

## **Corruption in planning, institutional design, and legal norms: a global challenge to planning law**

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Planning legislation is today on the books of most countries of the world. All advanced economies certainly have planning laws. Recently there is a new momentum across the globe whereby many developing and transition countries too, either adopt planning laws for the first time, or replace antiquated dysfunctional laws. But what about corruption and planning law? What do we know about this unspoken “guerrilla in the room” which decision makers, consultants, and scholars, all wish to ignore?

Any planning-law system inevitably enables considerable discretion about the use and development of land. Planning laws enable the authorities to make plans – and these entail a considerable amount of judgment. Needless to say, the designation in plans of some parcels of land for lucrative development and other parcels for historic preservation, public services, or open space – all affect the value of land. Planning instruments used to implement plans also entail considerable leeway for decisions, such as the number and timing of building permits to be granted and those postponed or denied, variations allowed from the plan’s rules, and designation of some parcels for land for expropriation. These and many more types of decisions steer great amounts of wealth, and can direct it to certain areas in cities or regions, and ultimately, to specific individuals who have much to gain, or lose. Land is not just another type of commodity. Land is the custodian of a major part of global wealth.

There is no index specifically focused on planning or land-related corruption, but all planning systems are susceptible to corruption to some extent. Even in countries with a very good score on the international “corruption perception index”, decision makers are not immune to land-related temptations. Yet the degrees of corruption in planning decisions do vary considerably from country to country. Are

these differences all derived from societal, cultural, and over-all legal factors, or perhaps they are also related to the specific components of their planning law? Can some configurations of planning laws act as sieves and brakes to reduce corruptions, at least to some extent?

Planning laws are far from monolithic and vary greatly from country to country in many ways, as much of my previous research on other aspects of planning laws has demonstrated. I will argue that the degree of corruption is not entirely disconnected with the structure and contents of planning laws. To date, there has been very little conceptual attention to this possible relationship (Chiodelli and Moroni, 2015, have made initial and noteworthy steps). Systematic comparative research on the actual degrees and attributes of corruption in planning is also lacking.

The purpose of the proposed presentation is to develop a conceptual framework for thinking about the relationship between various formats of planning law and susceptibility to corruption. I will first conjecture about possible macro factors - beyond the specific structure of planning laws - which may be related to degrees of corruption in planning. These factors encompass cultural, political, or broad legal attribute. The crux of the paper is an attempt to provide a conceptual framework for thinking about the relationship between a set of variations in planning laws and hypothesized susceptibility to the entry of corruption. The presentation will provide some cross-national examples of such differences. Hopefully, the framework outlined could encourage future research and serve as a basis for systematic cross-national comparative analysis. Such research is well overdue because corruption in planning – though elusive and serpentine – is an ominous shadow that can no longer be ignored by scholars in planning and in law.

**Key references:**

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*Can't control/won't control: opportunities  
and deterrents for local urban corruption  
Lanzarote*

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