CORRUPTION IN THE LAND SECTOR

Tatjana Papić Brankov, Nataša Tanjević

Summary
The corruption is both a major cause and a result of poverty around the world. Corruption in the land sector can be generally characterized as pervasive and without effective means of control. In this paper we analyze the risks and forms of corruption in the land sector citing some documented examples from the world and from Serbia. The paper concludes that all countries facing problems with land administration needs the rebuilding of land administration institutions to provide access to land as essential to rekindle economic growth and social stability. It can also be concluded that Serbia is on the path of mild progress in planning land administration and land management.

Key words: corruption, causes of corruption, forms of corruption, land sector, Serbia.

JEL: D73, H82, K42, H83, P37, I32

Introduction
Corruption has been going hand in hand with mankind from its beginnings. There is no doubt that it is a great mischief. Summing up the consequences of corruption, Council of Europe Criminal Law Convention on Corruption preamble emphasizes the following: ‘Corruption undermines the rule of law, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic development and endangers the stability of democratic institutions and the moral foundations of society’. Concept of corruption comes from the Latin word corruptio and signs of depravity, bribery, blackmail. The term of corruption is defined in different ways depending on the attitude it is observed from (such as psychological, sociological, economic, criminal, legal phenomenon). A large number of authors who study and research this phenomenon tend
to consider public service as its center, and hence the corruption is defined as “behavior that the deviation from regular performance of public service for personal or other benefit; it is a violation of norms in order to achieve personal interest” (OSI, 2002). Definition of corruption alleged by famous international non-governmental organization engaged in the fight against corruption. Transparency International (TI) includes „any activity that constitutes an abuse of the delegated powers in order to achieve personal gain“. But, it should be noted that the element of bribery can be recognized in some other morally unacceptable behaviors which are not defined as criminal offenses, economic offenses or misdemeanors. Such behaviors are especially common in the area of economic activities, and use of monopoly or dominant market position and actions in a situation of conflict of interest is typical for them. This leads to the conclusion that corruption with only one of its (smaller) parts is manifested in a way that can be successfully regulated by norms of criminal law. On the other hand, on the higher levels it is hidden by the forms of morally problematic or even socially acceptable behavior (Tanjević, 2012).

The corruption is dynamic, variable and adjustable negative social phenomenon, therefore there is a need to continually investigate and control it. The land sector is not immune to corruption, since the phenomenon of corruption and its various forms threaten almost all economic sectors of a country.

World is facing a food crisis which pushes agricultural commodity prices to record highs and increasing numbers of poor and hungry. According to last Food and Agriculture Organization (FAO) data in the world has 868 million undernourished. There are many inter-related issues causing hunger, which are related to economics and other factors that cause poverty. They include land rights and ownership, diversion of land use to non-productive use, increasing emphasis on export-oriented agriculture, inefficient agricultural practices, war, famine, drought, over-fishing, poor crop yields, etc. But, one of the reason for increasing the number of hungry people is corruption, especially in the land sector. The corruption is both a major cause and a result of poverty around the world. Corruption affects the poorest the most, in rich or poor nations, though all elements of society are affected in some way as corruption undermines political development, democracy, economic development, the environment, people’s health and more.

FAO is working with its Members and the entire international community for achievement of the Millennium Development Goals (MDGs). These eight goals - each with specific targets and indicators - are based on the UN Millennium Declaration, signed by world leaders in September 2000. They commit the international community to combating poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women (FAO, 2000).

The State of Food Insecurity in the World 2012 presents that the number of people suffering from chronic undernourishment is still unacceptably high, and eradication of hunger remains a major global challenge. Sustainable agricultural growth is often effective in reaching the poor because most of the poor and hungry live in rural areas and depend on agriculture for a significant part of their livelihoods. Rapid progress in reducing hunger requires government action to provide key public goods and services
within a governance system based on transparency, participation, accountability, rule of law and human rights (FAO, 2012a).

Given the huge food crisis in the world and in Serbia the aim of this paper is to examine one of the causes of rising poverty—corruption in the land sector. Based on the existing relevant literature, mainly the data of the international organization, analysis and synthesis methods have been applied to this study.

Land governance

Land governance is about the policies, processes and institutions by which land, property and natural resources are managed. This includes decisions on access to land, land rights, land use, and land development. Land governance is basically about determining and implementing sustainable land policies and establishing a strong relationship between people and land (FIG, 2010). As a system, land governance is ultimately centered on how people use and interact with land. Sound land governance is fundamental in achieving sustainable development and poverty reduction and therefore a key component in supporting the global agenda, set by adoption of the MDGs. The land management perspective and the role of the operational component of land administration systems therefore need high-level political support and recognition.

Sustainable land governance should: provide transparent and easy access to land for all and thereby reduce poverty; secure investments in land and property development and thereby facilitate economic growth; avoid land grabbing and the attached social and economic consequences; safeguard the environment, cultural heritage and the use natural resources; guarantee good, transparent, affordable and gender responsive governance of land for the benefit of all including the most vulnerable groups; apply a land policy that is integrated into social and economic development policy frameworks; address the challenges of climate change and related consequences of natural disasters, food shortage, etc., and recognize the trend of rapid urbanization as a major challenge to sustain future living and livelihoods (FIG, 2010).

Effective land governance supports food security and ensures sustainable livelihoods that are essential for people and countries that rely on land as one of their main economic, social and cultural assets. Empirical findings from more than 63 countries show that where corruption in land is less prevalent, it correlates to better development indicators, higher levels of foreign direct investment and increased crop yields (TI, 2011). Countries suffering from an intensive corrupt public sector are also confronting land sector corruption. This is supported by recent TI finding that suggested strong correlation between levels of corruption in the land sector and overall public sector corruption (TI, 2011). Land governance and anti-corruption now feature in the agenda of multilateral organizations such as the FAO, World Bank (WB) and UN-HABITAT. FAO
is developing Voluntary Guidelines on the Responsible Governance of Tenure of Land\(^5\), Fisheries and Forests in the Context of National Food Security promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. They were officially endorsed by the Committee on World Food Security on 11 May 2012. Since then implementation has been encouraged by G20, Rio+ 20, United Nations General Assembly and Francophone Assembly of Parliamentarians (FAO, 2012b). The governance of tenure is a crucial element in determining if and how people, communities and others are able to acquire rights, and associated duties, to use and control land, fisheries and forests. Weak governance is often cause of many tenure problems, affects economic growth, investments, environment and social stability. Because of corrupt tenure practices or if implementing agencies fail to protect their tenure rights people may even lose their lives if it leads to violent conflict.

The WB has developed a Land Governance Assessment Framework (LGAF). LGAF focuses on five key thematic areas that have been identified as major areas for policy intervention in the land sector. Thematic areas are: legal and institutional framework, land use planning, management, and taxation, management of public land, public provision of land information, dispute resolution and conflict management. It is made up of a range of indicators that are then ranked as a performance measure relevant to a specific theme (WB, 2012).

At UN-HABITAT, The Global Land Tool Network (GLTN)’s main objective is to contribute to poverty alleviation and the Millennium Development Goals through land reform, improved land management and security of tenure. GLTN aims to establish a continuum of land rights, rather than just focus on individual land titling; improve and develop pro poor land management as well as land tenure tools; unblock existing initiatives; assist in strengthening existing land networks; improve global coordination on land; assist in the development of gendered tools which are affordable and useful to the grassroots; improve the general dissemination of knowledge about how to implement security of tenure (UN-HABITAT, 2012).

\(^5\) Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. (For convenience, “land” is used here to include other natural resources such as water and trees.) Land tenure is an institution, i.e., rules invented by societies to regulate behaviour. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions (FAO, 2002). Another definition said that land tenure is the right to hold property; part of an ancient hierarchical system of holding lands (Princeton University, 2010).
Corruption in the land sector can be generally characterized as pervasive and without effective means of control (TI, 2011). It can be divided into two groups, small-scale and big-scale corruption. Small-scale corruption includes administrative corruption, while big-scale means political corruption.

According to TI data presented in Table 1 there are a number of areas of land sectors that are at risk of corruption in various forms. The most important areas vulnerable to corruptions are: land administration, customary land tenure, management of state-owned land, land use planning, conversion and investments and payments for environmental services. Dominant risk factors are inadequate land laws and procedures and unclear institutional responsibilities or property rights, lack of transparency in different processes and procedures and bureaucracy. The most common form of corruption is bribery of government officials (TI, 2011).

**Table 1. Risks and Forms of Corruption in the Land Sector**

<table>
<thead>
<tr>
<th>Area</th>
<th>Risk Factors</th>
<th>Forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land administration</td>
<td>- Inadequate land laws and procedures;</td>
<td>- Bribery of land administration officials and law enforcement authorities;</td>
</tr>
<tr>
<td></td>
<td>- Excessive or unpublished fees for land services;</td>
<td>- Fraud and production of false land claim documentation.</td>
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<tr>
<td></td>
<td>- Lack of recognition of land uses and rights;</td>
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<td></td>
<td>- Under-developed and non-transparent land registration systems;</td>
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<td></td>
<td>- Absence of up-to-date and accurate land records;</td>
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<td></td>
<td>- Existence of multiple land management authorities;</td>
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<td>- Irregular practices in the collection of land taxes;</td>
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<td></td>
<td>- Limited accessibility of services</td>
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<td></td>
<td>- Lack of effective compliant, grievance and oversight mechanisms;</td>
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<tr>
<td></td>
<td>- Absence of a code of conduct.</td>
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<tr>
<td>Customary land tenure</td>
<td>- Absence of legal recognition and delineation of customary land;</td>
<td>- Abuse of power by chiefs;</td>
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<tr>
<td></td>
<td>- Traditional practices of payments and exchanges;</td>
<td>- Conversion of property and capture of revenues by chiefs and influential people;</td>
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<td></td>
<td>- Opaque systems, absence of outside control and lack of clarity in allocation of land;</td>
<td>- National institutions and business interests override local land rights.</td>
</tr>
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<td></td>
<td>- Monetarisation and speculation on land sales.</td>
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<tr>
<td>Management of state-owned land</td>
<td>- Lack of inventory, delineation and management of state land;</td>
<td>- Bribery of government officials to obtain public land at a fraction of market value;</td>
</tr>
<tr>
<td></td>
<td>- Irregularity of land prices for disposal and acquisition;</td>
<td>- Manipulation of compulsory land acquisition and compensation processes by government</td>
</tr>
<tr>
<td></td>
<td>- Unclear institutional responsibilities and decision mechanisms;</td>
<td>officials and investors;</td>
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<tr>
<td></td>
<td>- Absence or lack of clarity of regulations for leasing land or exercising eminent domain;</td>
<td>- Irregular conversion of property and land classification status by government officials.</td>
</tr>
<tr>
<td></td>
<td>- Lack of effective compliant, grievance and oversight mechanisms.</td>
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</tbody>
</table>
### Risk Factors and Forms

<table>
<thead>
<tr>
<th>Area</th>
<th>Risk Factors</th>
<th>Forms</th>
</tr>
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</table>
| Land use planning, conversion and investments | - Lack of transparency of planning processes and land allocation procedures;  
- Opaque, slow and bureaucratic processes for issuing building development permits;  
- Unclear land use and property rights;  
- Lack of effective complaint, grievance, independent oversight and enforcement mechanisms;  
- Lack of an independent media.                                                                 | - Capture of rents and profits originating from land conversion and re-zoning by government officials and investors;  
- Abuse of government officials’ discretionary power to propose real estate and land developments that increase the value of her/his personal property;  
- Acquisition of land through state capture and/or by investors and developers having received insider information from government officials;  
- Bribery of government officials by investors and/or developers.                                                                                                                                     |
| Payments for environmental services (e.g. UN-REDD) | - Lack of legal recognition of tenure rights;  
- Lack of recognition of protected areas and lands reserved for environmental protection;  
- Opaque, slow and bureaucratic payment systems.                                                                                                     | - Capture of funds by developers, investors and government officials;  
- Acquisition of parcels eligible for payments by developers, investors, and government officials.                                                                                                   |

**Source:** TI, 2011.

### Some documented cases of corruption in the world and in Serbia

In Mexico, a recent study reveals that illegal payments to land authorities ranked among the top 10 services plagued by bribery in the country (Transparencia Mexicana, 2011). The survey’s results show that a bribe has to be paid at least once out of every 10 times that a person solicits a land permit. Another public opinion survey, conducted in Bangladesh, estimates these figures to be much higher. Findings from a national household survey show that land administration ranks among the top three institutions in Bangladesh with the worst rates of bribery (71.2 per cent) based on people who have had contact with the service (TI Bangladesh, 2010). A study in India estimates that US$ 700 million worth of bribes are paid annually by users of the country’s land administration services (TI India, 2005). According to survey work in Kenya, the average bribe paid by those dealing with government land agencies was US$ 65 in 2011, a figure that had been rising in the last two years but which has since fallen (TI Kenya, 2011). The same survey also finds that Kenya’s Ministry of Lands is the fourth most corrupt public administration body in the entire country. Nearly 58 per cent of people who have sought land services from the ministry have been asked to pay a bribe; of those requested to make an illegal payment, more than one-third did.

Ideal opportunities for political corruption usually manifests are land reforms, development projects or land transaction. For example, corruption has been one of the causes of the collapse of the property market in Spain in 2009. In operation called ‘Operación Malaya’, the police seized more than US $3 billion in assets and froze 1,000 bank accounts after it was discovered that 30,000 homes had been illegally built in the town, including on environmentally protected land (TI, 2011). Political corruption is also reflected in the purchase of land at a lower price from the owners (under the argument of eminent domain⁶) and resale at a much higher price.

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⁶ Eminent domain is the power of the state to seize private property without owners consent. Historically, the most common uses by eminent domain are public facilities, highways, and railroads.
with profit taking by individuals. This is documented in Kenya’s land reform over the last 50 years (WRI/Landesa, 2011; KNCHR/KLA, 2008).

Three types of corruption, individual, business and political are observed in the land sector of Serbia. Land registry officials are third most corrupt public officials, with nearly 6% of citizens who had interactions with them, resulting in a bribe being paid, according to one United Nations Office on Drugs and Crime survey (UNODC, 2011). More than 200,000 Internally Displaced Persons are living on Serbian territory. They often face problems of insufficient security of tenure and risk eviction due to privatizations in the housing market. This is especially the case of IDPs living in collective centers. Many of them have lost personal documents, and the lack of documentation causes some to live in informal or illegal settlements.

According to the US Department of State (DoS, 2011), the Serbian land administration system is in a poor state and suffers from corruption. Land records often do not match the legal registers kept in municipal courts, which results in a long waiting period for resolving such problems. In addition, real estate registers are incomplete and outdated. In many cases, there are no proper records on the nationalization of the land, which may slow down restitution efforts. In addition, real estate registers are incomplete and outdated. In many cases, there are no proper records on the nationalization of the land, which may slow down restitution efforts. Apart that, transition in Serbia provided the opportunity for various forms of abuse and illegal behavior through the privatization of public ownership in the economy. Privatization of Serbian agribusiness was not being transparent, with frequent changes of legislation, in a kind of legal vacuum. During this process, in the past decade, more than 50,000 workers lost their jobs, which directly caused the increase of hungry and poor. An report on the state and cooperative property has been written by the Anti-Corruption Council with the intention to point to a systemic problem in the privatization of the companies privatized in the field of agriculture. The report discussed problems of the state and cooperative owned land in 146 privatized companies in the area of agriculture. What is common to all subjects of privatization in this area is that generally had registered in the Land Registry “right of use” of agricultural land in all the forms of ownership (social, public and cooperative), regardless of the form of organization (conglomerates, companies or cooperatives). Due to the interference forms of ownership in entities that are subject to different legal regimes, the Privatization Agency was required to explicitly write and warn that privatization subject is not state and cooperative ownership of farmland. Since the Privatization Agency is not clearly stated this in the contract, some customers have registered as the owners of agricultural land, which was owned by the state and cooperative (SBPK, 2012). On the other hand, some properties are sold at lower prices even tenfold. This group includes the sale of the social capital of agricultural enterprises Zobnatica which was estimated at 11 mil. EUR and sold after the second auction for 1.8 mil. EUR, although the two bidders in the first auction offer worth about 20 mil. EUR (SBPK, 2013). The Privatization Agency has changed aggravating conditions, indicating that the buyer can be the only one that has a 4-star hotel, which was unacceptable given that the predominant Zobnatica activity is not hospitality but agriculture and livestock. In particular, the question of who and how to be responsible for one-quarter of the privatized agricultural enterprises in Serbia in the privatization contracts were canceled.
and their property looted, without any consequences for irresponsible buyers and everyone in the chain of state institutions, which were required to check whether the new owners meet their contractual obligations.

Legal protection of property rights in Serbia is weak, largely on account of the corrupt, ineffective judicial system. An example of conflict of interest and irregular behavior of government officials that shocked the business community is the government’s interference in the case of a mineral water manufacturer in which the government illegally took the role of arbiter in the proprietary documents market from the Securities Commission. To support its candidate in the sale, the government, in a late-night session, ordered prosecutors to threaten the Securities Commission with arrest (Trivunovic et al., 2007).

Political corruption in the land sector is usually extremely hard to document. One of the reasons for this should be sought in the fact that political corruption usually involves the interface between the holders of political and economic power and opens the way for the widespread abuse of public functions on the one hand and the smooth, fast and enormously enriching individuals close to the government, on the other hand (Tanjevic, 2011). At the same time these are people who are “social elite”, or people who enjoy a good reputation and have a social status thanks to which are protected. Their works rarely can be detected and characterized as illegal, and if so, they are rarely prosecuted. Importance of this type of corruption is not only economic endangerment of society. Its holders, in order to make his power unlimited cross institutional boundaries.

One very good example is territory of Kosovo and Metohia where corruption is a major issue in the land management/administration sector as well as high policy sector. According to a study by the Organization for Security and Co-operation in Europe (OSCE) in Kosovo, illegal occupation of property remains rampant, property rights records have become unreliable, illegal construction and informal settlements have exploded, and informal and illegal transactions continue unabated (IDMC, 2007). Corrupt measures are often used to deprive minority populations of their property rights. Many cases have been reported of Kosovo Albanians destroying private property belonging to Kosovo Serbs. The U.S. State Department posits that some cases of violence against Serbs may have been attempts to force them to sell their property. There are reports that Kosovo Serbs have had difficulty accessing their property, which were sometimes occupied or used by Kosovo Albanians. In some cases, Kosovo Serb property was reportedly sold by persons falsely claiming to be their attorneys and presenting forged documents in court. In situations where the rightful owners did not live in Kosovo, such fraud went undiscovered for months (IDMC, 2007). Perfect example of weak rule of law is again Kosovo. Municipalities and ministries not only discouraged but, at times, actively prevented minority returnees from reconstructing their homes or other vulnerable persons from accessing their property through selective or inappropriate regulation of construction and land use (Katz, Philpott, 2006).
Discussion

Corruption is one of those phenomena the knowledge of which is basically, although it is believed to be a simple topic familiar to everyone. However, it is a much more complex problem than it may seem at first glance. A high degree of social danger, a variety of forms, latent inhibition, adjustability to social changes, artfulness of the performer – to name only some of its characteristics. Consciousness of the danger and harmfulness international activities directed to successful fighting against it. Large organizations such as FAO, WB and UN-HABITAT put in their agenda land governance and anti-corruption. This fact can indicate the importance of fighting corruption in the land sector in order to reduce poverty. The problem of corruption is a global problem faced by all countries, regardless of whether they are developed or not. The occurrence and extent of corruption depends on many factors: economic and social instability, undemocratic and autocratic regimes, the lack of appropriate legislation and regulations, lack of control, lack of transparency, lack of professional ethics, the association centers of economic and political power, etc. However, it is obvious that corruption, as a sort of an “infection”, affects mainly developing countries, seeking to exploit all their weaknesses in order to find fertile ground for its own development and expansion (Soskic, 2004). Due to a number of factors, primarily the accumulation of economic problems, low wages and falling living standards of population greater part, corruption is mostly related to developing countries. This was confirmed by the Corruption Perceptions Index published by TI. Its maximum value is ten, and then means that there is no corruption in the country (which is, of course, a theoretical case). All Western Balkan countries are very poorly placed, which means that in these very high levels of corruption. Of the six countries of the region are best placed Croatia, (4.1) Macedonia (4.1) and Montenegro (3.7), while the lower part of Serbia (3.5), Albania (3.3.), Bosnia and Herzegovina (3.2.), (Table 2).

Table 2. Corruption Perceptions Index in Western Balkan countries

<table>
<thead>
<tr>
<th>Western Balkan countries</th>
<th>Corruption Perceptions Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>Croatia</td>
<td>4.1</td>
</tr>
<tr>
<td>Macedonia</td>
<td>4.1</td>
</tr>
<tr>
<td>Montenegro</td>
<td>3.7</td>
</tr>
<tr>
<td>Serbia</td>
<td>3.5</td>
</tr>
<tr>
<td>Albania</td>
<td>3.3</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>3.2</td>
</tr>
</tbody>
</table>

Thus, we can conclude that the level of corruption in Serbia is very high. After the democratic changes in 2000 Corruption Perceptions Index was 1.3, and in the meantime, this index increased the last three years is 3.5, which indicates that corruption in Serbia remains widespread, and that the fight against corruption did not produce significant results.

Corruption in Serbia is of a systemic character. It has “infected” all public services, and citizens have accepted corruptive behavior as a form of socially acceptable behavior. In addition, the biggest problem is the fact that discovering and punishing the perpetrators of “petty” corruption, creates the illusion that this is the most prevalent form of corruption.
in the society, while, on the other hand corruption offenses, particularly those committed by the members of the political and “social elite”, are under-detected or not prosecuted, although they cause the greatest damage to the society and are one of the worst obstacles our country is facing on its way to European integrations. This situation restrains serious foreign financial investments, both in the form of capital investment, primarily in internal infrastructure, and those of local character. Foreign investors, some of them personally affected by the global financial crisis, still hesitate to inject fresh capital into the Serbian market, waiting for better conditions, reflected in the harmonization of laws with EU standards, transparent operation of public services, easier and uniform administration procedures and most importantly, a stable political situation. As it could be seen from Table 3 Serbia is characterized by fluctuations in the volume of foreign direct investment (FDI). The largest FDI net inflow is achieved 2006 (4,153 million), after which there is a gradual reduction. Companies from the EU have been the leading investors in Serbia for the past eight years.

Table 3. FDI in Serbia (in 000 EUR)

<table>
<thead>
<tr>
<th>Year</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total FDI (EUR)</td>
<td>1,215,362</td>
<td>4,152,961</td>
<td>2,458,492</td>
<td>2,193,035</td>
<td>1,742,980</td>
<td>1,107,614</td>
<td>2,206,836</td>
<td>851,523</td>
</tr>
<tr>
<td>Share of EU FDI in Total FDI</td>
<td>89.67%</td>
<td>62.92%</td>
<td>84.63%</td>
<td>81.33%</td>
<td>67.2%</td>
<td>78.63%</td>
<td>88.31%</td>
<td>64.28%</td>
</tr>
</tbody>
</table>

Source: EU, 2013a

Conclusion

All countries facing a problems with land administration needs the rebuilding of land administration institutions to provide access to land as essential to rekindle economic growth and social stability (FIG, 2010). India has embarked on converting their deeds based land registration system for rural areas into a title based one. This is a daunting task involving over 140 million owners and 430 million records in nine scripts and 18 languages. However, it is estimated that it will result in an uplift of 1.3% GDP and reduce petty corruption in the land sector by around US$700 mil/year (more than India’s entire science and technology budget). A similar process is unfolding in Indonesia where it is estimated that 7.3 million hectares of land currently lies idle or abandoned with a significant direct opportunity loss each year. The process is being accelerated by using mobile land offices in rural areas – including motorcycles.

It seems that Serbia is a little jump forward in terms of planning land administration and land management. The report of US Department of State 2011 shows that Serbia is working with WB assistance to modernize its cadastral systems. Also the permitting processes that control both the acquisition of land in Serbia and decisions related to use of such land generally are considered a significant barrier to foreign investors. Serbia’s new Constitution, adopted in September 2006, permits private ownership of the construction land which will make foreign investment more attractive. Apart this, officially launched a project “Rural Development – Effective Land Management”, which will assist and empower state and municipalities and
private land owners to more efficiently manage and use agricultural land. The project will be implemented by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and is supposed to run for 3 years (1/2013 to 12/2015). The budget of 3,78 mil. EUR is financed by the European Union (2,78 mil. EUR) and the German Federal Ministry for Economic Cooperation (1 mil. EUR), (EU, 2013). These activities can help reduce petty corruption in the land sector of Serbia. In order to reduce business and political corruption, there must be a political will and commitment.

**Literature**


KORUPCIJA U ZEMLJIŠNOM SEKTORU

Tatjana Papić Brankov⁷, Nataša Tanjević⁸

Rezime

Korupcija se javlja kao neumitni pratilac tranzicionih procesa i predstavlja specifičnu karakteristiku privrednog kriminaliteta. U Srbiji je korupcija jedan od najvećih društvenih problema koji dovodi do širenja ekonomske nejednakosti, usporava i onemogućava privredni rast i razvoj, ruši legitimitet institucija i potkopava osnovne vrednosti na kojima se društvo zasniva. Korupcija je istovremeno i glavni uzrok i rezultat siromaštva u svetu. Korupcija u zemljišnom sektoru može se generalno okarakterisati kao pervazivna kategorija bez efektivnih mera kontrole. U radu se analiziraju rizici i oblici korupcije u zemljišnom sektoru uz navođenje dokumentovanih primera korupcije iz sveta i iz Srbije. U vezi sa tim se zaključuje da sve zemlje koje se suočavaju sa problemima u zemljišnoj administraciji trebaju ponovo da izgrade institucije zemljišne administracije. Ovim olakšanim pristupom zemljištu ubrzao bi se ekonomski rast i socijalna stabilnost. Takođe se zaključuje da je Srbija na putu blagog progresa u smislu uređenja zemljišne administracije i upravljanja zemljištem. Međutim, borba protiv korupcije zahteva jedinstven pristup ovoj pojavi od strane svih subjekata, i mora se odvijati na jednom opštem društvenom planu, uz primenu i preventivnih i represivnih mera. Ipak najvažnije je da postoji politička volja da se slučajevi korupcije otkrivaju, procesuiraju i kažnjavaju.

Ključne reči: korupcija, uzroci korupcije, oblici korupcije, zemljišni sektor, Srbija.

⁷ Dr Tatjana Papic Brankov, naučni saradnik, Institut za ekonomiku poljoprivrede, Beograd, Volgina 15, Telefon: +381 64 102 16 96, E-mail: brankov.tatjana@gmail.com
⁸ Dr Natasa Tanjevic, vanredni profesor, Visoka škola za poslovnu ekonomiju i preduzetništvo, Beograd, Mitropolita Petra 8, Telefon: +381 63 102 44 48, E-mail: ntanjevic@sbb.rs
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