually exists, the actual size of the land, details of the registered owner, etc.

The buyer may then either individually or with the assistance of his lawyer construct a Sale Agreement for the purchase and transfer of the identified parcel of land. The buyer may then engage the seller or his estate agent to agree on the terms of sale including the price and the terms of payment.

Typically, the location of the land often needs to be approved by a government organ within the region in order to ensure that the transfer does not have an adverse effect on society.

Registration formalities normally follow the approval of the given land control board. The transfer of the property in land may be formalised by the provision of a temporary document prior to the issuance of the final title deed that shows the transfer of the proprietary rights of the land from the owner to the buyer. The very final act of the sale process is the registration of the transfer in favour of the buyer.



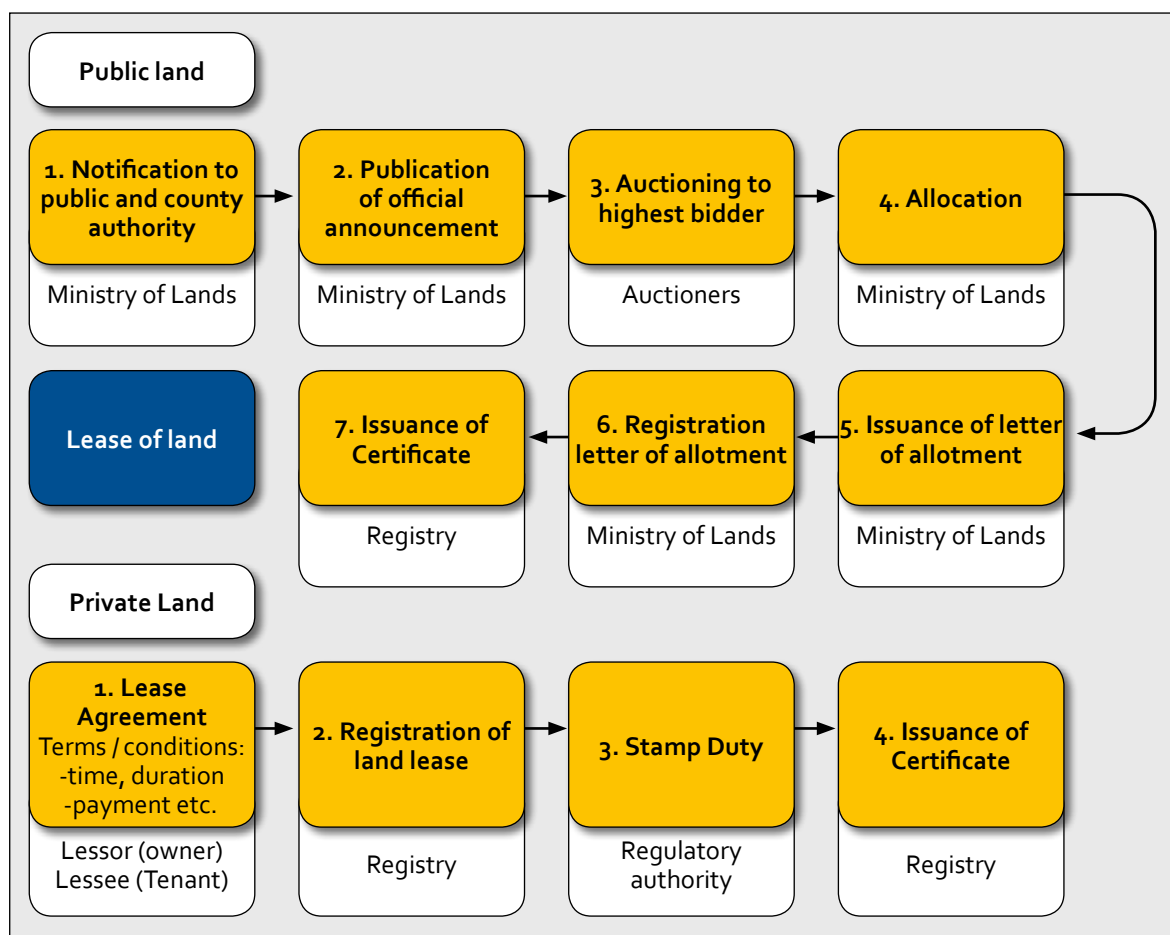
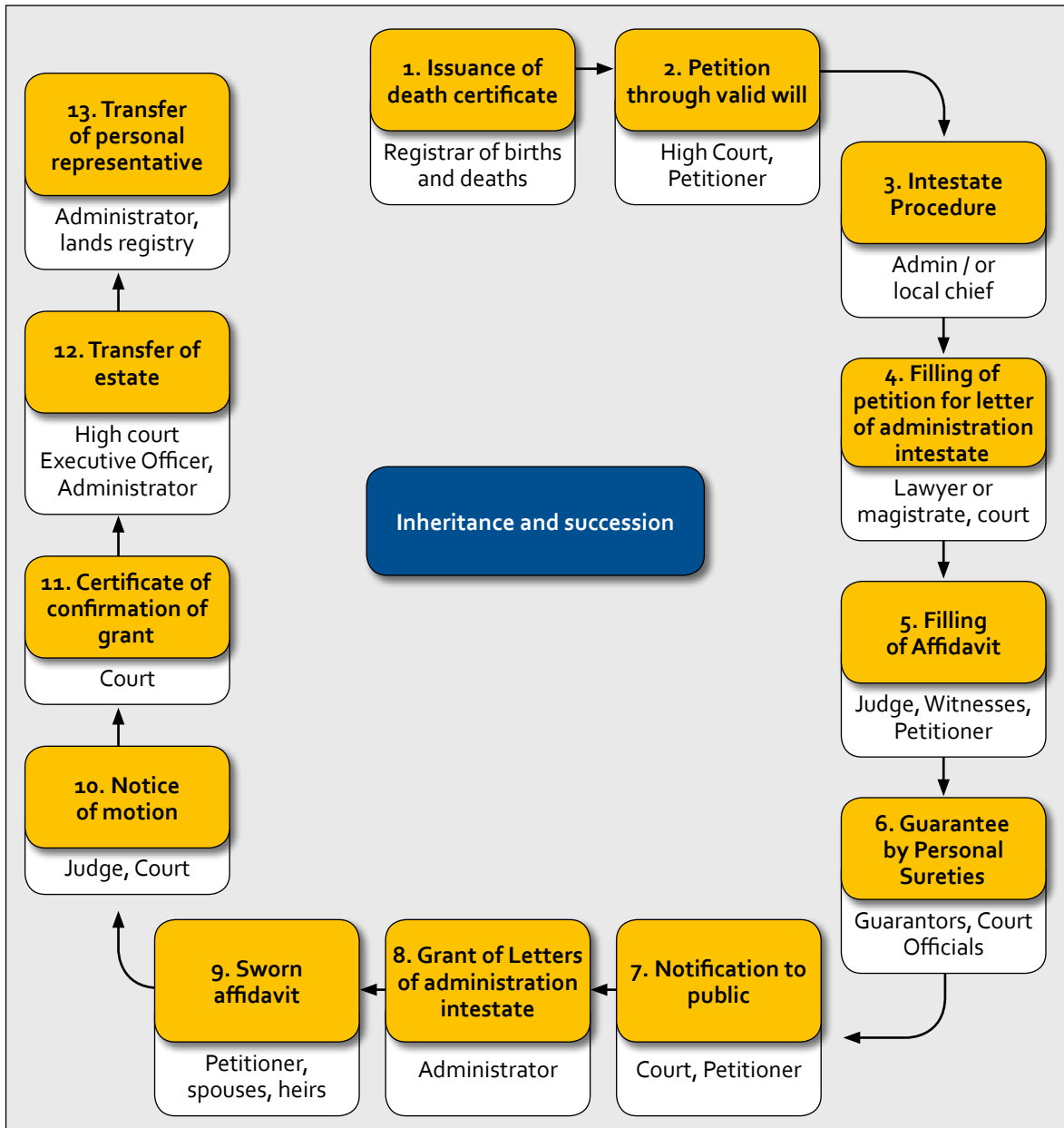


Figure 15: Lease of land (source: own representation)

A land lease is a written legal agreement between a lessor (landowner) and lessee (active farmer). A lease agreement must be signed by both parties. The lease sets out the obligations of the parties involved during the period of the lease, the term of the lease and payment terms and so provides useful legal protection to the parties concerned (Rural Economy & Development Programme (2015). "Guidelines for Long-term Land Leasing").

The users should note that the processes of leasing private land or leasing public land can differ.

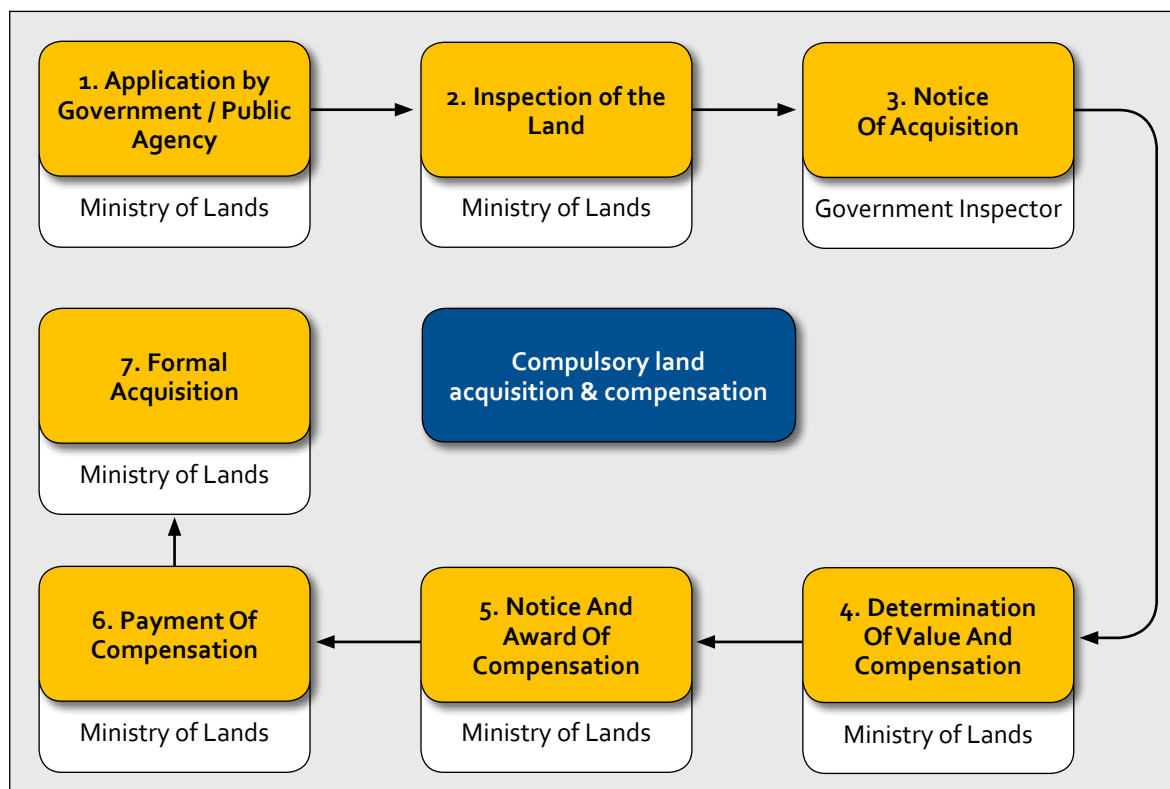


*Figure 16: Land Inheritance / Succession process (source: own representation)*

Inheritance is the of passing on of property titles, debts, rights and obligations upon the death of an individual. In law, an heir is a person who is entitled to receive a share of the deceased's property, subject to the rules of inheritance in the jurisdiction where the deceased died or owned property at the time of death (Omwoma 2015: 3).

Succession is defined as the process of transferring a land title from a person who has died ("proprietor") to a person ("petitioner" or "successor") who is entitled to take the property of the deceased.

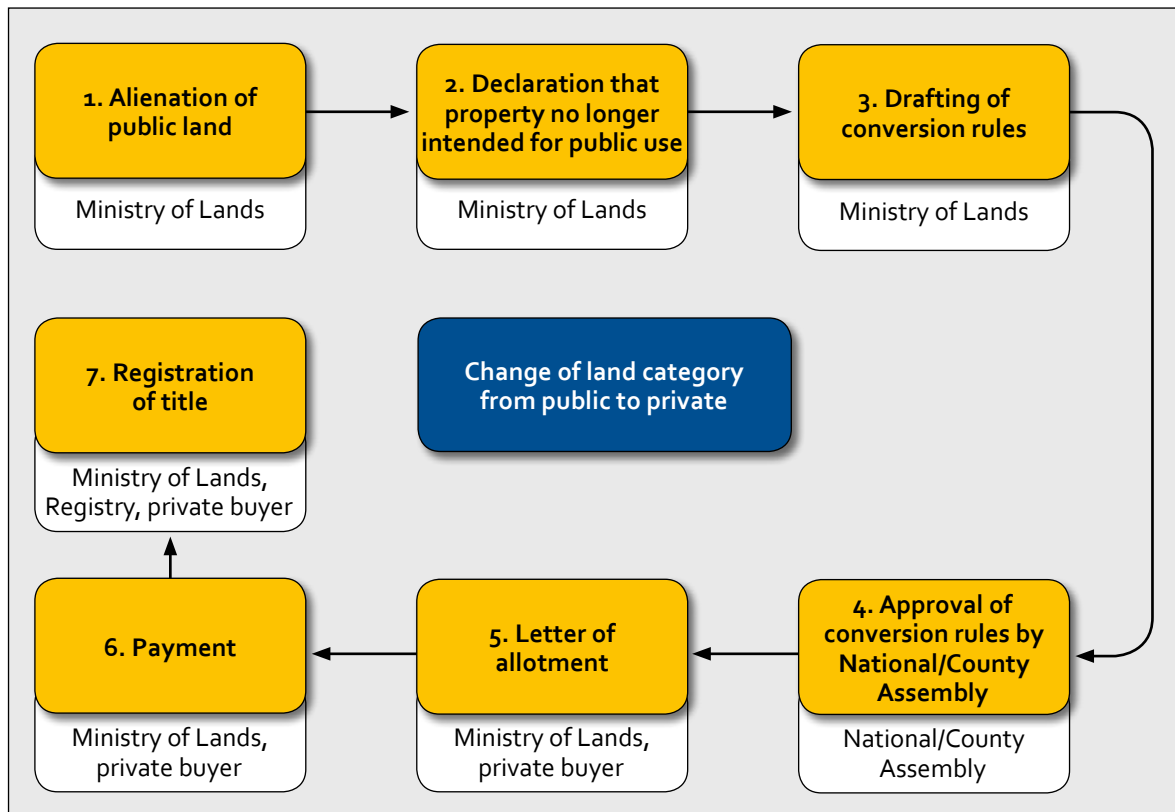
The exact rules and norms that govern the inheritance of property, however, show a tremendous diversity in the different societies and cultures. Consequently, each community and state normally has its own rules and procedures for the identification of heirs, and subsequent administration and distribution of the estate of deceased persons.



*Figure 17: Compulsory Land Acquisition (Change of Land Category: Private to Public; source: own representation)*

Compulsory acquisition can be defined as the power of the government to acquire private rights in land without the willing consent of its owner or occupant in order to benefit society (FAO, 2009). This power is often necessary for social and economic development and the protection of the natural environment. In the process of Compulsory Land Acquisition, the owner of the private land to be acquired should be compensated before the land is formally handed over to the State.

In the case of community land acquired compulsorily, the Community Assembly should initially approve of the intended acquisition and the community should be justly and promptly compensated before the land is formally taken over by the government.



*Figure 18: Change of land category: Public land to Private land*

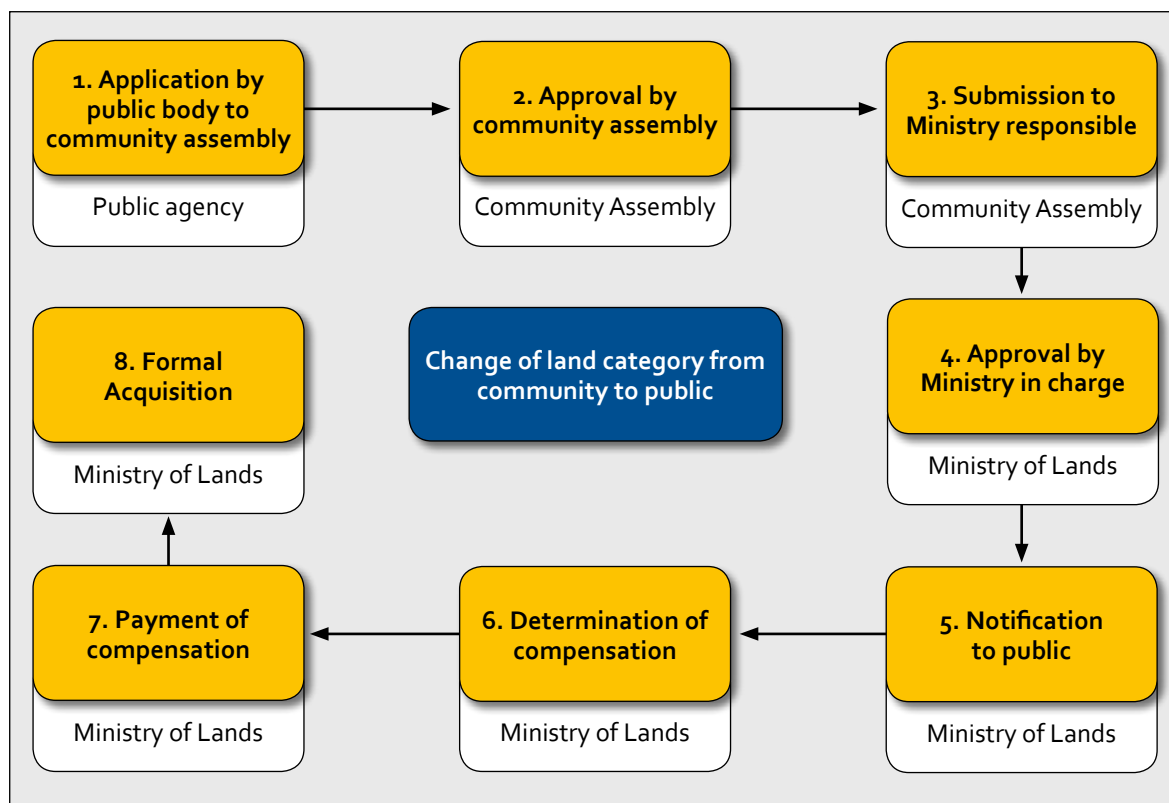
*(source: own representation)*

In summary, the following basic activities often need to be carried out in order to privatise public land. Initially, a declaration is often issued stating that the defined property is no longer intended for public use. The relevant government agency in charge of land may then draft policies and procedures that should be adhered to until completion of the process. The process may then be approved by the respective state / region's national parliament or regional assembly.

Alienation of public land normally initialises the process of conversion of public land to private land. In this process, the ministry in charge may inform the public about the conversion of the identified public land into private land. The ministry is also expected to point out the legislative rules and policies to be followed during the process.

The alienation and conversion of public land should be approved by the National Assembly or another government body in charge before the land is finally deregistered as public land and converted into private land. The new private owner will then have to follow the process of registration until the title deed for the land is formally obtained.

The land finally changes ownership from public land, owned by the state to privatised land for the benefit of an individual owner.



*Figure 19: Change of land category: Community land to Public land*

(source: own representation)

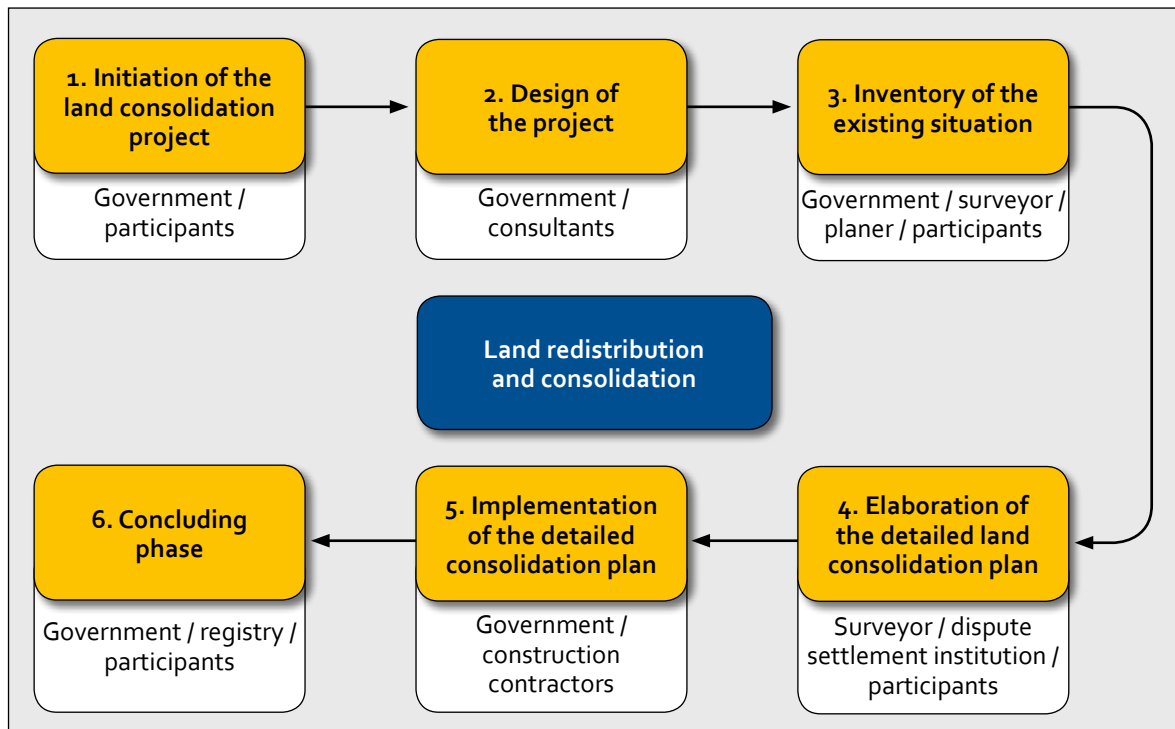
Community land consists of land lawfully registered in the name of group representatives under the provisions of any law; land lawfully transferred to a specific community by any process of law or any other land declared to be community land by legislation. Community land may also include: land lawfully held, managed or used by specific communities as community forests, grazing areas or shrines; ancestral lands and lands traditionally occupied by hunter-gatherer communities;

Public land can be defined as lawfully owned, used or occupied by the State or a state organ. Public land also includes all un-alienated land, all minerals and natural resources, and any other land declared to be public land by legislation.

The process of converting community land to public land should be initially approved by the community assembly. The assembly often consists of all adult members of the community to whom the land has been vested.

Given that the land is being converted for public use, the Ministry in charge has to approve of the application to have the land converted to public. The responsible ministry also often has a duty to inform the public of the intentions to convert the land for public purposes. As such, if the request arose from a public agency, the community members should be compensated for their land.

If all the formal requirements are met and the community informed and agreeable, the process finishes with formal acquisition.



*Figure 20: Land Redistribution and Consolidation (source: own representation)*

Land reforms in a country or jurisdiction occur when a respective government aims to amend land legislations in order to address the problems associated with land administration within a country. Land reform often consists of land redistribution and consolidation.

Land redistribution can be defined as the acquisition of land from the state or land owners for redistribution to other groups of people who have historically been dispossessed or disadvantaged. It may also include the redistribution of rights to land from large landholders to benefit the rural poor by providing the impoverished with more improved and equitable access to land.

Land consolidation can be defined as the re-allocation of land parcels to remove the effect of land fragmentation with the goal to improve the economic and social status of a particular jurisdiction.

## 3.2 Selection of the relevant land governance processes

### Instructions:

- The following guiding questions should be asked to land governance experts or can be answered by the users in a desk study to select the *two (maximum three)* land governance processes that are relevant to the selected case.
- Yet, these questions are merely intended to offer guidance. Whenever necessary, the users should include supplementary questions not provided by the instrument.

### Note:

The selection of two (maximum three) land governance processes is crucial, otherwise the identification of corruption risks within these processes in the Workshop Phase could become overly complex and time-consuming.

### Guiding Questions for desk study and expert interviews:

1. Is "Recognition and Registration of land rights" an issue?
  - If *yes*, were there any accusations of corruption or other irregularities involved in any of the following land governance processes:
    - Initial Land Registration
    - Land Surveying (delimitation of boundaries)
  - If *no*, proceed with question two.
2. Is "Land use, land use planning, valuation & taxation" an issue?
  - If *yes*, were there any accusations of corruption or other irregularities involved in any of the following land governance processes:
    - Land use planning
    - Land valuation & assessment of tax
    - Occupation and use of land without formal registration
  - If *no*, proceed with question three.
3. Is "Formal and Informal Transfer, Conversion & other Changes to Tenure Rights" an issue?
  - If *yes*, were there any accusations of corruption or other irregularities involved in any of the following land governance processes:
    - Sale of land
    - Lease of land
    - Inheritance and succession
    - Compulsory land acquisition and compensation
    - Change of land category from community to public
    - Change of land category from community to private and/or
    - Redistribution and consolidation

All the processes where the question is answered with “yes” are relevant and will be analysed in more detail in the next steps. If the answer is “no”, the process is not relevant for the selected case. If more than three processes are regarded as relevant, those with the highest relevance should be selected for the next steps.

### 3.3 Adaptation of the land governance process illustrations

#### Instructions:

- The identification of corruption risks during the workshop (see Phase II) is based on the illustrated land governance processes. As the process illustrations provided in this handbook are generic, they need to be adapted to the specific country context before the workshop begins. Of course, only the illustrations of those land governance processes that were previously selected as relevant to the case should be adapted.
- The user needs to scrutinise the generic illustrations of the selected land governance processes provided above. For this purpose, the user should carry out a desk study or conduct interviews with land governance experts according to the guiding questions provided below.

#### Guiding questions for adapting the land governance process illustrations:

- Can the generic process be applied in your country/context?
- Do activities need to be added, removed or rearranged for your country/context?
- Do actors need to be added, removed or rearranged for your country/context?
- Is the terminology of the activities and actors correct for your country/context?

### 3.4 Analysis of key stakeholders

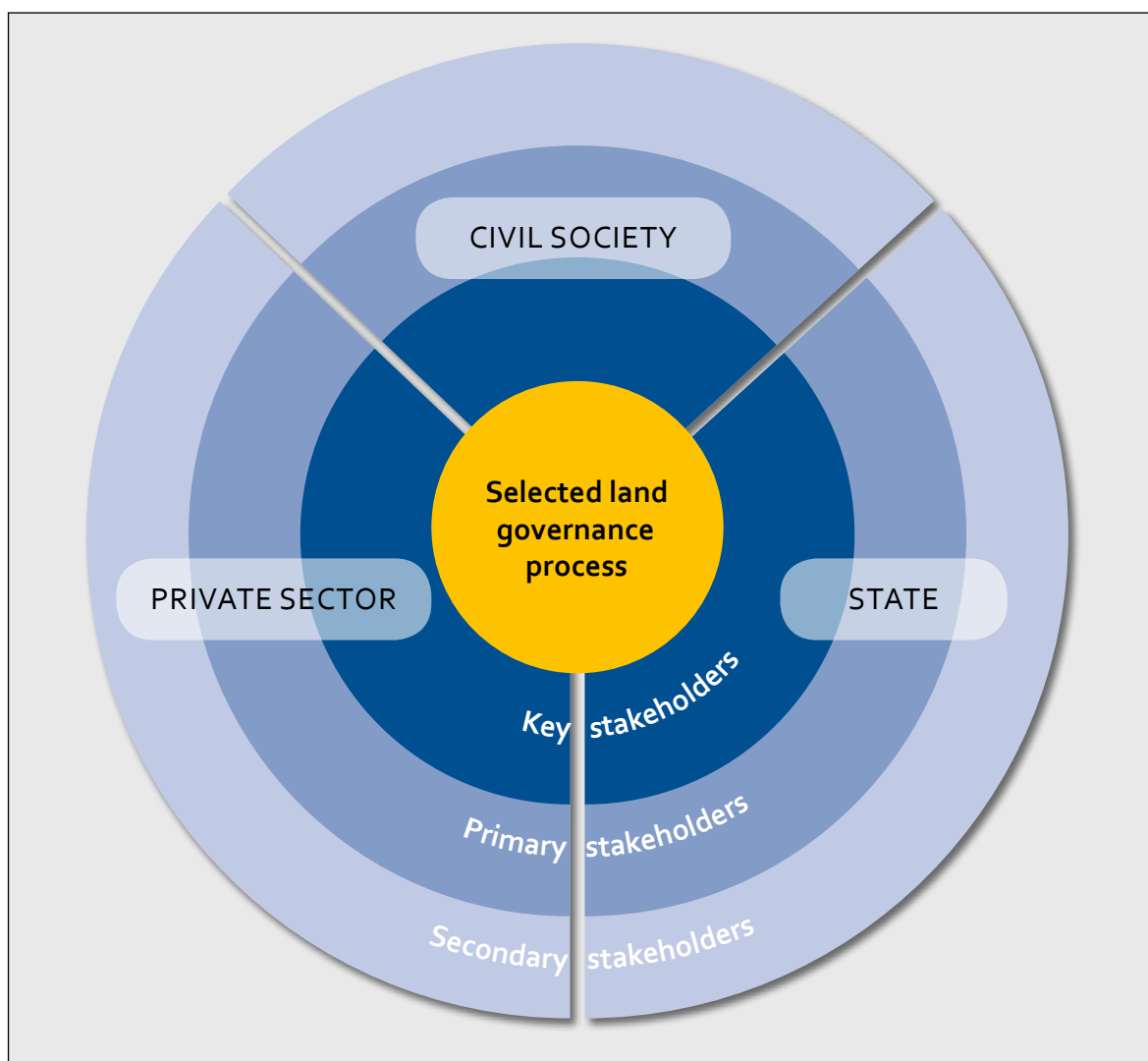
#### Instructions:

- In order to effectively tackle land corruption, it is important to include and address the main actors involved, since these actors are the ones who contribute to corruption and/or have the power to bring about change. As it is very difficult for individual actors to enforce change entirely by themselves, it is instrumental to form alliances and to convince all important actors to join the fight against land corruption.
- To do this, it is necessary as a first step to thoroughly analyse who the key actors involved in the land governance processes are, i.e. who the actors are that can or need to change something. Based on this analysis, the users should try in a second step to get all of these important stakeholders on board for the mapping of corruption risks in Phase II, and for the development of a strategy to tackle the identified corruption risks in Phase III. Effective solutions to tackle land corruption can only be implemented by involving as many of these crucial actors as possible.



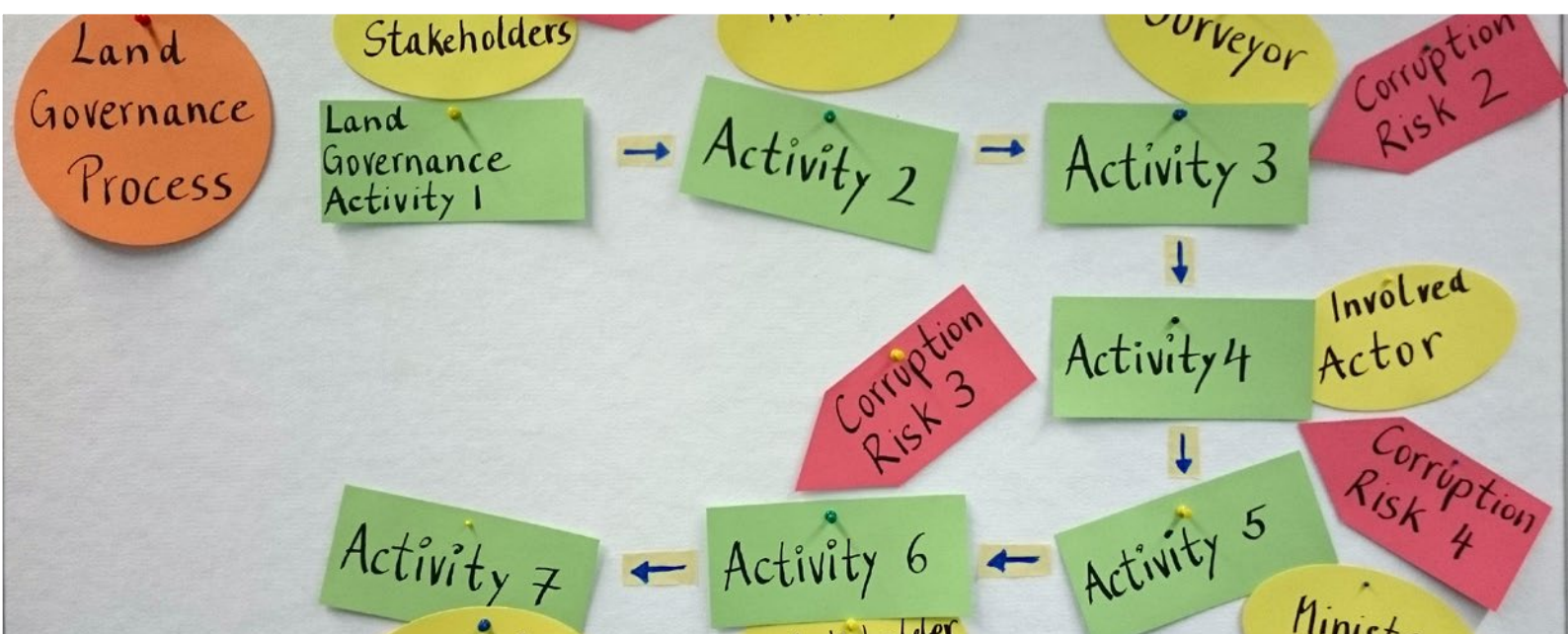
- In order to carry out a systematic analysis of the key actors involved, a *stakeholder map* should be created for each of the selected land governance processes. Such a simple stakeholder map can help the users to identify the key actors that need to be included or addressed in the fight against corruption in the respective land governance process.<sup>1</sup>
- To this end, the users should first review the adapted process illustrations from Sub-step 3.3 and note down all the stakeholders involved. Additionally, they assign all the stakeholders to one of the following three spheres:
  - the state (public sector),
  - civil society,
  - the private sector.
- Next, the users systematically classify the actors according to their importance and influence. Actors can be classified as:
  - key stakeholders (actors who have the power to significantly influence the respective land governance process);
  - primary stakeholders (actors who are directly affected by the respective land governance process);
  - secondary stakeholders (actors whose involvement in the given land governance process is only indirect or temporary, but who can nevertheless exert influence).
- There may be veto players who are able to block activities in the land governance processes. Without their consent, the results of the given process cannot be achieved.
- Finally, all actors are indicated in the stakeholder map according to their respective sphere and category (see figure 21). Veto players are marked with a “V”.
- Optionally, for a better overview of actors who a) might be willing to contribute to the fight against corruption or b) who might potentially oppose such positive change, it might be helpful to use a simple colour-coding system in the stakeholder map:
  - actors that are inclined to fight corruption can be marked in green (from dark green to light green);
  - actors that are inclined to oppose the fight against corruption can be marked in red (from dark red to light red);
  - and actors that are indifferent or whose position is unclear can be marked in grey.
- Such a colour-coding system may help the users to think about potential alliances and conflicts, and to take them into account when planning the way forward. However, it should be noted that using colours to assess the willingness of actors to contribute to positive change may oversimplify complex realities, lead to premature conclusions, and might facilitate wrong judgements. Thus, a colour-coding system for actors should be treated with care.

<sup>1</sup> In a slightly more complex version of the stakeholder map, the relationships between actors can also be represented. For details, see GIZ (2015).



*Figure 21: Stakeholder map indicating involved actors and their characteristics*

Source: Own representation based on GIZ (2015)



## PHASE II

### The Land Corruption Risk Mapping Workshop

- Step 4 Validation of results
- Step 5 Identification of potential corruption risks
- Step 6 Assessment of identified corruption risks
- Step 7 Identification of particularly affected groups

## Preparation

This preparation section serves as a crucial link between Phase I and Phase II. At this point, the background research is completed, but important tasks still need to be carried out before the workshop can start. The preparation consists of two elements:

- *Review and preparation of the research results:* The information of Phase I needs to be reviewed, structured, digitised and prepared in a manner so that it can be appropriately presented and discussed in the workshop.
- *Logistical arrangements, invitation of participants and preparation of materials for the workshop:* In order to conduct a successful workshop, an appropriate workshop venue should be arranged and suitable workshop participants need to be invited. The latter should consist of participants who can actively contribute to the desired outcomes of the workshop. Moreover, it is important to prepare all the materials that are needed for the workshop. These arrangements are time consuming and should start at the latest one week prior to the date of the workshop.

### a) Review and preparation of the research results

#### *Review and digitisation*

At the very beginning, the users need to look into the results from Steps 1-3 and review them with regard to completeness and consistency. In addition, the results should be digitised if this has not already been done during the collection of relevant data.

#### *Presentation form and basic materials*

At this point, the users need to decide whether to present the results from Steps 1-3 during the workshop in a digitised manner (e.g. using projected presentations), using manual means (using paper instruments such as flipcharts), or a mixture of both.

#### **Textbox 1: Manual presentation form vs. digital presentation form**

The preparation of the results on flipcharts, posters and other manual means is more laborious, but generally allows a more participative presentation and makes it easier to note down any additional information and ideas during the workshop. If the results are presented digitally only, the degree of participation is usually more limited, and making immediate alterations during the workshop is difficult. However, the presentation of information in digital form is usually more time-efficient and easier to prepare.

### *Preparation of documents, charts and tables*

A list of all the concrete outputs from the Research Phase which should be presented during the workshop is outlined below. The users should note that it is not always necessary to present all the results. Thus required documents, charts and tables should be chosen wisely with consideration to the required time.

#### *Visualisation of Step 1:*

- Field map (1.3): The field map should be projected on a wall if it exists in digital form. It can also be presented in various formats. If the users refer to an official map or a hand-drawn one, it can simply be taped on a wall. In the latter case, any additional information can be added with a marker.
- Document review table (1.4): This document should have a simple structure which can either be printed on a large piece of paper or handwritten on paper.
- Timeline (1.5): The users should either draw a large arrow or cut it from paper. Put the arrow either on a large piece of paper (e.g. brown paper or two pieces of flipchart papers glued together) or attach it to a wall directly. The users should then note the most impactful facts/events on paper cards and tape them at their designated areas next to the arrow. Additional cards should also be prepared to include any further events and facts added by the participants and tape them next to the arrow.

#### *Visualisation of Step 2:*

- Timeline A or B (2.2): As this timeline can be combined with the timeline from Step 1 (1.5), the same recommendations apply. A large arrow is the central part, while all the historical events surround the timeline. The users should use coloured cards to write down information regarding the most impactful historical events and facts using large print and legible fonts. Additional cards should be utilised to capture supplementary information drawn from workshop participants.
- Visualisation Legal & Institutional Framework (2.4): The visualisation captures vital information regarding the selected case's legal and institutional framework. It may be printed or drawn on an underlay above the written information. The collected information should either be printed and glued on the underlay or simply handwritten.

#### *Visualisation of Step 3:*

- Overview of the generic Land governance processes (3.1): Since this chart is quite complex, it is recommended to project it on the wall or to print it on a large piece of paper (e.g. several underlays glued together). This is a good basis to draw the boxes and write the information in a distinct and clear manner.

#### **Note:**

Please note that presenting the stakeholder map from Sub-step 3.2 during the workshop is not recommended. The stakeholder map is a systematic and useful, but subjective assessment of the actors involved in the land governance process. Presenting the map during the workshop can lead to heated discussions, and might even insult some of the participants.

## b) Logistical arrangements, invitation of participants and preparation of materials for the workshop

### *People and stakeholders to be invited*

This is one of the most essential steps in the preparation of the Workshop Phase. In order to tackle land corruption effectively, it is important to get all important stakeholders involved in the land governance process on board, since they are the ones who contribute to corruption and/or have the power to bring about positive change. Thus, the decision who to invite to the workshop should be based on the stakeholder map produced in Sub-step 3.4, which gives a systematic overview of all stakeholders involved.

#### **Note:**

Since some of the key actors who might bring about change are precisely those who are involved in corruption and benefit from it, not everyone will be willing to cooperate, and some actors might even try to obstruct the land corruption risk mapping. Therefore, the decision which actors to approach should be taken with great care and needs to be based on in-depth expertise of the specific country/local context and of the actors involved.

In addition to the actors that are included in the stakeholder map, the users should consider to invite other actors who are not directly involved in the respective land governance processes, but who might potentially contribute to a productive workshop. These include, but are not limited to:

- persons who have key knowledge of the selected case,
- implementing organisations,
- land governance experts,
- NGOs and CSOs,
- government officials,
- affected members of the community.

A comprehensive invitation list covering representatives from all key stakeholders should be produced. However, a workshop with too many participants can be just as challenging as one where there are not enough participants. The users should seek to obtain ten to 20 workshop participants<sup>2</sup> for the workshop. Special attention should be paid to a fair gender balance, the attendance of minorities and people who are particularly affected by corruption in land governance. If there are several languages spoken in the workshop, interpreters should be invited.

<sup>2</sup> This number of participants refers to the case that two land governance processes were selected in Step 3. Ideally, it is recommended to have 3 to 10 workshops participants per land governance process. Therefore, if three land governance processes were selected in Step 3, a number of 9 to 30 participants should be aimed at for the workshop.

### *Selection of an appropriate moderator*

A central factor for a successful workshop is the moderation. The moderation can be carried out by one or several individuals who are able to guide the workshop with the aim of systematically identifying corruption risks in land governance. To foster a constructive debate among different actors with differing or even conflicting agendas, the role of the moderator demands a certain set of skills. In order to make sure that the moderator is respected, it is recommended to find someone who fulfils all or as many of the following criteria as possible (which may also depend on the budget available for the position):

- Firstly, the moderator should be experienced in workshop moderation and have a proven set of communicative skills.
- It is crucial that the moderating person/team is well-acquainted with the handbook, especially with the workshop phase.
- Moreover, the moderator should be as neutral as possible. This means that the person/team should ideally not be part of any of the involved organisations/institutions. If possible, the moderator should be an independent outsider who comes in as a recognised mediator. However, if this is not possible, the moderator should at least be able to act neutrally and be respected by all stakeholders.
- Needless to say, the moderator needs to be familiar with the topics of corruption and land governance, the national context, and the case. This does not necessarily require an expert, but a lack of basic background knowledge would hinder a holistic understanding of the context that is necessary for a systematic land corruption risk mapping.

### *Preparation of illustrations, charts, and materials for the workshop*

The users should prepare all materials adequately prior to the workshop in order to achieve optimal results. Below is a list of the necessary materials and how they should be produced for the workshop. The detailed descriptions and explanations of these materials, however, can be found in the respective steps of the instrument.

Preparation for Step 4:

- Documents for introduction (4.1): The users should have prepared an outline of the agenda on a flipchart (or Power Point) and an overview of the steps of the instrument (either printed or written on a flipchart).
- Documents for the validation of Steps 1-3 (chapters 4.2-4.4): For the validation of the results from the Research Phase, all the documents, illustrations and charts with the results from Steps 1-3 that were previously prepared will be used according to the details in their respective steps. These include:
  - Field map (1.3);
  - Document review table (1.4);
  - Case-specific timeline (1.5);
  - Historical timeline A or B (2.2);
  - Visualisation legal & institutional framework (2.4);
  - Overview of the generic land governance processes (3.1).

*Preparation for Step 5:*

- Illustrations of the selected land governance process (5.1): At this point, it is necessary for the users to prepare simple and comprehensible illustrations of the selected land governance processes. To achieve that, the users should use a coherent colour coding system. In the illustrations provided in this handbook, *yellow* cards have been used to represent activities and *white* cards have been used for the accompanying actors involved. The title of the chosen land governance process has been written on a *blue* cardboard. The users should prepare enough cardboards and clearly write the activities and actors on them. The users can either arrange them on an underlay and post them on the wall or attach the illustrations directly to the wall. An example of a process illustration prepared for a workshop can be found in sub-section 4.3.
- Definition of corruption risk (5.2): The users should either project the definition of corruption risks on a wall or simply write it on a large underlay/flipchart so that it is clearly visible to all the participants.
- Corruption Risk Arrows (5.3): The users should prepare card arrows on which identified corruption risks can be noted during the workshop. The information on the corruption risks can then be noted down on the arrow with a marker, and the arrow is attached to the appropriate sub-process with tape. The users should prepare enough arrows and adhesive in advance, so as to save time during the workshop. Examples of such corruption risk arrows can be seen in Figure 26.

*Preparation for Step 6:*

- Definition of likelihood / impact categories (6.1): In order to facilitate the assessment of corruption risks by workshop participants, it is necessary for users to prepare a visualisation table for the 'likelihood' and 'impact' categories. The visualisation table can be presented either on a projector, or with prepared flipcharts. For the latter, the users should use coloured markers or coloured cards in order to show the different likelihood and impact categories. The users should utilise at least four colours, e.g. green, yellow, orange and red. Alternatively, the users can simply print out or copy the template of the impact and likelihood tables that is provided as Template 5 in the annex.
- Coloured tags for the Likelihood / Impact Assessment (6.2): It is necessary to prepare ample of coloured cards in the selected four risk colours. The users should simply write an "I" for Impact or an "L" for Likelihood with a marker on the card. In order to save time, the user should tape the impact and likelihood assessment close to the corruption risk. Examples of such colour tags can be seen in Figure 27.
- Risk Assessment Matrix (6.3): The users should prepare the Risk Assessment Matrix either on brown paper, on two pieces of flipchart paper glued together, or for a projector. Alternatively, the users can simply print out or copy the template of the Risk Assessment Matrix that is provided as Template 6 in the annex.



*Preparation for Step 7:*

- Overview of social groups that are often particularly affected by corruption (7.1): This table should be used to stimulate and moderate discussions. It should be possible to make alterations and write additional information on the table. Therefore, the table should be handmade in order to enable quick recording of statements made by workshop participants. The table can also be printed or copied in a large format based on Template 7 in the annex.
- Table for the identification of particularly affected groups (7.2): This table should be filled with information given by the participants during the workshop. Accordingly, it is very useful to use at least two large flipchart papers for the table in order to have adequate space for writing down the participants' ideas. Alternatively, the table can be printed or copied in a large format based on Template 8 in the annex.
- Evaluation Sheets (7.4): The users should print the required evaluation sheets once the number of participants is known. Template 9 provides the evaluation sheet in a format that can be easily printed or copied. If the workshop is partly or entirely conducted in a different language than English, it is highly advisable to prepare versions of the evaluation sheet that are translated into the other language(s) of the workshop. Only by having the evaluation sheets available in all the languages of the workshop can inclusiveness be facilitated.

## Step 4 Validation of results



**Aim:** In this step, the results of the Research Phase are presented and discussed with the workshop participants, with the aim of validating the information and gaining a common understanding of all important aspects of the case.



**Main methods:** Workshop



**Expected time frame:** 1-2 hours (time during the workshop)

Sub-steps	The instrument provides...
4.1 Provide an opening and introduction to the workshop	Guidelines for the opening of the workshop
4.2 Present and validate the results from Step 1: Analysis of the case	Visualisations of the results from Step 1
4.3 Present and validate the results from Step 2: Analysis of the context	Visualisations of the results from Step 2
4.4 Present and validate the results from Step 3: Selection of land governance processes and adaptation of process illustrations	Overview of land governance processes

*Table 6: Overview of Step 4*

Source: Own representation

### General Instructions:

- It is very important for the moderator to understand this step not merely as a *presentation* of the research results, but rather as a *participatory validation* of these results. The contributions of the workshop participants need to be thoroughly recorded, since they represent valuable additions to the information gathered during the Research Phase. Moreover, the users should note that thorough recording of results paves the way for a successful workshop in which the participants feel listened to and are thus willing to contribute.
- In general, it is advisable for the presentation of the research results to follow the order proposed in this handbook (i.e. Step 1, Step 2, Step 3). However, in some cases it may be more appropriate to present the results of the Research Phase in a different order (e.g. by presenting a joint timeline of the case-specific events from Step 1 and the general historic events from Step 2). The decision is up to the users, and they should choose the order which suits their case.

## 4.1 Opening and introduction

### Instructions:

- The following guidelines should help users to structure the opening of the workshop. However, the users should adapt the proposed opening to their needs by adding other aspects, by removing irrelevant ones and by changing the order prescribed by this handbook.
- In order to introduce the participants to the nine steps of the Land Corruption Risk Mapping Instrument – and thus to the workshop structure, which follows the same logic – it is advisable for the users to prepare a flipchart that lists the nine steps of the instrument. During the workshop, the users may refer to this in order to illustrate what step has been completed and what still needs to be done.
- The definition of corruption is not universal but differs between countries and social groups. Therefore, it is important for the users to find a common understanding of corruption between the workshop participants and themselves. This common understanding should be one that everyone in the workshop can understand and work with. It is recommended to propose the definition used by Transparency International and discuss it with the participants of the workshop:

#### Textbox 2: Definition of Corruption according to Transparency International

“Corruption is the abuse of entrusted power for private gain.”

Source: Transparency International (2009b: 14) The Anti-Corruption Plain Language

### Guidelines for the opening of the workshop:

#### *Introducing the people involved:*

- Who is conducting the workshop?
- Who are the partners?
- Who are the participants?

#### *Introducing the purpose and structure of the workshop:*

- Why is this workshop conducted? What is the background? What is the aim?
- What is the Land Corruption Risk Mapping Instrument? What are the nine steps?
- What has been done before the workshop, what will be done after it?
- What is the structure of the workshop?

#### *Introducing the concept of corruption and other relevant concepts and terms:*

- What is the definition of corruption according to TI?
- What is the participants' view and understanding of corruption? Can they agree to the definition provided by TI?
- What other concepts and terms used during the workshop should be explained?

## 4.2 Presentation and validation of the results from Step 1: Analysis of the case

### Instructions:

- The users should discuss the results of Step 1 with the workshop participants in order to develop a common understanding of the case. This also leads to informed discussions to which the workshop participants can contribute early in the workshop.
- The users should take their time to present and discuss the visualisations that were prepared beforehand, e.g. the field map or the timeline.
- Encouraging workshop participants to adopt an active role in a workshop right from the beginning is fundamental to a workshop that delivers good results. However, immoderate discussions with workshop participants during the early stages of a workshop may delay the rest of the workshop.
- The most appropriate order in which the results from Step 1 should be presented might differ from case to case. As such, it is at the discretion of the users to determine which order to present their results from Step 1 to the workshop participants (see General Instructions).
- If coloured cards were prepared for the presentation of the timeline, the users should attach these cards to a brown paper or the wall one after another while explaining their meaning. While doing so, the users should constantly ask for confirmation of the participants if the information provided is correct from their point of view. If it is not, the users should amend the cards, remove them, or include additional ones in accordance with the ideas and contributions of the workshop participants.
- If a PowerPoint presentation of the timeline or field map was prepared, the users should walk the participants through the slides and explain all the relevant information. Although the users may not be able to make any changes to the slides during the presentation, they should always make it clear to the workshop participants that their views on the subject matter are important and will be accurately documented. In order to show the workshop participants that their input is essential, it is recommended to clearly show that their contributions will be noted down in one way or another (e.g. on paper or even in the digital document).

## 4.3 Presentation and validation of the results from Step 2: Analysis of the context

### Instructions:

- In order to discuss and validate the *historical context* with the workshop participants, the user should use the prepared visualisation of a timeline as a starting point. The users should explain its structure with pre-colonial, colonial and post-independence events to the participants as a first step.
- Next, the users should present the prepared cards that indicate the important historical events to the participants one after another and attach them to the timeline.

- If option A was selected to visualise the timeline (see figure 22), i.e. the general historical context was prepared as a separate timeline, the users should simply present these events in a chronological order.

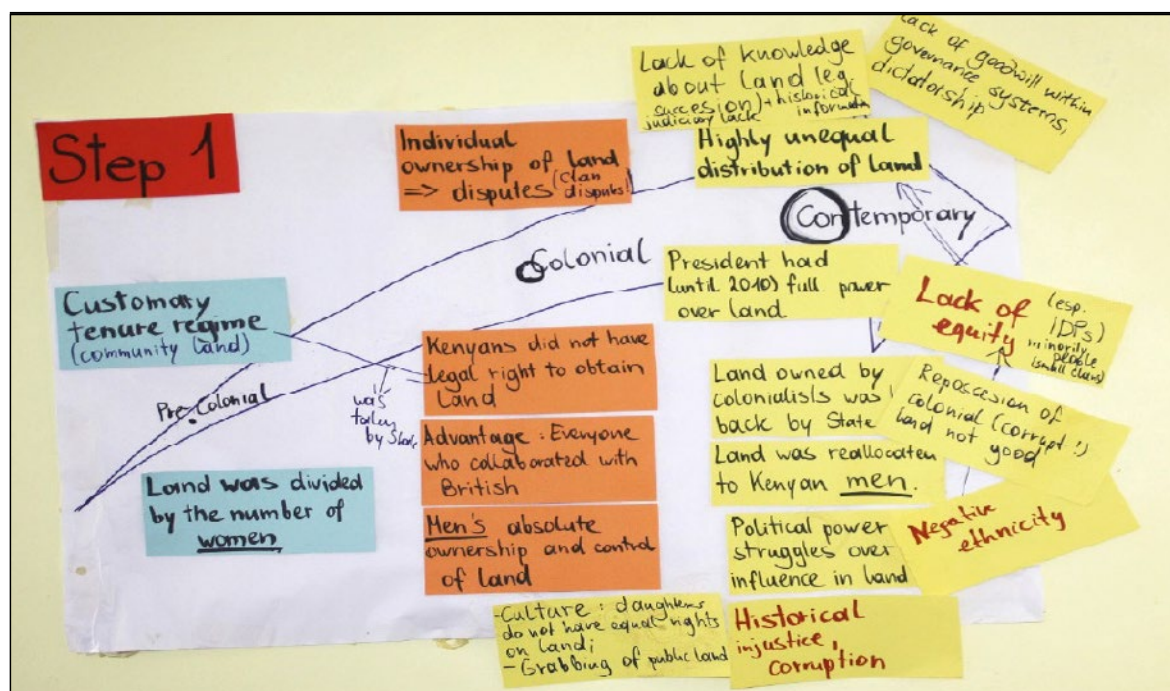


Figure 22: Example of a stand-alone timeline on the general historical context (Option A), Kakamega case study

Photo: Fanni Zentai

This timeline was prepared by the research team and discussed with the participants at the Land Corruption Risk Mapping Workshop of the Kakamega case study. Some of the cards were prepared beforehand, and others (in red) were added during the discussion as a result of the contributions by the workshop participants.

- If option B was selected to visualise the timeline (see figure 23), i.e. the general historical context was prepared as a joint timeline with the case-specific events, it is advisable to first present the general historical events and developments, and then show how the case-specific events unfolded and finally how they are inter-linked with the general history of the particular case study.
- During the presentation, it is advisable to involve the workshop participants in the process, for example, by asking them to assist in attaching the visualisations to the wall. Moreover, during this whole process, the users should ask for additional information and comments from the workshop participants, make amendments to the cards, and add or remove cards accordingly.

**"Wow, this is the first time I really understand the process of Land Registration and related corruption risks!"**

County Government Official, West Pokot



Figure 23: Joint timeline showing the general historical context and case-specific events (Option B), West Pokot case study

Photo: Team West Pokot

This timeline was prepared by the research team and discussed with the participants during the Land Corruption Risk Mapping Workshop of the West Pokot case study. The blue cards represent general historical developments in Kenya, while the green cards represent “case-specific” events in West Pokot. Some of the cards were prepared beforehand, and others were added during the discussion as a result of the contributions by the workshop participants.

- In order to discuss and validate the *legal and institutional framework* with the participants, the users should begin by introducing them to the three categories that are visualised, namely the land tenure regimes, institutional framework and anti-corruption framework.
- Next, the users should present the information on these three categories that was filled in beforehand. Finally, the users should ask the participants for additional information and comments, e.g. by posing the following questions:
  - Do you have any comments or anything to add?
  - What are the strengths of the legal and institutional framework from your perspective? What are the weaknesses?
- The strengths should be written down by the users in green, and the weaknesses in red. The result is a validated visualisation that shows the most important characteristics as well as the strengths and weaknesses of the legal and institutional framework from the participants’ perspective.

Land tenure regimes	Anti-Corruption Framework	Institutional Set-up
<ul style="list-style-type: none"> <li>• Freehold</li> <li>• Leasehold</li> <li>• Tenancy in common</li> <li>• Customary land rights</li> </ul>	<ul style="list-style-type: none"> <li>• Art. 60 of Const.: "Land use and management must be transparent and cost effective"</li> <li>• "Witness protection Act" in place</li> <li>• Sound NGO framework in Kakamega (e.g. GROOTS)</li> <li>• Information gap on land ownership and corruption (particularly women)</li> </ul>	<p>National level:</p> <ul style="list-style-type: none"> <li>• Ministry of Lands</li> <li>• National Land Commission</li> </ul> <p>→ Supporting and operational offices in each county</p> <p>Ethics &amp; Anti-Corruption Comm.</p> <ul style="list-style-type: none"> <li>• numerous investigation cases</li> <li>• information on verdict of investigations not public</li> <li>• accused of inefficiency and of being involved in cor. cases</li> </ul>
<p>Land categories:</p> <ul style="list-style-type: none"> <li>• Private land</li> <li>• Public Land</li> <li>• Community land</li> </ul> <p>• In Kakamega, all the Land is registered</p>		

Figure 24: Example visualisation of the legal and institutional framework, Kakamega case study

Photo: Fanni Zentai

This visualisation of the legal and institutional framework was prepared by the research team for the Land Corruption Risk Mapping Workshop of the Kakamega case study. It was presented to and discussed with the workshop participants. Additional information mentioned by the participants was noted down on separate flipchart sheets.

#### 4.4 Presentation and validation of the results from Step 3: Selection of land governance processes & adaptation of process illustrations

##### Instructions:

- Lastly, the selected land governance processes should be presented to and validated by the participants. The users should first make it clear that the selection of land governance processes is important and that these processes will form the basis for the identification of corruption risks in the next step.
- Then, the prepared overview of the land governance processes should be presented to the workshop participants. The users should briefly walk the participants through it and explain the categories and specific processes.
- The users should then explain to the participants which land governance processes are regarded as particularly relevant to the specific case and were thus selected for the next steps. The users should make clear why these land governance processes were selected. It is important that the selection of the relevant processes is made as comprehensible as possible for the participants. These processes form

the basis for the following steps and the participants should be satisfied with the selection and willing to work on the selected processes.

**Note:**

In the rare case that the participants are not satisfied with the process selection and wish to work on other processes instead, the users are faced with a difficult challenge.

Usually, it is not possible for the users to spontaneously change to another process, since only the illustrations of the processes that were preselected have been adapted to the country context before the workshop. Only in the rare case that the illustrations of other processes have been adapted to the respective country context as well, can the users show flexibility and change to another process, if necessary.

In all other cases, however, the users need to show understanding for the participants' opinions, but also make it clear to the workshop participants that the selection cannot be changed since other processes were not adapted and prepared. The users should ask the workshop participants to cooperate or improvise though they would have preferred to work on other processes.

- After the selection of the relevant land governance processes has been discussed and validated with the workshop participants, the users can move on to present the detailed activities and actors within the selected processes in Step 5.



## Step 5 Identification of potential corruption risks



**Aim:** In this step, workshop participants identify specific corruption risks on the basis of the adapted land governance process illustrations. To do so, participants are divided into groups.



**Main methods:** Workshop



**Expected time frame:** 45-90 minutes (time during the workshop)

Sub-steps	The instrument provides...
5.1 Verify the country/context-adapted land governance processes, activities and actors together with workshop participants.	Guiding questions for the verification with participants
5.2 Define and discuss the definition of corruption risks with the workshop participants.	Definition of corruption risks
5.3 Identify and document corruption risks in land governance processes jointly with the workshop participants.	Guiding questions based on Transparency International's definitions of transparency, accountability and participation

*Table 7: Overview of Step 5*  
Source: Own representation

### General Instructions:

- From this step on, the workshop participants should work in separate groups based on the selected land governance processes for the rest of the workshop. Each sub-group should discuss one land governance process. This is crucial in order to work efficiently and so that there is room for more participation and discussion.
- Accordingly, the number of selected land governance processes should determine the number of sub-groups working on them. It is recommended not to have more than two (or a maximum of three) selected processes. Hence, there should be two (or a maximum of three) sub-groups.
- The users should divide the workshop participants into medium-sized groups. If possible, each sub-group should have at least 3 workshop participants but not more than 12.
- In order to have a diverse discussion on potential corruption risks, it is recommended to mingle workshop participants with different backgrounds in the same group. The user should try to get as many different people covering different points of view into one group as possible (e.g. community members, NGO activists, legal experts, government officials etc.). It is important to keep this in mind

when inviting workshop participants: the more diverse the composition of the workshop participants, the more valid corruption risks will be identified.

- The moderator of each group should be very familiar with the discussed processes or alternatively involve an expert who is able to guide and support the discussion on the respective land governance process and related corruption risks.
- The users should keep in mind that, after the workshop, a table with detailed information on the identified corruption risks should be filled out (see preparation for Phase III). Therefore, it is useful for the workshop moderator and the support team to take notes and write down comments on the risks mentioned during the discussion.

## 5.1 Verification of land governance processes with the workshop participants

### Instructions:

- Since the selected land governance processes form the basis for the identification of corruption risks, it is important to explain to the workshop participants how the respective land governance process works.
- To this end, the users should attach the illustration of the respective land governance process, i.e. the prepared cards with activities and actors, to the wall – preferably during a break, since it might take some time. An example of such a land governance process can be found in Figure 25.
- The users should explain to the participants of each separate sub-group the different colours for process, activities and actors. Next, the users should take the participants through the details of the process. The users should speak plainly. If referring to any sophisticated terms, they should ensure that they have a simple definition at hand.
- During the explanation of the process, the users should make sure the workshop participants understand the activities and actors. The users should also verify whether the depicted process is actually correct based on their research. To this end, the moderator should use the guiding questions provided below.
- If the workshop participants intend to change anything or add supplementary information, the moderator should adapt the process accordingly.
- If the workshop participants add extra information or information which does not involve an activity or an actor, the users can also write down the additional information on a separate flipchart.

***“It has been wonderful because the ideas obtained in the workshop are really helpful and I believe with time they will be implemented to assist in reducing corruption.”***

Activist, Kakamega

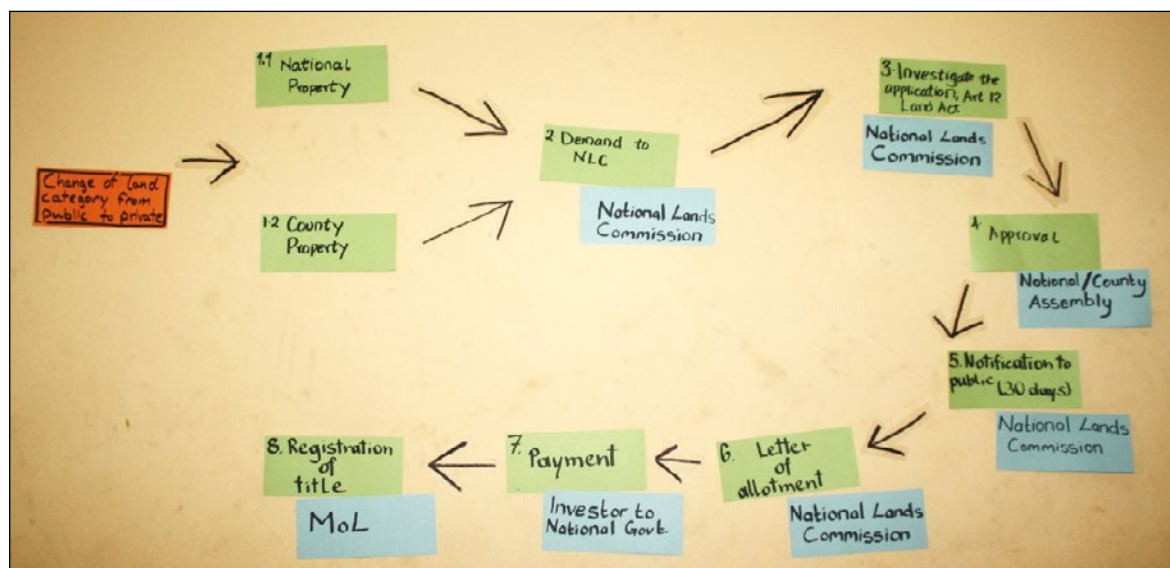


Figure 25: Example of the 'Change of Land Category from Public to Private' process, St. Catherine case study

Photo: Fanni Zentai

### Guiding questions for the verification with participants:

#### Comprehensibility:

- Is the process and its meaning for land governance clear?
- Do the participants understand the role of all actors involved?
- Are all the activities and their function clear and logical?

#### Completeness:

- Is the process complete or is anything missing or redundant?
- Are there any activities or actors to add/remove/rearrange/rename?
- Is the sequence of the depicted activities correct?

## 5.2 Definition of "corruption risks"

### Instructions:

- It can be rather difficult for the workshop participants to differentiate between "genuine" corruption risks and problems related to corruption. For example, "the county administration is corrupt" is rather the description of a problem. A genuine corruption risk, however, might be that the county administration does not possess a code of conduct or that there are no legally binding timeframes for the administration to fulfil certain activities.
- To avoid any misunderstandings, the users should explain the following definition and meaning of "corruption risks" to the workshop participants and give examples where necessary. The users should then jointly discuss it with the participants to develop a common understanding.

**Textbox 3: Definition of “Corruption Risks” according to TI**

Corruption risks are “[...] weaknesses within a system which may present opportunities for corruption to occur.”

Source: TI Corruption Risk Assessment Topic Guide (2011: 1)

- Although it is important for the application of the instrument to have a clear definition of corruption risks in order to differentiate between corruption risks and other issues, it is also important that the workshop participants feel acknowledged. Therefore, if workshop participants mention problems in the next steps that cannot be formulated into corruption risks, the moderator could write them down on a flipchart sheet. In this way, the workshop participants feel appreciated as their important information has been documented. Moreover, the users have the advantage of having their workshop focused on fundamental corruption risks.

### 5.3 Identification of corruption risks with workshop participants

**Instructions:**

- The users should introduce the red corruption risk arrows (see Figure 26) to the workshop participants. The users should also explain how they should be used and ensure that clear and concise titles are used.
- The users should walk the participants through all the activities and related actors. It is recommended to use the questions below to identify corruption risks. The users should note each identified corruption risk on a red cardboard arrow and add it to the respective activity/actor of the land governance process.

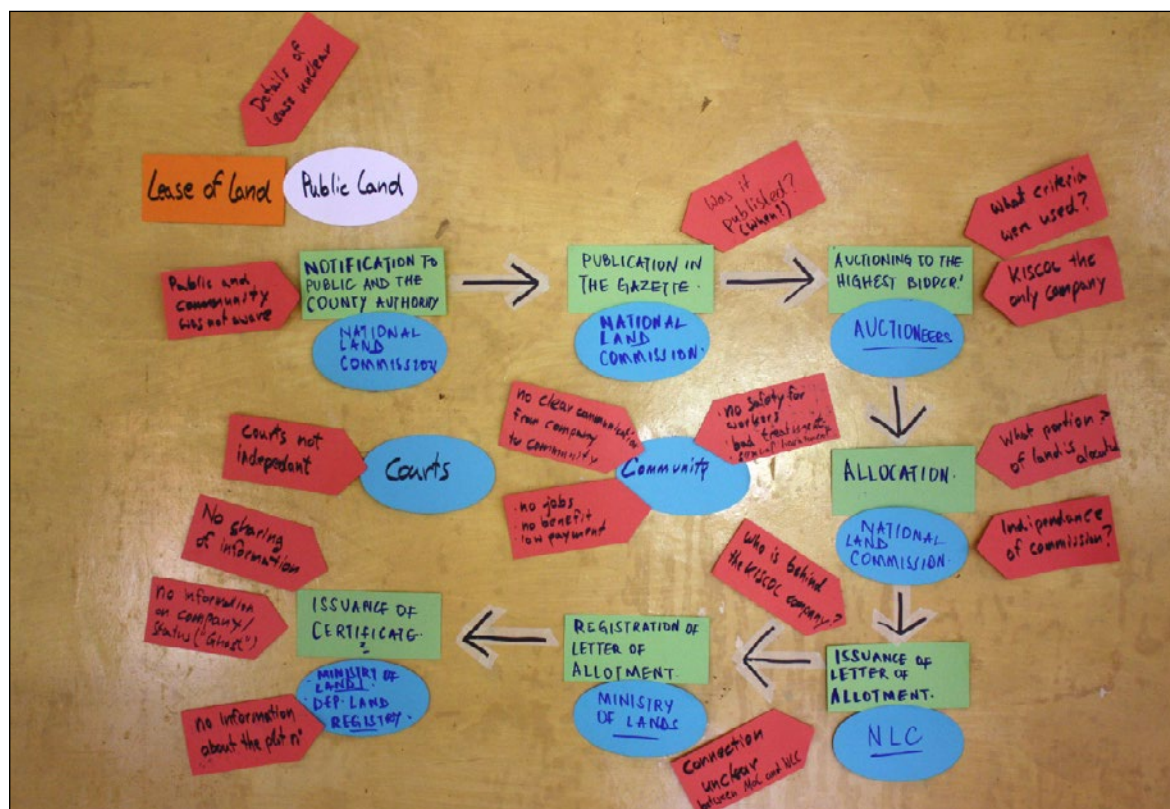


Figure 26: Example illustration of the 'Lease of Land' process with identified corruption risks, St. Catherine case study

Photo: Manuel Risch

- The users should place corruption risks that affect the whole process on one side of the process visualisation. The formulation for the specific corruption risks should be clear, since their content will be the basis of the following steps.
- In addition, the users should take into consideration the possible corruption risks noted down in the Research Phase. If the moderator has the impression that there may be risks that are overlooked, they should use their specific background knowledge about concrete corruption risks to ask the workshop participants about them in order to make sure that no information is lost.
- The following questions can be asked during the workshop to identify corruption risks together with the workshop participants. However, they should be understood only as a guideline, since the participants often identify corruption risks without much help. Yet, if this is not the case, these questions may help the moderator to encourage participants to discuss about potential corruption risks.
- To ensure a systematic approach, the guiding questions for the identification of corruption risks provided by this handbook have been tailored to follow Transparency International's key elements of integrity: *transparency*, *accountability*, and *participation*. The users should note that it is not necessary to introduce the concept to the workshop participants, it is sufficient to simply make use of the questions in identifying corruption risks.

**Guiding Questions:**

The guiding questions are designed for the identification of corruption risks in the process, utilising the principles of transparency, accountability and participation.

**Transparency** (Existence of clear written rules and regulations defining relationships between actors):

- Are there clear and understandable written rules and regulations for the process/ every activity in the process?
- Are there clear and understandable standards, guidelines or codes of conduct for professionals involved in the process?
- Are these rules, regulations, standards, guidelines and codes of conduct publicly available?
- Is it clear which actor is responsible for what, when and at what cost?

**Accountability** (Availability and application of control mechanisms for holding actors responsible for their actions based on the rules and regulations):

- What kind of formal and informal mechanisms do exist to hold actors responsible for their actions and to solve disputes? Which mechanisms are missing?
- To what extent are the control mechanisms in place well-known and accessible to everyone (e.g. are certain groups excluded)?
- To what extent are the control mechanisms strong and independent enough to function?
- To what extent are the control mechanisms applied in practice?

**Participation** (Public participation means to involve those who are affected by a decision in and their feedback is taken into account in the decision-making process):

- Is all relevant information made available to the public by the responsible actors?
- Is the provided information easily accessible? (e.g. online availability; local access to information; low costs involved; timely provision of information)
- Are those who are affected by a decision/process being notified well in advance so they can actively participate?
- Do those who are (adversely) affected by the decision process have the capacity (e.g. financial, knowhow, networks etc.) to obtain information, claim their rights, etc.?
- Do those who are affected by a decision have the opportunity to influence the decision in their favour with legitimate means?

**Other risks:**

- Are there any other factors/characteristics of the process that facilitate improper practices by the involved actors?
- Are there any other improper/corrupt practices used by officials or other actors with regard to this process?
- Are there any informal mechanisms that play a role regarding this process?
- Are there ways to skip parts of the process / the whole process, and still achieve the same result? If yes, how?

## Step 6 Assessment of identified corruption risks



**Aim:** In this step, the workshop participants should assess the impact and likelihood of each corruption risk identified in Step 5. This assessment is an important part of the instrument, since it strongly influences which corruption risks will be worked on in the following steps, and which corruption risks will ultimately be tackled.



**Main methods:** Workshop



**Expected time frame:** 60-90 minutes (during the workshop)

Sub-steps	The instrument provides...
6.1 Explain the categories "likelihood" and "impact" to the workshop participants.	Definitions of the likelihood and impact categories
6.2 Assess the impact and likelihood of each corruption risk with the workshop participants.	Definitions of the likelihood and impact categories
6.3 Select the risks with the highest Corruption Assessment Score for the next steps.	Risk Assessment Matrix

*Table 8: Overview of Step 6 (Source: Own representation)*

### General Instructions:

- Step 6 should be conducted *in the same groups that applied Step 5*.
- The users should keep in mind that, after the workshop, the risk assessment should be digitised, and the table with detailed information on the risk assessment should be filled out (see preparation for Phase III). Therefore, it may be useful to start making notes and comments on the risk assessment during the workshop.

### 6.1 Introduction of the impact and likelihood categories

#### Instructions:

- Before the actual assessment of the identified corruption risks begins, it is important for the users to give the participants an orientation that will help them to make a reasonable and nuanced assessment. Therefore, the users should take some time to introduce the workshop participants to the tables that define the "impact" and "likelihood" categories (see Tables 9 and 10). For this introduction, the users should use the visualisations of the two tables that were prepared before the workshop.

- In order to facilitate the workshop participants' understanding of the different categories, the users should illustrate the abstract terms by orally adding some examples, as has been shown in the impact table. Similarly, to illustrate the definitions of the likelihood categories, the users should explain that the scaling is always related to a certain activity (e.g. 'it happens 2 out of 10 times that citizens are denied access to the registry').
- When explaining the impact categories, the users should also emphasise that the human impact category also includes the cultural importance of land for the people living on it. This is especially important in rural areas where pieces of land are often filled with certain religious meanings and traditions. Therefore, the loss of land due to corruption can lead to loss of cultural identity, increase conflicts in communities and decrease mental well-being.

Impact categories	Definitions		Examples
	Human	Financial	
<b>None / minimal</b>	No or minimal negative impact on cultural identity, physical and mental well-being, food security or life of individuals/families	Less than 5% of yearly family/community income	A minor bribe is paid, e.g. to speed up an administrative process
<b>Moderate</b>	Limited impact, on cultural identity, physical and mental well-being, food security or life of individuals/families	Between 5% and 15% of yearly family/community income	A considerable/larger bribe must be paid; a lot of time must be invested
<b>Significant</b>	Negative impact on cultural identity, physical and mental well-being, food security or life of individuals/families	Between 15% and 30% of yearly family/community income	Part of the land in question is lost
<b>Major</b>	Huge adverse impact on cultural identity, physical and mental well-being, food security or life of individuals/families	More than 30% of yearly family/community income	All or major parts of the land in question is lost

*Table 9: Definition of impact categories*

Source: Own representation



Likelihood categories	Definitions
<b>None / minimal</b>	Occurs 0-1 out of 10 times
<b>Moderate</b>	Occurs 2-4 out of 10 times
<b>Significant</b>	Occurs 5-8 out of 10 times
<b>Major</b>	Occurs 9-10 out of 10 times

*Table 10: Definition of likelihood categories (Source: Own representation)*

## 6.2 Likelihood and impact assessment with the workshop participants

### Instructions:

- To conduct the actual risk assessment, the moderator should ask the participants for each identified corruption risk:
  - What is the likelihood of this risk?
  - What is the impact if this risk occurs?
- In order to avoid monotony, the moderator should phrase the questions in a variety of ways, and encourage participants to constantly participate.
- To visualise the assessment, the moderator should add small coloured tags to the corruption risk arrows, one for likelihood and one for impact (see example in figure 27). The colours of the tags should be the same as in the 'likelihood' and 'impact' tables.
- Since corruption is a central issue in many countries, workshop participants tend to assess many corruptions risks as likely/very likely and as having a significant/major impact. However, in order for the workshop to produce useful results, it is important to facilitate a realistic and nuanced assessment of the identified corruption risks.
- To achieve this, the moderator should ask the participants to make their assessment according to the provided definitions of the 'impact' and 'likelihood' categories.
- For nuanced results, the moderator should also make sure during the assessment that the risks are assessed not individually, but in relation to one another (for example: Is risk X really as likely as risk Y?) To the same end, after all risks are assessed, the moderator should also review the 'complete picture' together with the participants. This involves putting the results in relation to one another and, where necessary, making adjustments to the original assessment.
- If the participants are unable to agree on one assessment with regard to the same risk, the moderator should try to facilitate a compromise. It is possible to suggest that the group agrees on the average of two proposals (e.g. if one participant argues for green and another for orange, select yellow). The moderator can also consistently select the higher assessment if the difference is not too big (e.g. one participant argues for yellow and another for orange, select orange).

- The same recommendations should be applied in cases where the impact of a corruption risk is assessed inconsistently with regard to its human impact vis-à-vis its financial impact (e.g. green for human, yellow for financial).



Figure 27: Example of the 'Initial Land Registration' process with identified & assessed corruption risks, West Pokot case study

Photo: Team West Pokot

### 6.3 Selection of risks with the highest Corruption Assessment Score

#### Instructions:

- To achieve the most useful results, it is important to focus the fight against corruption on those corruption risks that have the highest impact on the ground. Thus, it is important to establish a clear link between the risk assessment and the next step. In this handbook, the Risk Assessment Matrix establishes this crucial link.
- First, the moderator should introduce the workshop participants to the Risk Assessment Matrix, including the Zero Factor and the Corruption Assessment Score:
  - The Zero Factor means that, due to their very limited relevance, all corruption risks in the grey boxes should be neglected in the next steps.

- The Corruption Assessment Score is the number found in the boxes of the matrix. It is a numeric expression of the risk assessment, i.e. of the severity of a corruption risk.
- Whether presented on flipchart paper or projected on the wall, the matrix should be clearly visible. In order to explain the logic of the matrix, the moderator should: pick one or two corruption risk arrows including the coloured tags, indicate their position in the matrix, and show which Corruption Assessment Score the selected corruption risks should receive.
- After the introduction, the moderator should indicate the numeric Corruption Assessment Score for each corruption risk on the respective corruption risk arrow together with the workshop participants.
- Next, the risks with the highest Corruption Assessment Score of each process will be selected as a basis for the next steps. The selection should be based on the following criteria:
  - The 3-4 corruption risks with the highest Corruption Assessment Score within each of the selected land governance processes shall be selected.
  - If one risk with a certain score (e.g. 16) is selected, all corruption risks with the identical score should be selected as well to be coherent and to value the participants' assessments.

**Note:**

To keep the amount of work for the next steps manageable, it is important that the users do not select too many risks in total. Therefore, if the minimum number of risks to be selected (3-4) has already been reached, the users should not include any more risks as this would entail selecting all the risks with that score. For example, if there are three risks with a score of 20, and 6 risks with a score of 16, only the three risks with the score of 20 should be selected, since by selecting one of the risks with a score of 16, all the other risks with the score of 16 would have to be selected, too.

Very likely		12	16	20
Likely		8	12	16
Possible		4	8	12
Rare / Unlikely				
Likelihood Impact	None / Minimal	Moderate	Significant	Major

Figure 28: Risk Assessment Matrix

Source: own representation

## Step 7 Identification of particularly affected groups



**Aim:** This step is used to determine if there are social groups that are particularly affected by the identified most severe corruption risks and if so, why and in what way. This information will be taken into account for the strategy development in Phase III.



**Main methods:** Workshop



**Expected time frame:** 30-45 minutes (during the workshop)

Sub-steps	The instrument provides...
7.1 Introduce the overview of social groups that are often particularly affected by corruption to the workshop participants.	Overview of social groups that are often particularly affected by corruption
7.2 Discuss with the workshop participants if there are social groups that might be more affected by corruption within the processes or with regard to specific corruption risks.	Overview of social groups that are often particularly affected by corruption
7.3 The sub-groups working on different land governance processes present their results from Step 5-7 to each other.	Presentation guidelines
7.4 Ask the participants for a verbal feedback. Briefly summarise the workshop and hand out the evaluation sheet.	Workshop evaluation sheet

*Table 11: Overview of Step 7 (Source: Own representation)*

### General Instructions:

- The discussion about particularly affected groups is meant to pay special attention to their specific grievances. It is not supposed to limit the discussion, to exclude certain risks, or even to exclude certain groups, but aims to enrich the debate about the most severe corruption risks with another dimension, which gives credit to the people who might be affected even more gravely than others. This additional dimension will help to design more appropriate counter-measures for tackling the identified corruption risks in Phase III.
- If the case study already focuses on one social group, this step can be used to collect more detailed information on why and how this group is affected by corruption. In such a case, this step should also be used to gather information on how certain social sub-groups within that social group are particularly affected.

- Since this is the last step of the Workshop Phase, the moderator should summarise and conclude the workshop at the end of this step, and acquire feed-back from the participants.

## 7.1 Overview of social groups that are often particularly affected by corruption

### Instructions:

- It is recommended to first familiarise the workshop participants with an overview of social groups that are often particularly affected by corruption.
- This overview has two functions. Firstly, it enables the workshop participants to have the same understanding of the affected groups. Secondly, it effectively raises awareness of the adverse effects of corruption on particular groups. The overview thus stimulates positive discussions among workshop participants and promotes advocacy against corrupt practices.
- Any suggestions, ideas and input from the workshop participants should be treated sensitively. The users should note that it is likely that there are workshop participants who have been affected themselves and are very concerned by some of the issues discussed. The moderator should take care that the testimonies of individually affected workshop participants are adequately recorded.
- The users should lead the participants through the overview. In addition, they should use clear and easy examples of discrimination which may be useful to illustrate the vulnerability. Moreover, the users should add any information or social groups that may come up during the introduction to the overview.
- Naturally, groups and individuals usually have overlapping or intersecting identities (for example, a boy from an indigenous community may also be illiterate and live in a slum.). If these identities are associated with any form of discrimination, this results in an even more severe form of multidimensional exclusion. Accordingly, this overview is not by any means aiming to categorise people along simplified indicators; it is merely meant as an orientation since social reality is far more complex.
- The advocacy of the rights of members of the LGBTIQ community is a crucial pillar of any modern project on development cooperation. However, as mentioning sexual orientation is an absolute taboo in many countries in Sub-Saharan Africa, it is crucial to consider whether or not to include this particular category in the overview for the workshop.

*"The ideas discussed in the workshop are very helpful to us, the things that we discussed are what is currently going on in our society. I would be interested to continue working with identified issues which is learning how to solve issues concerning land."*

Expert, Nairobi

Dimension	Indicator		Examples of particularly affected groups
Social	Ethnicity / Race / Religion / Language	Inter-sectional identities	Indigenous groups, ethnic minorities, religious minorities, people of colour, individuals speaking minority languages
	Gender		Women, men, members of the LGBTIQ community
	Age		Elderly, children, orphans
	Health		People with disabilities, people with long-term-illness
	Level of education & literacy		Illiterates, individuals without formal education
	Living / Housing type		Landless, squatters, slum dwellers
Economic	Economic status & economic activity		Poor, subsistence farmers, pastoralists, employees in the informal sector, unemployed, prostitutes
Political	Nationality		People without formal recognition of citizenship, foreign nationals, refugees
	Political affiliation		Members/supporters of the opposition
Other			Widows, individuals without family members or social security

*Table 12: Overview of social groups that are often particularly affected by corruption*

Source: Own representation based on research in the area of social exclusion and social vulnerability, e.g. Bessis (1995), Bhalla and Lapeyre (1997), Percy-Smith (2000) and Peace (2001)

## 7.2 Identification of particularly affected groups

### Instructions:

- This step is intended to identify and acknowledge groups that are particularly affected by the identified corruption risks. Therefore, the users should stimulate discussion about situations where the occurrence of a corruption risk results in dramatically higher impacts for certain social groups because of their specific vulnerability.

- To do so, the moderator should first ask the participants if, from their perspective, certain groups are particularly affected by corruption in the whole *land governance processes* that is being discussed. If the workshop participants identify a social group as particularly affected, the moderator should add that group in the first section of the provided table ('Process'). The moderator should then include information explaining why and how the identified social groups are particularly affected by corruption in the respective process.
- Next, the moderator should reflect with the participants which of the most severe *corruption risks* that were selected at the end of Step 6 contain a special risk for specific social groups. The moderator should write these risks and their score from Sub-step 6.3 into the lower part of the table. It is recommended to start with one risk, discuss with the participants about groups particularly affected and record all the crucial information in the table. The moderator should then do the same for all the other selected corruption risks.
- The moderator should appropriately document the workshop participants' explanations of how and why specific groups are more affected than others in the respective table. This information will be important in Steps 8 and 9 to design counter-measures that a) help to tackle the identified corruption risks effectively and b) take into account the groups that are particularly affected by the respective risks.

Process		Affected Group(s)	Why are they affected?	How are they affected (examples)?
Corruption Risk	Corruption Risk Score	Affected Group(s)	Why are they affected?	How are they affected (examples)?

Table 13: Identification of particularly affected groups

Source: Own representation

<u>Vulnerability Analysis</u>			
Process	Affected	Why?	How (examples)?
Initial Registration	Widows Minors/orphans Elderly mentally challenged/ill	Low social status dependent on custodian ignorance, manipulation lack understanding	not possible to get land impossible neglected excluded
Corruption Risk	Affected	Why?	How?
Exclusion of members 60/ do's notice access, exclusion misrepresentation (elders) picked representatives	minorities/ poor elderly, illiterate poor, minorities, women	marginalized can't read excluded	not invited no representation, no female elders
Corruption Risk	Affected	Why?	How
surveyor bribe public land grabbed	mentally challenged, poor, minorities, widows, orphans	victims	suffer, get smaller land / no land

Figure 29: Example of a table on particularly affected groups, West Pokot case study

Photo: Team West Pokot

This table was filled out during the Land Corruption Risk Mapping Workshop of the West Pokot case study. It shows the groups that the workshop participants identified as being particularly affected by corruption in the process of 'Initial Registration' of land in general, or as being particularly affected by specific corruption risks.

### 7.3 Presentation of the results in the forum

#### Instructions:

- To conclude the workshop in a comprehensive manner and to update all the workshop participants on the outcomes of the sub-groups, the moderator should ensure that the results of the group discussion on each land governance process have been presented to the entire body of workshop participants.
- The sub-group participants should discuss and select the members who will present the results to the other group(s). In order to make it more participatory and to increase ownership, it is recommended that this is not done by the moderator.
- It is possible to present it as a pair (a gender-balanced choice would be ideal) or alone. Moreover, it is necessary for the users to decide if all the results from the steps are presented by the same people or by different participants. As presentation by participants can sometimes be time-consuming, an alternative might be the joint presentation of the moderator and a workshop participant.
- In order to support the sub-groups to present their results to the entire body of workshop participants in a structured way, it is recommended to advise them on how to briefly yet comprehensively present their contributions to the other groups (see presentation guidelines).



**Presentation Guidelines:**

After the groups have finished their work on Steps 5, 6 and 7, the main results should be briefly presented to the other groups(s). Here are some recommendations on how to make this presentation short and interesting for all participants.

- Step 5: The moderator should briefly present and summarise the selected land governance processes and try to keep discussions to a minimum. Afterwards, the moderator should quickly go through all the corruption risks and explain what they mean. Alternatively, the moderator may select only a few, for example, the ones which have the highest Corruption Assessment Score.
- Step 6: The moderator should then elaborate on the impact/ likelihood assessment of the respective risks. The moderator should be very time-conscious at this stage and should give brief yet interesting examples on some corruption risks.
- Step 7: The moderator should present the table which shows the identified particularly affected groups. It is recommended to focus on a few examples which may be unique to the selected case in order to stimulate discussions among workshop participants.

## 7.4 Feedback, conclusion and evaluation of the workshop

**Instructions:**

- The moderator should request the workshop participants to give brief *verbal feedback*, i.e. their thoughts, criticism and ideas for the workshop, the instrument and how they felt participating in it. It is recommended to make it clear that this is not obligatory but it is encouraged.
- If the participants are hesitant to start, the moderators can open the feed-back round and voice their opinion as an example.
- The moderator should respectfully thank the participants for their participation and cooperation, and add a small summary on the outcomes. The latter summary should consist of the way the workshop was conducted and key points highlighted from the workshop.
- For this, the moderator can also refer to the flipchart with the nine steps that was used during the introduction of the workshop.
- Finally, the users should distribute the *workshop evaluation sheet* (see Template 9). The evaluation sheet gives the participants the opportunity to – anonymously – voice their opinions on the workshop itself, and on the instrument as a whole.
- Since workshop participants are usually tired at the end of the workshop, the users should ask the workshop participants to politely fill out the evaluation sheets. In addition, the users should emphasise that the workshop participants' opinions are important for the improvement of the instrument and for conducting future workshops.
- The moderator should explicitly encourage the participants to be honest and to provide constructive criticism. To give them the reassurance that they can indeed criticise aspects of the workshop, it is important for the moderator to stress that the evaluation sheets can be filled out anonymously.

- If workshop participants are illiterate, the moderator and the rest of the workshop team should, without generating too much attention, offer to fill out the sheet together with them.

***"It was inclusive, characterised by freedom of expression and active participation. Otherwise it was easy to use."***

Community Member, Kwale



## PHASE III

### Strategy development

- Step 8      Prioritisation of intervention areas
- Step 9      Selection of counter-measures & development of action plan

## Preparation

This preparation section connects the workshop in Phase II with Phase III where the results are interpreted and a strategy for tackling the identified corruption risks is developed. The preparation section consists of two elements:

- *Summary and digitisation of the workshop results:* The workshop is expected to produce a significant amount of data. However, since it is largely or completely on flipcharts, posters, and other materials, the results need to be captured, summarised and digitised afterwards.
- *Logistical arrangements and preparation of materials for the strategy development:* In Phase III, crucial stakeholders and implementing organisations should come together to assess their ability to tackle the identified corruption risks and to develop an action plan. For this purpose, some materials need to be prepared.

### a) Summary and digitisation of the workshop results

#### *Review and digitisation*

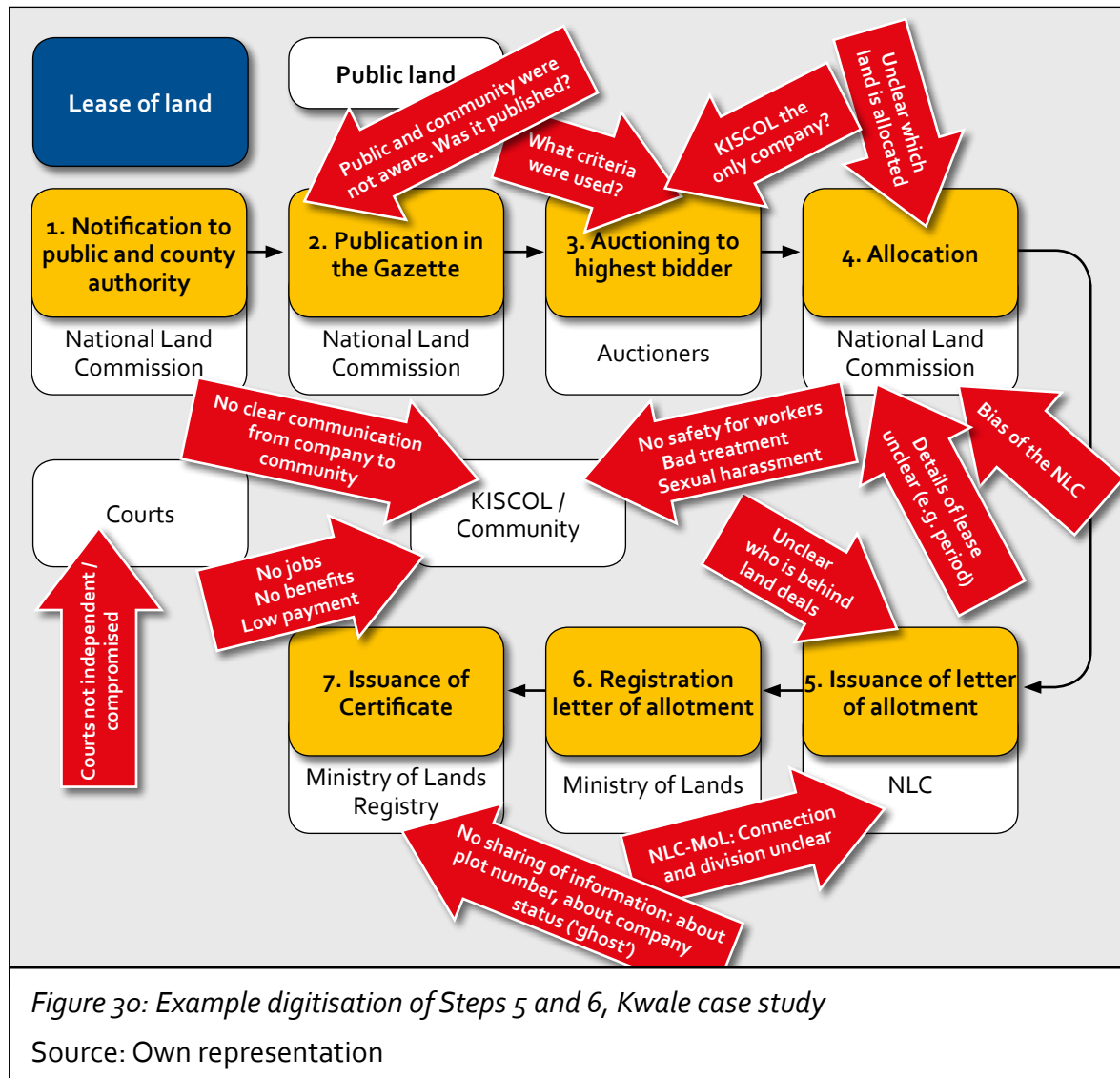
To prepare for the last phase of the instrument, the users should start with a review of the information from the Workshop Phase. After the review, it is crucial to capture most of the used materials in digital format, as a basis for the next steps.

Documentation of Step 4:

- Documents for the validation of Steps 1-3 (4.2-4.4): Step 4 served to validate and potentially adapt the results from the Research Phase with the workshop participants. The users should digitise the charts, graphs and illustrations if any alterations have been made. Otherwise the user may simply use the old versions.
  - Field map (1.3);
  - Document review table (1.4);
  - Case-specific timeline (1.5);
  - Historical timeline A or B (2.2);
  - Visualisation legal & institutional framework (2.4);
  - Overview of the generic land governance processes (3.1).

Documentation of Step 5:

- Land governance processes (5.1): Since the processes have previously been presented and may have undergone changes according to the input of the workshop participants, it is necessary to look at them again. If there are any changes, it is recommended that the users create at least two digital versions, showing the process before the alterations and the amended version.
- Identified corruption risks (5.3): The users should refer to the photos taken during the workshop to digitise this step. The users may simply use the digital version of the process and add the corruption risk arrows at the appropriate positions (see example in Figure 30). The users should make sure that the arrows indicating the identified corruption risks are clearly visible, comprehensible and identical to what the workshop participants voiced.



## Documentation of Step 6:

- Impact/likelihood assessment of corruption risk (6.2): Based on the digitisation from Step 5, the users should include the risk assessment. The coloured tags indicating the likelihood and impact as evaluated by the participants should be added to the respective corruption risk arrows (see Figure 30).
- Table with details of the identified corruption risks: After the workshop, the users should fill out a table with details of the identified corruption risks (see Table 14) to record all the information given by the participants. Since it may not be possible for the users to take detailed notes during the workshop, most of the information from the table needs to come from the users' memory. It is advisable to fill out the table soon after the workshop. In some cases, the workshop participants do not give very detailed explanations during the workshop, particularly in the assessment of the impact and likelihood. Therefore, not all boxes necessarily need to be filled out. Template 10 provides a blank version of the table that can be easily printed or copied.

Activity	Actor	Risk	Step 5: Explanation given by par- ticipants	Step 6: Details on im- pact given by participants	Step 6: Details on like- lihood given by participants
1. Notifi- cation to public and county au- thority	National Land Com- mission	Public and community were not aware (of the lease). Was it pub- lished?	Locals were not notified of the lease contract between KIS- COL and the government concerning the land they lived on.	Major, as peo- ple were not in- formed that the land was leased to KISCOL. They could not contest the de- cision and lost their land.	Possible. In case of KISCOL, people were not informed. But in other cases, people are sometimes informed.
3. Auction- ing to high- est bidder	Auctioneers	Unclear what criteria were used	The people believe that the criteria used for the selling / auctioning of the lease for KISCOL was manipulated	Major. If other criteria were used, or other companies had competed with KISCOL, the problems may not have occurred.	Likely, because people feel that that land is often given away without a proper auction
3. Auction- ing to high- est bidder	Auctioneers	Opaque auction: KISCOL the only company?	People believe that KISCOL was the only company in the auction	See above	See above

*Table 14: Example table with details on the identified corruption risks (excerpt), Kwale case study*

*Source: Own representation*

- Risk Assessment Matrix (6.3): A structured overview of the identified corruption risks is provided by the Risk Assessment Matrix. During the workshop, the matrix is merely used as a reference point. The digitised version can then be used to add the corruption risks in the respective boxes according to the risk assessment. For example, if one risk was rated to have a significant impact and a possible likelihood, the users should add this risk in the respective box with 8 points. Figure 31 provides an example of a digitised Risk Assessment Matrix.

<b>Very likely</b>		<b>12</b>	<b>16</b>	<b>20</b> Unclear responsibilities of ministries Access to gazette exclusive, not transparent
<b>Likely</b>		<b>8</b>	<b>12</b> Representatives "picked", not elected democratically Chief has final say, decision not democratic Time consuming, room for manipulation	<b>16</b> Powerful individuals have interests, bribe surveyors
<b>Possible</b>		<b>4</b>	<b>8</b>	<b>12</b> Surveyor gives multiple numbers for the same plots Elders have private interests and include members of community Bribery of chiefs; chief proposes corrupt representatives
<b>Rare / Unlikely</b>				
<b>Likelihood Impact</b>	<b>None / Minimal</b>	<b>Moderate</b>	<b>Significant</b>	<b>Major</b>

*Figure 31: A digitised Risk Assessment Matrix, West Pokot case study*  
Source: Own representation

#### Documentation of Step 7:

- Overview of social groups that are often particularly affected by corruption (7.1): It is only necessary for the users to digitise this if the workshop participants made changes to the overview. Otherwise the users may simply use the generic overview.

- Identification of particularly affected groups (7.2): This table is central to the functionality of the instrument as it combines the most impactful corruption risks and the particularly affected groups for the first time. Thus, the table filled out in the workshop should be digitised afterwards.

## **b) Logistical arrangements and preparation of materials for the strategy development**

### *Participants for Steps 8 & 9*

In Phase III of the instrument, concrete counter-measures and action plans are developed to tackle the most severe corruption risks that were identified during the Land Corruption Risk Mapping Workshop. To make sure these counter-measures and action plans are actually implemented, it is absolutely crucial that one (or more) of the individuals participating in Phase III represent an organisation that has the mandate and ambition to implement the selected counter-measures in practice.

Moreover, as was the case for the Workshop Phase (Steps 4-7), it is important during the Strategy Development Phase that participants from other key stakeholders are invited, since the stakeholders involved in the land governance processes are the ones who actually have the power to bring about positive change. Thus, if possible, these stakeholders need to be involved. To make sure that all important actors are considered, the users can refer again to the stakeholder map (see Sub-Step 3.4).

Ideally, the same participants involved in the Workshop Phase also take part in the Strategy Development Phase. However, even if that is not possible, the users should try to get as many stakeholders as possible on board that want to contribute to the fight against corruption in land governance. This will create a broader alliance against corruption and boost participation, transparency and acceptance. In addition, involving other stakeholders increases the exchange of ideas and will focus on the important issues that matter to the people, rather than a top down implementation.

### *Preparation of materials*

In the last phase, structured group discussions are conducted to gather ideas on how to tackle the identified corruption risks. Therefore, large posters to capture those ideas are required and should be prepared by the users. The presentation of the overviews for Steps 8 and 9 on flipcharts or large underlays is crucial, because it allows participative presentation and discussion. Moreover, the use of these materials makes it easier for the user to note down any additional information and ideas during the application of this phase.

More specifically, the materials listed in the overview below should be prepared in order to conduct Steps 8 and 9 of the instrument.

#### Preparation of Step 8:

- Scorecard for the prioritisation of intervention areas (8.2): The scorecard consists of a detailed table that needs to be presented and discussed with the whole group. It is recommended that it should be printed in a very large format (i.e. in A2 or A1) based on Template 11 in the annex, or to glue several underlays/flipcharts together. An example of such a scorecard used during the Strategy Development Phase is shown in Figure 32.



## Preparation of Step 9:

- Action plan (9.2 & 9.3): This is the final step of the instrument and involves the development of an action plan to tackle the most severe corruption risks identified during the workshop. As it is a crucial step, the users must pay special attention to its success: Similar to the scorecard, the users should prepare it in a large format (large printed version based on Template 12, or hand-written underlay). An example of an action plan prepared for and used during the Strategy Development Phase is shown in Figure 33.

## Step 8 Prioritisation of intervention areas



**Aim:** In this step, the organisations and actors that are determined to fight land corruption prioritise which corruption risks identified in the workshop should be tackled first. It is possible that various organisations conduct Step 8 together, and it is recommended to include people affected by corruption in the discussion.



**Main methods:** Structured group discussion with implementing organisations



**Expected time frame:** 60-90 minutes

Sub-steps	The instrument provides...	Source of information
8.1 Transfer the corruption risks with the highest Corruption Assessment Score from Step 6 into the scorecard	Scorecard for the prioritisation of intervention areas	Results from Step 6
8.2 Assign a score for each category of the scorecard in order to prioritise which risks should be tackled first	Scorecard for the prioritisation of intervention areas	Results from Step 2; Experience, skills and resources of the implementing organisation(s)/ institution(s)
8.3 Based on this prioritisation, decide how many of the risks the organisation(s) can realistically tackle	Guiding questions	Experience, skills and resources of the implementing institution(s)/ organisation(s)

*Table 15: Overview of Step 8*  
Source: Own representation

### General Instructions:

- In this step, the organisations and actors that are determined to fight corruption prioritise which previously identified corruption risks should be tackled first. To do so, a simple scorecard facilitates the decision-making process.<sup>3</sup>

3 Scoring is an effective way to simplify the assessment of a complex collective entity (e.g. organisations, ministries etc.) and allows for a quick decision-making process. However, its strict numeric nature may also give the false impression of mathematical accuracy concerning an organisation's strengths and weaknesses. This is not possible with such simplified, ad hoc scoring. If an organisation is interested in carrying out an in-depth analysis (and has the necessary time and resources), it should apply sophisticated self-assessment (e.g. the 'National Council of Nonprofits' self-assessment: <https://www.councilofnonprofits.org/tools-resources/organizational-self-assessments>).

- Each organisation/actor can carry out the prioritisation by itself. However, in order to effectively coordinate the efforts to fight land corruption and to form alliances among all stakeholders that want to contribute to positive change, it is advisable to jointly prioritise intervention areas.
- The prioritisation with the help of the scorecard is based on:
  - the Corruption Assessment Score of the respective risk and
  - the capacities and resources of involved organisations and actors to tackle the respective risk under the current political and legislative environment.
- If several land governance processes were analysed during the workshop, a separate scorecard for each of these land governance processes should be filled out.

## 8.1 Transferring risks to the scorecard

### Instructions:

- To begin, all participants that take part in the Strategy Development Phase should be familiarised with the Scorecard for the prioritisation of intervention areas (see Table 16). It is divided into two parts:
  - In the first part (“blue” categories), the corruption risks with the highest Corruption Assessment Score together with the particularly affected groups from Step 7 should be transferred to the scorecard.
  - The second part (“yellow” categories) represents the results from Step 2 (political and legislative framework) as well as the available resources and knowledge of the implementing institution(s)/organisation(s).
- After the scorecard has been explained to the participants, the actual scoring begins (see Sub-step 8.2).

### Note:

To complete the scorecard is time-consuming, especially if done by representatives of different institutions. For each risk the user should calculate 10 – 12 minutes.

Before starting with Step 8, the user should thus reflect if there is enough time to do this exercise with all corruption risks pre-selected in Step 6. If a total of more than 8 corruption risks were pre-selected, the user should ask applicants of Step 8 to review the risks and select only the 3 – 4 most relevant for the participating organisation(s).

Another method to shorten Step 8 might be applying the “Zero factor” in the first two categories: If participants feel that the political or legal environment is not at all conducive to tackling a certain corruption risk (0 points), the other categories do not need be filled out anymore as it makes little sense to tackle this risk in the current situation.

PROCESS:									
Category	Particularly affected group(s)	Corruption Assessment Score	The current political environment is conducive to tackling the risk (0-4 points)	The current legislative environment is conducive to tackling the risk (0-4 points)	The risk falls into the mandate / project strategy of the organisation(s) (0-4 points)	The organisation(s) has the necessary experience, skills, and knowledge to tackle the risk effectively (0-4 points)	The organisation(s) has the resources (finance, staff, infrastructure, networks etc.) to tackle the risk effectively (0-4 points)	Prioritisation Score	Total score
Corruption Risk									
Risk 1									
Risk 2									
Risk 3									
Risk 4									

Table 16: Scorecard for the prioritisation of intervention areas (Source: Own representation)

Key: Example category “The current political environment is conducive to tackling the risk”:

- 0 points = There is no realistic chance to tackle the corruption risk in the current political environment
- 1 point = There is only a minor chance to tackle the corruption risk in the current political environment
- 2 points = There is a fair chance to tackle the corruption risk in the current political environment
- 3 points = There is a good chance to tackle the corruption risk in the current political environment
- 4 points = There is a very good chance to tackle the corruption risk in the current political environment

## 8.2 Prioritisation of intervention areas

### Instructions:

- To prioritise which corruption risks should be tackled first, the implementing institution(s)/organisation(s) fill out the “yellow” categories of the scorecard.
- To do so, they give a score between 0-4 points to each of the five “yellow” categories. This means that 4 is the highest score and 0 the lowest score.
- Next, the scores of each category are added up to get the *Prioritisation Score* of each corruption risk.
- Together, the *Prioritisation Score* and the *Corruption Assessment Score* of each corruption risk form the respective risk’s *Total Score*.

Process 1: Change of land category from public to private - Scorecard for the prioritisation of intervention areas

Category	Particularly Affected group	Priority points from the risk assessment matrix (0-20 points)	The current political environment is conducive to tackling the risk (0-4 points)	The current legislative environment is conducive to tackling the risk (0-4 points)	The corruption risk falls into the mandate / project strategy of the user(s) (0-4 points)	The organisation(s) has the necessary experience, skills, networks and knowledge to tackle the corruption risk efficiently (0-4 points)	The organisation(s) has the structural resources (finance, staff, infrastructure, etc.) to tackle the corruption risk efficiently (0-4 points)	Sub score	Total score achieved
① Officials are not held accountable		20	0.5	3	4	3	2.5	13	33 ✓
① Pressure to falsify documents on govt. officials		20							
① False evidence (are used for investigation), e.g. photos		20	0	1	3	1	1	6	26
② Bribing of parliamentarian members of assembly		20							
② Lack of dispute resolution		20	1.5	1.0	4	3	1.5	11	31
③ Few people have access (to the notification)		20							
③ Change of initial documents, e.g. "double allocation"	Children	20	1.5	2.5	3.5	2	3	12.5	32.5
④ Land was given away for "free", public was not benefiting	✓	20	2	3.5	4	3	4	16.5	36.1 ✓
⑤ Titles & documents are "backdated"	Children	20							
⑤ Courts give away land based on false testimony		20	0	1	3	2	1	7	27.0
⑤ Officials are not held accountable		20							

Figure 32: Example of a filled-out scorecard printed on A2 paper, St. Catherine case study

Photo: Manuel Risch

This scorecard was filled out during a meeting held in Nairobi with representatives of Shule Yangu Alliance to complete Steps 8 and 9 for the St. Catherine case study.

- If the Prioritisation Score OR the score in one of the categories (e.g. the experience, knowledge and skills of the organisation) is very low, the implementing institution(s)/organisation(s) should strongly reconsider if the respective corruption risks can be tackled successfully.
- The scoring depends on the context and should only be understood as a snapshot of the current situation of the organisation and the political/legislative environment. If an organisation wants to tackle a corruption risk, the scoring may change over time (e.g. through employment of new staff).

## 8.3 Decision on how many risks to tackle

### Instructions:

- The implementing institution(s)/organisation(s) should review the results and jointly discuss if the scoring and prioritisation actually makes sense or if it still needs to be changed.
- The following guiding questions might help the implementing institution(s)/organisation(s) to select the corruption risks that can be realistically tackled.
- However, these questions should be only understood as a guidance. Whenever necessary, the user might add some questions or also use own questions that are not provided by the instrument.

### Guiding questions:

- Does the scoring really reflect the situation of the implementing institution(s)/organisation(s)?
- Is it preferable to focus on one (or few) corruption risks, or is it feasible to work on several risks?
- Does the implementing institution/organisation want to pay equal attention and invest all its resources to tackle all of the selected corruption risks?

## Step 9 Selection of counter-measures & development of action plan



**Aim:** In this step, a comprehensive action plan is developed which brings together all the information gathered in the previous steps. The action plan aims to specify an overall goal to tackle the prioritised corruption risks, to develop counter-measures, and to give a detailed plan on how to implement and monitor these counter-measures effectively. If possible, the action plan should be developed involving various stakeholders that are determined to fight land corruption.



**Main methods:** Structured group discussion with implementing organisations



**Expected time frame:** 60-90 minutes

Sub-steps	The instrument provides...	Source of information
9.1 Transfer the prioritised corruption risks from Step 8 into the action plan template.	Action plan template	Results of Step 8
9.2 Define an overall goal in relation to the respective corruption risk and develop counter-measures to achieve that goal.	Action plan template	Best practice examples from organisations fighting corruption (such as Transparency International) to gather ideas on possible counter-measures;  Documents on the available resources (finance, staff etc.) and programmes of the implementing organisation(s)

*Table 17: Overview of Step 9*  
Source: Own representation

### General Instructions:

- In a structured group discussion, the users should develop a comprehensive action plan together with key stakeholders and implementing intuitions interested in tackling the identified corruption risks.
- If the users have worked on several land governance processes, a separate action plan for each land governance process should be developed.

## 9.1 Transferring the risks into the action plan

### Instructions:

- Table 18 represents an action plan template which consists of the prioritised corruption risks, the corresponding counter-measures, as well as detailed information on how to implement these counter-measures.
- To develop an action plan, the prioritised corruption risks within a land governance process from Step 8 should be transferred into the action plan template.

## 9.2 Completion of the action plan

### Instructions:

- To complete the action plan, the implementing organisation(s)/institution(s) should first define an overall goal in relation to each prioritised corruption risk.
- Second, possible counter-measures (short/medium/long term) should be developed that can be used to reach that goal and to tackle the prioritised corruption risks.
- Finally, the remaining details on how to implement the selected counter-measures (e.g. staff and financial resources, responsibilities, timeframe, milestones etc.) should be added to the action plan template.
- To gather ideas on possible counter-measures, it is recommended to review best practice examples from organisations fighting corruption (such as Transparency International).
- At the same time, the results from Step 2 (Analysis of the historical and legal/institutional context) as well as the particularly affected groups identified in Step 7 should be considered when developing counter-measures.



Land governance process	Corruption risk	Goal	Counter-measures		What is needed?	Responsibility	Timeframe	Milestones	Monitoring and potentially necessary readjustment	Comments
			Activity	Group(s) aimed to empower*						
	Risk 1		A							
			B							
			C							
	Risk 2		A							
			B							
			C							
	Risk 3		A							
			B							
			C							

**Table 18: Action plan template**

\* This column refers to the particularly affected groups identified in Step 7. The counter-measures are meant to empower these groups and to give them agency.

Source: Own representation

Figure 33 provides an example of a completed action plan with defined goals and corresponding counter-measures.

Land Governance Process	Corruption Risk	Goal	Counter-measures		What is needed? (Staff, resources, partners, etc.)	Responsible
			Activity	Plan target group		
Sale of land	lack of family involvement	To promote holistic family involvement in Sale of land	- A mapping to identify the regions & practices & institutional Sale of land - Community sensitization practices (referring to institutions & structures) - Civic education - Movement of Champions - Validation meetings	women/men/chiefs/other duty bearers (mandate)	staff, financial resources, partnership with local land boards & other duty bearers 15k	Project
possible	To complement the state in facilitation	- Conduct a baseline survey	Government			

Figure 33: Example of a filled-out action plan on flipchart sheets, Kakamega case study

Photo: Victor Kanyangi Ouna

This action plan was filled out during a meeting held in Nairobi with representatives of GROOTS Kenya to complete Steps 8 and 9 for the Kakamega case study.

## Final remarks

The Land Corruption Risk Mapping Instrument described in this handbook has proven its value during its initial application in Kenya. Not only did it help to identify and analyse land corruption risks and to design appropriate counter-measures for tackling these risks, but it also generated positive side-effects due to its participatory and inclusive approach: it helped to foster important discussions with local communities on their rights and responsibilities concerning land, engaged them in the fight against land corruption, and brought together different stakeholders on the ground to form coalitions against land corruption. Considering these encouraging results, it is very desirable that many organisations across Sub-Saharan Africa – and potentially in other regions – take up the instrument, apply it to their local context, and replicate the positive experiences and effects generated in Kenya.

Nevertheless, some challenges remain that may inhibit the Land Corruption Risk Mapping Instrument from realising its full potential:

- In some contexts, corruption is deeply entrenched in all governance processes and even the highest levels of government are systematically involved in corrupt practices. In such contexts, the effect an instrument such as the Land Corruption Risk Mapping Instrument can have is of course limited, and some actors might even try to obstruct use since they benefit from the status quo. However, even in such contexts, the instrument can support actors who seek to change something in various ways: by systematically analysing the problem situation, raising awareness among the population, forming alliances, and showing a path forward.
- So far, the instrument has only been tested in Kenya. Even though the topic areas of the four case studies were selected with regard to their overall importance in Sub-Saharan Africa, the generalisability of the results is limited. Therefore, in order to live up to its aspiration to be a generic instrument that allows for a seamless application throughout Sub-Saharan Africa, it should be tested in other countries as well and, if necessary, improved according to the results. The instrument testing methods that were used during the development of the Land Corruption Risk Mapping Instrument and during its initial testing in Kenya are available in the SLE Study “Land Corruption Risk Mapping. Developing a handbook on how to identify and tackle corruption risks in land governance” and can be freely used to test the instrument in other contexts.
- The Land Corruption Risk Mapping Instrument is based on a participatory approach and aims to be useful for actors from various backgrounds seeking to reduce land corruption. However, to truly fulfil this ambition, it will be important to translate this handbook into other languages in due course. Only then will it be possible to apply the instrument fruitfully not only in English-speaking countries, but throughout Sub-Saharan Africa.

- Due to the participatory and qualitative approach of the Land Corruption Risk Mapping Instrument, the results that it generates should not be regarded as absolute truths. If the instructions given in the instrument are followed and if stakeholders from different institutions and backgrounds are included in the risk mapping, a sufficient degree of objectivity and replicability are ensured and the results are useful and reliable. However, as is the case for most qualitative research, it is recommended to substantiate the results with other sources and, possibly, with quantitative data. This, however, depends on the budget and resources available and is not an absolute necessity.

Considering that the fight against land corruption has only gathered momentum in the recent past, it is very normal that the development, testing and improvement of suitable instruments takes some time. The Land Corruption Risk Mapping Instrument as described in this handbook fulfils all necessary requirements to contribute to that fight, and will hopefully be put to widespread use.

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## Templates

### Template 1: Guiding questions for the collection of background information (Sub-step 1.1)

Topic	Question	Relevant X/√	Answered X/√
Ownership and land use	Who owns the land right now? What is it used for?		
	Who owned the land before? What was it used for then?		
	When, how and why did the land title change? Who is the initiator of the change of title?		
	Was a land title issued? If so, when and by which authority?		
	Is there any evidence to suspect irregularities or corruption when it comes to ownership?		
Land governance processes	What are the relevant land governance processes?		
	Who are the main actors involved in those land governance processes?		
Actions and events	Which relevant actions (e.g. police coercion, strikes, boycotts) took place on the disputed land?		
	Which notable events (e.g. eviction, forceful occupation) affected the disputed land's title?		
	Where do you think any accusations of corruption or other irregularities could occur in the land administration of this particular case?		



Topic	Question	Relevant X/√	Answered X/√
Dispute Res- olution	Which parties are involved in the land dispute? Are there any competing or overriding interests over the land?		
	Was the land title disputed in court?		
	Were there any court proceedings and is there any judgement/ruling/order?		
	What do the parties claim regarding the disputed land?		
Additional questions			

## Template 2: Guiding questions for interviews with affected members of the community (Sub-step 1.2)

Topic	Question	Relevant X/√	Answered X/√
Implications for an individual within an affected community	How are you personally affected in this particular case? How has your source of livelihood been affected?		
	How are your dependents affected in this particular case?		
	What were the most important events that took place?		
	Who are the most important actors involved?		
	What are the underlying problems and issues from your perspective?		
	Do you think corruption has contributed to the problems?		
	What actions did you take to solve the problems?		
Implications for the community as a whole	What are the economic repercussions of this case (for your community)?		
	What are the social implications of this particular case (for your community)?		
	What are the social implications of this particular case (for your community)?		
	Has any group of your community been particularly affected?		

Topic	Question	Relevant X/√	Answered X/√
Questions on the state of land governance within the selected case	Do you have a title deed for the land in question?		
	How familiar are you with the formal land governance processes?		
	Which government institutions/actors have you been in contact with?		
Additional questions			

### Template 3: Guiding questions for the analysis of the historical and cultural context (Sub-step 2.1)

Topic	Question	Relevant X/√	Answered X/√
Pre-colonial period	What are the most important historical and cultural factors influencing land possession and governance until today?		
	Do specific groups/actors have historical ties to specific areas of land?		
	Are there historical conflicts concerning land between different indigenous/ethnic groups?		
	Are there any areas/landmarks which are important due to religious, ethnic or traditional customs?		
	What different 'tenure regimes' existed in the past and how was land divided?		
Colonial period	What were important changes of land governance due to colonisation?		
	Who were the (foreign or local) actors involved in the implementation of regulations and governance of land?		
	What were the underlying principles and rationales (e.g. economic, political) of the colonial land governance system? How was the land used?		
	Did the colonial system result in the creation of any long-lasting conflicts or mischiefs (enduring until contemporary times)?		

Topic	Question	Relevant X/√	Answered X/√
	Who were the main privileged/under-privileged groups of the colonial land governance system, and do these privileges still have consequences today?		
	Was land unjustly awarded to elites or collaborators during colonisation?		
Post-independence period	What are important post-colonial and contemporary factors or events influencing land governance?		
	Was land unjustly awarded to elites or collaborators since independence?		
	What are the major differences and parallels between the colonial and contemporary land governance systems?		
	What role does land possession/development play in the country's economy?		
	How equal is the distribution of ownership of land (e.g. does most of the land lie in the hand of few or many)?		
	Are there conflicting interests between different groups or networks affecting contemporary land governance? Does land play an essential role in the struggle over political power?		
Additional questions			

### Template 4: Guiding questions for the analysis of the legal and institutional framework (Sub-step 2.3)

Topic	Question	Relevant X/√	Answered X/√
General understanding of the legal framework	<p>Has the country signed important international regulations on transparency and human rights and how far are these rules applied in practice?</p> <p>Anti-corruption treaties:</p> <ul style="list-style-type: none"> <li>■ OECD Convention on Combating Bribery of Foreign Public Officials</li> <li>■ United Nations Convention against Corruption (UNCAC)</li> <li>■ SADC Protocol against Corruption (2001)</li> <li>■ The African Union (AU) Convention on Preventing and Combating Corruption (2003)</li> </ul> <p>Human rights treaties relevant for anti-corruption efforts:</p> <ul style="list-style-type: none"> <li>■ The Universal Declaration of Human Rights (UDHR)</li> <li>■ The International Covenant on Economic, Social and Cultural Rights (ICESCR)</li> <li>■ The International Covenant on Civil and Political Rights (ICCPR) as well as its two Optional Protocols (OP)</li> </ul>		
	Is jurisprudence on corruption cases consistent in the country (e.g. is it a "case law"-system) and do courts efficiently address corruption?		
	Does the judicial system allow for affordable access (formally, e.g. actual costs and fees for accessing the court and availability of lawyers, and informally, e.g. paying bribes) and enforcement of law?		

Topic	Question	Relevant X/√	Answered X/√
	What are the main institutions governing land tenure regimes and does the legal framework define clear competences of these institutions (vertically/horizontally)?		
Land tenure regimes	What level(s) of government have jurisdiction over land issues? (federal / state / provincial)		
	What are the land tenure regimes and have they been clearly defined by law?		
	Are statutory law land titles accepted in practice?		
	Are customary law land titles accepted by law/ in practice?		
	Are individuals' rural land tenure rights (a) legally recognised and (b) protected in practice?		
	Are customary tenure rights legally recognised and protected in practice?		
Institutional framework	What are the main institutions governing land tenure rights and does the legal framework define clear competences of these institutions?		
	Does the country have an anti-corruption statutory body and which bodies of the governmental system are the main ones for fighting corruption?		
	Are these institutions independent/ effective in tackling corruption? If not, why not?		
	Do these institutions release statistics on investigations, prosecutions, etc.?		
	In practice, is there evidence that this body has been effective?		

Topic	Question	Relevant X/√	Answered X/√
Anti-corruption framework	Has the jurisdiction adopted a rule or legislation that provides for disclosure of information in land governance?		
	Are the Acts and / or regulations available to the public? (In paper form only? Online?)		
	Do strong and independent accountability mechanisms exist and which kind of mechanisms are those? e.g.: civil society, complaining procedure, etc.		
	In the legal framework, is there whistle-blower protection legislation?		
	Is there any evidence that whistle-blowers are protected as per the legislation?		
	To what extent are the accountability mechanisms in place well-known and accessible to everyone (e.g. are certain groups excluded)?		
	Is disclosure of assets / interests required of public officials?		
Additional questions			



### Template 5: Impact and likelihood categories (Sub-step 6.1)

Impact categories	Definitions		Examples
	Human	Financial	
<b>None / minimal</b>	None or minimal negative impact on cultural identity, physical and mental well-being, food security or life of individuals/families	Less than 5% of yearly family/community income	A minor bribe is paid, e.g. to speed up an administrative process
<b>Moderate</b>	Limited impact, on cultural identity, physical and mental well-being, food security or life of individuals/families	Between 5% and 15% of yearly family/community income	A considerable/larger bribe must be payed; a lot of time must be invested
<b>Significant</b>	Negative impact on cultural identity, physical and mental well-being, food security or life of individuals/families	Between 15% and 30% of yearly family/community income	Part of the land in question is lost
<b>Major</b>	Huge adverse impact on cultural identity, physical and mental well-being, food security or life of individuals/families	More than 30% of yearly family / community income	All or major parts of the land in question is lost

Likelihood categories	Definitions
<b>Rare/Unlikely</b>	Occurs 0-1 out of 10 times
<b>Possible</b>	Occurs 2-4 out of 10 times
<b>Likely</b>	Occurs 5-8 out of 10 times
<b>Very likely</b>	Occurs 9-10 out of 10 times

### Template 6: Risk Assessment Matrix (Sub-step 6.3)

Very likely		12	16	20
Likely		8	12	16
Possible		4	8	12
Rare / Unlikely				
Likelihood Impact	None / Minimal	Moderate	Significant	Major

### Template 7: Overview of social groups that are often particularly affected by corruption (Sub-step 7.1)

Dimension	Indicator		Examples of particularly affected groups	Notes	
Social	Ethnicity / Race / Religion / Language	Intersectional identities	Indigenous groups, ethnic minorities, religious minorities, people of colour, individuals speaking minority languages		
	Gender		Women, men, members of the LGBTIQ community		
	Age		Elderly, children, orphans		
	Health		People with disabilities, people with long-term-illness		
	Level of education & literacy		Illiterates, individuals without formal education		
	Living / Housing type		Landless, squatters, slum dwellers		
Economic	Economic status & economic activity			Poor, subsistence farmers, pastoralists, employees in the informal sector, unemployed, prostitutes	
Political	Nationality			People without formal recognition of citizenship, foreign nationals, refugees	
	Political affiliation			Members/supporters of the opposition	
Other				Widows, individuals without family members or social security	

**Template 8: Table for the identification of particularly affected groups (Sub-step 7.2)**

Process		Affected Group(s)	Why are they affected?	How are they affected (examples)?
Corruption Risk	Corruption Risk Score	Affected Group(s)	Why are they affected?	How are they affected (examples)?

### Template 9: Workshop evaluation sheet (Sub-step 7.4)

1. How was the atmosphere in the workshop?
2. Was the timeframe for the workshop appropriate, or was it too short / too long?
3. Are the ideas discussed in the workshop useful for identifying (and tackling) corruption risks?
4. Would you be interested in continuing to work on the identified issues?

5. What did you particularly like in the workshop?

6. What were weaknesses or shortcomings in the workshop?

7. What are your recommendations and suggestions for improving the workshop?

8. Other Comments



## Template 11: Scorecard for the prioritisation of intervention areas (Sub-step 8.1 & 8.2)

PROCESS:									
Category	Particularly affected group(s)	Corruption Assessment Score	The current political environment is conducive to tackling the risk (0-4 points)	The current legislative environment is conducive to tackling the risk (0-4 points)	The risk falls into the mandate / project strategy of the organisation(s) (0-4 points)	The organisation(s) has the necessary experience, skills, and knowledge to tackle the risk effectively (0-4 points)	The organisation(s) has the resources (finance, staff, infrastructure, networks etc.) to tackle the risk effectively (0-4 points)	Prioritisation Score	Total score
Corruption Risk									
Risk 1									
Risk 2									
Risk 3									
Risk 4									

Table 16: Scorecard for the prioritisation of intervention areas

Key: Example category "The current political environment is conducive to tackling the risk":

0 points = There is no realistic chance to tackle the corruption risk in the current political environment

1 point = There is only a minor chance to tackle the corruption risk in the current political environment

2 points = There is a fair chance to tackle the corruption risk in the current political environment

3 points = There is a good chance to tackle the corruption risk in the current political environment

4 points = There is a very good chance to tackle the corruption risk in the current political environment





