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**STUDY ON THE CHALLENGES OF FRAUD TO LAND
ADMINISTRATION INSTITUTIONS**



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Foreword

Over recent decades, many countries in the UNECE region have successfully converted their land registration and real property records from large collections of paper documents into computerized forms that can be accessed via the Internet.

The use of electronic technology to store and process land registration data is, at present, the norm throughout the UNECE region. Many land administration authorities provide their services through online systems. The implementation of e-government instruments such as e-cadastrals, e-registers and e-conveyancing ensure transparency and provide the general public with easy access to land and real estate information.

Along with the opportunities that these new systems bring, we must also realize that they also present a new, and different, set of challenges for fraud prevention. The introduction of online services and, hence, the electronic availability of land and real estate objects (and related ownership) information can be regarded as a factor in the increase in registration fraud.

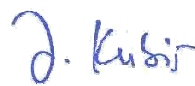
To address this challenge, the UNECE Working Party on Land Administration (WPLA) discussed the issue of fraudulent use of electronic land-registration data and related incidents of identity theft at its sixth session (Geneva, 18-19 June 2009). The Working Party identified the need to have strategies in place to guard against the risk of fraud and decided to prepare a study on fraud in real estate registration and conveyancing.

This study is based on the analysis of surveys on online access to land-registration information that were distributed among UNECE member States after the sixth session. The questionnaire aimed to collect information from authorities in the UNECE region on current practices for monitoring, preventing and combating fraudulent practices in land administration.

This publication presents the results and the conclusions drawn from this analysis of the survey. It elaborates on the questionnaire's findings in three main areas: accessibility of systems, experience with fraud, and countermeasures. The study consolidates and presents good practices in the detection and prevention of fraud in land registration systems in UNECE countries and, in particular, the protection of information against misuse by fraudsters. This information will help land administration authorities to identify and tackle the vulnerabilities in their e-systems.

This collection of information constitutes an important tool to aid the understanding and prevention of registration fraud. The study emphasizes the need to create awareness about risks and protective measures among both the public and staff in order to create an anti-fraud culture.

I trust that this study will contribute to the joint efforts of practitioners, law enforcement agencies and policy makers to protect information against its misuse for fraudulent purposes in the UNECE region.



Ján Kubiš
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STUDY ON THE CHALLENGES OF FRAUD TO LAND ADMINISTRATION INSTITUTIONS

Background

At its sixth session (Geneva, 18-19 June 2009), the Working Party on Land Administration discussed the issue of fraudulent use of electronic land-registration data and related incidents of identity theft. The Working Party then decided to prepare a study containing policy recommendations on this subject. This study is based on the analysis of surveys on online access to land-registration information that were distributed among UNECE member States after the sixth session.

The objectives of the study are to identify good practice in detecting and preventing fraud in land-registration systems as they relate to the public electronic availability of land and real estate objects (and related ownership) information. It elaborates on the questionnaire's findings in three main areas: accessibility of systems, experience of fraud, and counter-measures.

It argues that to detect, prevent and deter fraud, internal controls and checks should be strengthened and sanctions imposed. It emphasizes the need to create awareness in both public and staff to create an anti-fraud culture.

Almost all respondents agreed that sharing intelligence with other jurisdictions would help to identify common threats and compare best practices for detecting and preventing fraud.

Introduction¹

The use of electronic technology to store and process land-registration data is the norm throughout the UNECE region. Many, if not most, land registration and cadastral authorities now use online systems to provide easy access to land information for the general public.

There appears to be little solid statistical evidence to show that fraud in land-registration systems has increased since these online services were introduced. However, fraud and forgery exist wherever there is commercial activity, and law-enforcement agencies consider ease of access to be a factor in the vulnerability of registration systems.

Delegations to the Working Party on Land Administration agree on the need to have strategies in place to guard against the risk of fraud and to maintain the confidence of stakeholders in the data held by authorities. It is widely accepted that, for land and real property markets to function properly, people must be able to trust land-administration systems. Guarding against fraud is one of the measures that can be taken to enhance that trust. The Working Party therefore decided that the problem of fraud was something that it wished to explore as part of its programme of work.

In 2007, Her Majesty's Land Registry of the United Kingdom of Great Britain and Northern Ireland conducted a preliminary survey. The survey sought information on countries' experience of fraud with their online land-information systems.² The results, however, were inconclusive, and suggested that more work needed to be done to obtain relevant information about current trends in the UNECE region. Almost all respondents agreed that sharing intelligence with other jurisdictions would be helpful, at least to compare best practice for detecting and preventing fraud.

During the sixth session of the Working Party, the United Kingdom offered to act as the lead country in undertaking a more comprehensive survey to bring the information up to date. It would present the results to the Bureau of the Working Party, which would then discuss the outcomes and prepare a study on the subject. The present report is the result of the conclusions drawn from responses to that survey and subsequent analysis undertaken by the Bureau.

The purpose of the study is to identify good practice in detecting and preventing fraud in land-registration systems in UNECE countries. In particular, it seeks to provide policy advice for protecting information against misuse by fraudsters due to the public electronic availability of land and owner information.

I. Definition of fraud

The term "fraud" commonly refers to activities such as theft, corruption, conspiracy,

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