




The State of Support for Open Data in Land Governance

A Webinar Report



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This September, the Land Portal hosted an online dialogue on **'Open Land Data in the Fight Against Corruption'**. This responded to a dual recognition that corruption remains a major issue in land governance, and that open data has been identified as a powerful tool in the fight against corruption. At the same time, gaps remain between the promise and the reality of open data in the land sector. Poor data availability, underdeveloped theories of change, and a lack of implementation support have all contributed to slower-

than-desired progress in data publication and use over the last decade. Whereas some sectors, such as agriculture, aid and procurement, have seen substantial transparency initiatives, land registers and data on land-deals remain opaque in many places around the world, and there has been comparatively little attention given to improving open data availability and use around land and anti-corruption. This is in spite of substantial donor support for the creation of digital systems in the land sector.

The conclusions from the recent State of Open Data book include calls for practitioners, policy makers and funders to provide renewed leadership for openness; embed open data approaches within problem solving, and within the wider sustainable development data agenda; integrate open data approaches within sectoral funding programs and focus on (open) data literacy. These recommendations reflect the changing landscape of open data a decade after it first gained global policy attention, and respond to the growing maturity of the open data debate, where issues of privacy, gender equity and indigenous data sovereignty have been subject of considerable focus. Panelists reflected on this and other issues.

This webinar was co-hosted by GIZ, the Land Portal Foundation, Omidyar Network, Open Data Charter and Open Data for Development (OD4D) network.

Moderator: Tim Davies, co-editor of 'The State of Open Data: Histories and Horizons', and co-author of the chapter on Land Ownership.

Panelists:

- Katie Clancy, Programme Officer, International Development Research Center;
- Peter Rabley, Venture Partner, Omidyar Network;
- Nati Carfu, Deputy Director, Open Data Charter.

A complete recording of the webinar is available on YouTube: <https://youtu.be/swXINaks2g0>



Key Takeaways

- Learning from the open data work in parallel and connected sectors is essential in bringing the case for open data in the land sector forward.
- One lesson we can learn from the “Open Up” Guide on Anti-Corruption is that once the countries involved decided to take on the challenge of using open data for anti-corruption, having a shared framework through the guide made the conversation between all of the countries involved easier.
- Bridging key stakeholders and providing them with the support they need and building their capacities will also be important in this regard. Capacity building with journalists, researchers and intermediaries will help them to use the information that is being released to address information asymmetries and address their rights.
- Protecting the rights of marginalized groups in a complex space such as this one is understanding what different actors bring to the table. The more you can convene them together to have dialogues, in terms of dealing with marginalized groups to exercise their rights, the better. Local contexts, different perspectives and level of trust all play into this. It is also important to understand that there are risks involved for certain marginalized groups in engaging with open data, and what these risks are.

Webinar Summary

1) WHY HAS WORK ON OPEN DATA FOR ANTI-CORRUPTION IN LAND LAGGED BEHIND OPEN DATA AND ANTI-CORRUPTION WORK IN OTHER SECTORS? ARE THERE SPECIFIC REASONS FOR THE GAPS IN THE AVAILABILITY OF LAND DATA, AND IN THE FOCUS ON OPEN DATA AS AN ANTI-CORRUPTION TOOL IN LAND?

- Land is low down on the development agenda as many other things get far more attention, whether it is education or financial inclusion. Land is an issue that many donors tend to shy away from because they feel it is complex, and that they might do more harm than good by getting engaged in what they often feel is a sovereign issue. In a parallel fashion, the open data journey is still only beginning and, for some, the jury is out as to the efficacy of open data initiatives. In short, it is still early days. A combination of these two phenomena may be why open data for land is not as far up the interest ladder as other topics.

- We can learn from open data work in other parallel sectors. For example, there is a lot of work on contracting and procurement that can be useful. There is room for multi-stakeholder dialogues to begin. In bridging the above-mentioned gaps, there is a need to bring together different stakeholders and provide them with capacity and support. This can include land ministries who may not have had as much focus from open data actors as other key ministries.
- We can also gain insight from the “Open Up” Guide on Anti-Corruption, which was piloted in Mexico and is now part of a hemispheric programme. 33 countries decided to take on the challenge of using open data for anti-corruption and using the Open Up Guide as a framework. One good lesson is that having a shared framework through the guide made the conversation between all 33 countries easier. When they decided that they wanted to tackle corruption using open data, they had this tool to go on. However, out of the 30 categories of data relevant to anti-corruption work in the Open Up Guide, land related data still seems to get left behind, as countries prioritise action on other datasets first.

2) DEVELOPMENT FUNDING FOR OPEN DATA IS OFTEN ABOUT THE DATASETS FROM MAJORITY WORLD GOVERNMENTS: YET THERE IS DATA EMERGING FROM GLOBAL NORTH GOVERNMENTS ON LAND OWNERSHIP AND TRANSACTIONS. HOW DO DEVELOPED WORLD CORRUPTION VECTORS FIT INTO THIS PICTURE WHEN TRYING TO OPEN UP LAND DATA, AND INCREASE USE OF DATA TO TACKLE CORRUPTION?

- There are big challenges here. Land is a very valuable asset. As the world develops, we see increasing pressures on land. Information about land is itself also an asset, and is increasingly viewed that way by those who manage and control it, as well as those who would like to extract it. An employee in a land institution in the South who is getting paid very little, for example, who is offered to speed a land transaction through the system is not necessarily interested in or concerned about, transparency.
- The structure of a number of land registers in the North also fails to provide good incentives to open up. For example, we see models in the UK where the land registry is essentially a trading funds. They see the data as their asset, and use it to return money to the treasury every year. That means they defend long copyright on it, and are very against a wholly open data approach. This is not happening from the perspective of corruption, but from the fact that the funding models of the land registry encourage them to view their data as a commercial asset, and so to maintain their gatekeeping around it.
- There are cases where global South civil society have been able to use data from global North open data to identify corruption risks. When transnational land deals are taking place, this is something to explore more.

3) HOW, FROM A DEVELOPMENT FUNDERS PERSPECTIVE, CAN WE BUILD CAPACITY FOR PEOPLE TO USE THE DATA THAT IS BEING MADE AVAILABLE?

- One thing that is important to do, for example, is to support capacity building, for example, with journalists and researchers around how to use and utilize open data. There is a need for many different intermediaries. We need to build the capacity of policymakers as well. We need to support intermediaries to do interesting data analysis. We are seeing this as an area of focus, to help people use the

information that is being released to address information asymmetries and address their rights.

4) IT IS CLEAR THAT ACTION IN THIS SPACE REQUIRES MANY STAKEHOLDERS. WHO NEEDS TO BE AT THE TABLE, AND HOW CAN WE BRING THESE DIFFERENT STAKEHOLDERS TOGETHER? CAN YOU ENSURE THAT GOVERNMENT DATA IS OPEN AND THAT COMMUNITY DATA IS PROTECTED AND MADE OPEN AT THEIR DISCRETION?

- Regarding the Open Up Guides created by the Open Data Charter, whenever they are implemented, there are one or two workshops in the country that we are implementing in. We do this with data publishers and users and what we say that aim for in these workshops is “people interoperability”. We need people to actually connect and discuss. It is important to get the right actors in the room. When we talk about anti-corruption, it depends on the institutional arrangements which each of the countries has. Some countries have an anti-corruption office within government, others have these offices that are independent of government. We have to understand this arrangement and civil society communities in that country, both from an open data and anti-corruption perspective. We need both sets of knowledge together in the same room. We try to help in making those connections, with the purpose of implementing the guide.
- The Open Government Partnership promotes these types of dialogues between governmental officials, civil society organizations and academics. What we have seen is that whenever there is an international community or initiative around a certain dataset, those are the ones that governments tend to open up more. For example, there is a global community around Open Contracting. This is because governments then know that there is help out there. This is something to learn out there not only in publishing, but in reuse.

5) HOW DO WE PROTECT THE RIGHTS OF MARGINALIZED GROUPS?

- This question starts to touch on some of the complexities of this space. We sometimes see tension between social and economic forces and the political will behind addressing one or the other. There is some interesting work coming out, particularly through the Feminist Open Government Initiative. Some of the work that is on the ground is working with indigenous groups around learning more about data advocacy and that covers a lot of different ground or getting a better understanding of, for example, femicides in Latin America. These aren't necessarily linked to land data, although they might be at some point.
- Some of the complexities of working in these spaces are understanding what different actors bring to the table. The more you can convene them together to have dialogues, in terms of dealing with marginalized groups to exercise their rights, the better. Local contexts, different perspectives and level of trust all play into this.
- Open data can be a risk for groups like indigenous groups because putting themselves on the map can make them vulnerable and put them at risk.

Notable Quotes from the Panelists



“CONVENING MULTIPLE STAKEHOLDER GROUPS TOGETHER, INCLUDING DATA PROVIDERS AND DATA USERS, TO HAVE DIALOGUES IS IMPORTANT ESPECIALLY FOR MARGINALIZED GROUPS.”

- KATIE CLANCY, PROGRAMME OFFICER, INTERNATIONAL DEVELOPMENT RESEARCH CENTER



“WE WANT TO PUBLISH WITH A PURPOSE. WE DON'T WANT TO OPEN UP DATA FOR THE SAKE OF IT. WE NEED A VARIETY OF ACTORS TO BE ABLE TO USE THAT DATA FOR ANTI-CORRUPTION WORK. SIMPLY OPENING UP DATA WON'T FIGHT CORRUPTION.”

- NATI CARFU, DEPUTY DIRECTOR, OPEN DATA CHARTER



“WE HAVE MORE AND MORE DATA AVAILABLE TO US THAT GOES AROUND OFFICIAL DATA AND REGISTERS. WE DON'T NEED MORE GUIDES BUT WE NEED TO ENGAGE THE COMMERCIAL SECTOR AND ALIGN INCENTIVES”

- PETER RABLEY, VENTURE PARTNER, OMIYAR NETWORK



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