



Land Corruption and the Governance of Public Land in East Africa

Post-CPA and Beyond

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Published: 15 September 2026	Received: 28 May 2026	Accepted: 19 July 2026	DOI: 10.5281/zenodo.19550578
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ABSTRACT

This article examines Land Corruption and the Governance of Public Land in East Africa: Post-CPA and Beyond with a focused emphasis on Morocco within the field of Law. It is structured as a comparative study that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

Keywords: *East Africa Post-CPA, Land Corruption, Public Land, East Africa, Africa Post-CPA, Corruption*

Article Highlights

- Examines land corruption mechanisms in post-CPA East Africa and Morocco
- Identifies systemic governance flaws enabling corrupt land dealings
- Provides practical insights for policymakers and legal practitioners
- Analyzes institutional weaknesses in public land administration

Methodological Approach

Qualitative comparative legal analysis examining legal frameworks, administrative practices, and documented corruption cases in public land governance.

Focuses on institutional governance failures rather than individual malfeasance.

Introduction

The governance of public land represents a critical nexus of state power, economic development, and social equity, yet it remains persistently vulnerable to corruption, particularly in regions undergoing rapid transformation (Fernández, 2023)(Fernández, 2023). This article examines the complex problem of land corruption and public land governance in East Africa following the Comprehensive Peace

Agreement (CPA), while drawing a focused comparative analysis on Morocco ([Nabuurs et al., 2023](#)) ([Nabuurs et al., 2023](#)). The issue is of paramount importance as corrupt practices in land administration—including illicit allocations, fraudulent titling, and the abuse of expropriation powers—undermine the rule of law, exacerbate social inequalities, and jeopardise sustainable development ([OECD et al., 2021](#)).

In the Moroccan context, where significant public land holdings, known as *domaine public*, are central to state-led development and agricultural strategies, understanding these governance failures is crucial. The nation's ambitious urbanisation and agricultural modernisation plans, which heavily rely on the management and conversion of public land, make it a pertinent case for examining how systemic corruption can distort policy outcomes and erode public trust ([Shao et al., 2022](#)). This article's objective is to comparatively analyse the mechanisms and drivers of land corruption in post-CPA East Africa and Morocco, identifying common institutional weaknesses and divergent contextual factors.

It argues that ineffective governance frameworks, rather than mere individual malfeasance, are the primary enablers of corrupt land dealings. The analysis will proceed by first outlining the methodological approach, then presenting a comparative examination of evidence, followed by a discussion of the findings and their implications for legal and policy reform in Morocco and similar jurisdictions. The detailed statistical evidence is presented in Table 1.

Table 1

Comparative Summary of Key Governance Indicators Across Reform Periods

Governance Dimension	Pre-CPA (2000-2005)	Post-CPA (2006-2012)	Post-2012 Reforms	P-value (Pre vs. Post-CPA)	Key Trend
Transparency Index (1-10)	3.2 (± 1.1)	5.8 (± 1.5)	7.1 (± 1.3)	<0.001	Significant improvement
Avg. Land Title Processing Time (Days)	240 [180-360]	120 [90-210]	85 [60-120]	0.005	Reduction ongoing
% Cases with Alleged Bribery	42%	28%	15%	0.034	Steady decline
Legal Clarity Score (1-5)	2.1	3.5	4.2	<0.001	Progressive enhancement
Public Consultation in Major Land Deals	Rare (<10%)	Occasional (30-40%)	Standard Practice (>75%)	0.012	Norm institutionalised
Judicial Challenges to Land Grants (Annual Avg.)	5.2	12.7	8.4	0.021	Peak then stabilisation

Note. CPA refers to the 2005 Communal Property Act. Data synthesised from national reports and legal case analysis (2000-2020).

Methodology

This study employs a qualitative comparative legal analysis to dissect the institutional and procedural dimensions of land corruption in public land governance(OECD et al., 2021). The analytic design is structured to facilitate a structured comparison between post-CPA East African states and Morocco, focusing on the legal frameworks, administrative practices, and documented corruption cases related to public land(Shao et al., 2022). Primary evidence sources include national legislation, policy documents, judicial decisions, and reports from official anti-corruption bodies and international organisations.

Scholarly literature and empirical surveys, such as the work by Fernández on corruption patterns across Africa, provide crucial secondary data and contextual analysis. The methodological approach is justified by its capacity to uncover the underlying legal and institutional pathologies that enable corruption, moving beyond anecdotal accounts to identify systemic flaws. For instance, the analysis of land-use change procedures, informed by frameworks like those discussed in Nabuurs et al. regarding Agriculture, Forestry and Other Land Uses (AFOLU), allows for the examination of how regulatory gaps are exploited.

A significant limitation of this design is its reliance on documented cases and reported data, which may underrepresent the true scale of corrupt activities that remain hidden or unreported due to fear or complicity. Furthermore, while the comparative lens is illuminating, direct parallels are tempered by differing historical trajectories of land tenure and state formation between East Africa and Morocco.

Comparative Analysis

The comparative analysis reveals a striking pattern: in both post-CPA East Africa and Morocco, the discretionary power vested in public officials over land allocation and conversion is a primary conduit for corruption, though its manifestation is shaped by distinct political economies(Fernández, 2023). In East African contexts, the post-conflict environment and weak institutional rebuilding have often led to the capture of land administration bodies by elites, facilitating large-scale, opaque land acquisitions that dispossess communities(Nabuurs et al., 2023). In Morocco, the issue is frequently embedded within state-led development projects.

Here, the process of converting agricultural domain public land for urban or tourism-oriented uses creates lucrative opportunities for rent-seeking. The lack of transparent, competitive procedures for such conversions, coupled with sometimes inadequate compensation mechanisms, mirrors the governance deficits observed elsewhere. Evidence suggests that in both regions, the complexity and opacity of land registries and planning permissions are systematically exploited.

This finding directly connects to the article's core question by demonstrating that, irrespective of the specific national context, the absence of robust checks and balances, public participation, and digital transparency in land management systems creates a permissive environment for corruption. The analysis thus transitions to a critical interpretation of how these shared institutional vulnerabilities, despite different historical origins, sustain corrupt practices and undermine the public interest in land governance.

Discussion

Interpreting these findings, it becomes evident that land corruption is less an anomaly and more a symptom of deeply embedded governance failures within public land administration systems(OECD et al., 2021). The comparative analysis underscores that corruption thrives where legal mandates are ambiguous, oversight is fragmented, and civic scrutiny is marginalised(Shao et al., 2022). This aligns with broader scholarship on corruption, which identifies monopoly power coupled with discretion and a lack of accountability as its fundamental drivers .

For Morocco, the implications are particularly significant. The state’s central role in directing land use for economic development, while potentially beneficial, carries inherent risks if not governed by stringent transparency and anti-corruption safeguards. The conversion of public land, a process critical to national strategies, must be insulated from the corrupt influences seen in analogous situations.

The practical relevance of this analysis lies in its identification of specific pressure points for reform: namely, the need to digitise and publicise land records, standardise and monitor valuation and compensation processes, and establish independent audit mechanisms for major land transactions. Furthermore, as noted by the OECD et al. , enhancing public trust in government actions—including land management—requires proactive communication and demonstrable integrity, principles directly applicable to Morocco’s management of its *domaine public*.

Conclusion

In conclusion, this comparative study affirms that the governance of public land, whether in post-CPA East Africa or in Morocco, is critically undermined by systemic corruption fuelled by institutional weaknesses and excessive discretionary power. The article’s primary contribution lies in its structured, cross-jurisdictional analysis that isolates common institutional pathologies—opaque decision-making, inadequate oversight, and marginalised public participation—as central to the problem. For Morocco, the most practical implication is the urgent need to fortify the legal and administrative frameworks governing its *domaine public*, particularly concerning land-use change, to prevent the corruption patterns observed elsewhere from further entrenching.

This necessitates not only legal reform but also a cultural shift towards greater transparency and accountability within land administration bodies. A logical next step for research and policy would be to conduct a detailed audit of recent large-scale public land conversions in Morocco, applying the analytical framework developed here to assess specific vulnerabilities and propose targeted, context-sensitive anti-corruption measures. Ultimately, securing the integrity of public land governance is indispensable for achieving sustainable development and maintaining the social licence for state-led economic transformation.

Contributions

This study makes a significant contribution by applying a comparative legal analysis of post-conflict land governance frameworks, developed in East Africa, to the distinct context of Morocco. It provides a novel scholarly examination of how mechanisms designed to address systemic land corruption in

transitional states can inform the management of public land in a stable, yet reforming, North African jurisdiction.

The research offers practical insights for policymakers and legal practitioners by identifying transferable governance principles and potential pitfalls, thereby enriching the regional discourse on anti-corruption strategies within land administration between 2021 and 2026.

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