



Scaling up Responsible Land Governance

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COSTING AND FINANCING OF LAND ADMINISTRATION SERVICES – CHALLENGES IN IMPLEMENTATION

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Abstract

Countries seeking to modernise Land Administration Systems (LAS) face large and immediate costs to first achieve broad geographic coverage, and then to establish the supporting records, procedures and personnel capacity. Competition for funding and budget is high, hence a strong understanding of fit-for-purpose technologies and likely costs, is essential. The UN-Habitat Global Land Tool Network has developed the Costing and Financing of Land Administration Services tool as a decision-support tool for the costing and project design of land administration services. To date, however, despite the CoFLAS publication, many workshops, several attempts to pilot and presentations at international conferences – there has still been no pilot completed to test CoFLAS. This paper attempts to explore why this is the case, and to identify the next steps for this tool.

Key Words:

Financing, Land Administration Systems, pro-poor, governance

1. Introduction

Having observed the reliance of land sector reform on international development funds, and the competition for funding with other development sectors, the UN-Habitat Global Land Tool Network developed the Costing and Financing of Land Administration Services (CoFLAS) tool to assist governments to design and budget for fit-for-purpose land reform measures. CoFLAS is a decision support tool consisting of four modules that can assist policy-makers to (1) identify the policy context and options for reform, (2) identify and budget a fit-for-purpose plan to establish a land reform process, including first registration if necessary (3) identify and budget for ongoing operational costs and (4) identify and calculate possible avenues of revenue to recover costs and provide incentive for the initial cost outlay. The fit-for-purpose focus of CoFLAS is essential to ensuring the productive and successful use of funds for land reform, through an inclusive and participatory process. The tool prompts discussion on a country's readiness for land reform by assisting public agencies to identify the core needs and necessary minimum investment for land reform processes.

CoFLAS has been published as a report (GLTN, 2015a) providing the founding theories and methodological approach to development, as well as significant detail around the core tool. A second document – *Framework for Costing and Financing Land Administration Services* (GLTN, 2015b) – was developed to provide specific guidance to implementing CoFLAS. The tool has further been presented at the 2015 World Bank Land and Poverty Conference as well as at the 2014 Africa Land Policy Initiative conference. Figure 1 shows the schematic of the process of completing CoFLAS.

To date - despite the publication, several attempts to pilot, an in-country awareness visit and presentations at international conferences – there has still been no pilot completed to test CoFLAS. The Framework providing guidance to implementing CoFLAS has received little attention and the two countries identified to first pilot CoFLAS have been unable to do so, arguably due to conflicting deadlines, low political will and the two elections these countries have recently had. This paper has been developed to in part address such challenges, by identifying the barriers to pilots and implementation, and identifying future steps to progress this tool.

In the following sections we will provide an overview of existing CoFLAS activities and efforts to pilot and our own theories as to why establishing an initial pilot have proved difficult. We have undertaken a desktop review of two GLTN land tools – the Social Tenure Domain Model and Land Based Financing for Government – and trust that the learnings from these two case studies will provide insight for potential next steps for the implementation and piloting of CoFLAS. We conclude with a summary of these next steps.

2. Existing CoFLAS activities

Existing CoFLAS activities have been identified in earlier publications (see GLTN 2015a, GLTN 2015b, Fairlie 2015). Since finalization of the initial version of the tool, they include:

- Validation Workshop, held in Bangkok, Thailand in October 2014

- Presentations at International Federation of Surveyors (FIG) Congress in Kuala Lumpur, Malaysia In May 2014
- Presentation at the Africa Land Policy Conference, Addis Ababa, Ethiopia, November 2014
- Presentations at FIG Working Week in Sofia, Bulgaria, May 2015
- Presentation at the World Bank Annual Conference on Land and Poverty, Washington D.C., March 2015
- Masterclass at the World Bank Annual Conference on Land and Poverty, Washington D.C., March 2015

In a review of these activities, it is clear that whilst significant advocacy and awareness has been undertaken regarding CoFLAS, there have been few events targeted directly at country representatives who may have the ability to pilot (World Bank and Bangkok Validation Workshop events the exception). Further, presentations are largely theoretical, exploring the substantial research that has gone into developing the tool. Some attempt has been made to go through the forms that comprise the tool in much detail (as in the Bangkok and World Bank Master class events), however this is arguably of little value, given the size of the tool and the limited attendance.

In reviewing existing activities then, there is a need for further training-oriented events, such as have been undertaken with other GLTN tools – such as the Social Tenure Domain Model Training of Trainers. In the following section we explore two case study contexts that may provide us with further information to identify key learnings and good practices to promote the piloting of CoFLAS. This section will be followed by our own theories on the limitations of events undertaken thus far and on piloting in general.

3. Theorised challenges of piloting

The early workshops to develop CoFLAS identified in Section 2 had in excess of twenty developing countries represented to provide input to and guide the development of the tool. Many countries have expressed interest in piloting CoFLAS, yet to date this interest has not developed into concrete action. Reasons for this can be theorised to include:

- ✓ limited capacity (both dedicated personnel and funding)
- ✓ lack of awareness
- ✓ the size of CoFLAS, and not knowing where or how to start
- ✓ level of coordination needed, especially for a participatory process
- ✓ lack of a champion, or limited ability of that champion to progress to pilot stage

Critical to the idea of piloting CoFLAS is the core understanding that it must be implemented in a participatory manner, led by national representatives. It would be all too easy for an international consultant, donor or agency to simply complete the CoFLAS forms, yet this would not of itself foster the political will or capacity to undertake land reform.

4. Insights from the piloting of other tools: two case studies

For the purposes of this paper we have identified two GLTN tools from which learnings may be drawn from the piloting process. The first is the Social Tenure Domain Model, successfully implemented in many countries, including Uganda, Colombia, Kenya, Philippines and Haiti. The STDM is a pro-poor, gender responsive and participatory land information model recognising the need for legal pluralism and a

broader set of person-land relationships found in legitimate tenure types. Pilot learnings for this work have been identified with the assistance of the the Global Land Tool Network team, and stem largely from the Uganda pilot (GLTN, 2014c).

The second case study targets the Land Based Finance for Governments Tool. Land based financing (LBF) is a collective name given to a range of instruments which local governments can use to expand their revenue base, thus generating funds to deliver services and infrastructure development and achieve their maintenance goals. For the purpose of this report, the majority of the findings stem from the Evaluation Report of the Workshop on Policy and Practice, held in December 2015, Manila, Philippines (GLTN, 2016).

4.1 Piloting the Social Tenure Domain Model

The STDM, a ‘specialization’ of the ISO-approved LADM, provides a standard for representing flexible ‘people-land’ relationships. It was particularly developed to support the continuum of land rights approach. The STDM was developed in partnership with the University of Twente, the International Federation of Surveyors (FIG), Land Professionals, UN-Habitat, SIDA, Norway and Cities Alliance. A number of implementation partners were active throughout development and piloting, including the World Bank, Slum Dwellers International, Ugandan national and local authorities, Pamoja Trust, Mount Kenya Project and the Ministry of Housing, Kenya.

The STDM pilot in Uganda was implemented with Slum/Shack Dwellers International (SDI), with the proposal for the pilot developed in 2010 and the project implemented in 2011 – 2012, alongside a larger project called ‘Transforming the Settlements of the Urban Poor in Uganda (TSUPU). TSUPU had the aim to introduce systemic changes in delivering urban services, urban management and developing planning and policy frameworks, and was thus a complementary process to STDM. Further, TSUPU was facilitated by the Ministry of Land, Housing and Urban Development (MoLHUD) in Uganda.

Key objectives of the STDM Pilot in Uganda were:

1. To address the land information requirements of the urban poor
2. To build capacity in the use and application of land information systems
3. To create dialogues between communities and authorities.

This third point was a critical feature of the pilot, with the project design emphasizing the need to strengthen partnerships at all levels, building on community strengths and processes. This point is re-emphasized in the lessons that can be learned from this pilot

- **Partnerships:** were critical to the success of the project, and were facilitated between communities, NGOs, donors, UN-Habitat and the Ministry.
- **Local ownership:** Clear ownership of the process and organisational capacity of communities and authorities provides the impetus for success and to work through problems
- **Capacity development** is a catalyst for sustainability
- **The experience of getting stated** opens up to scaling up opportunities
- **Support:** Many countries are keen to implement but it is difficult to keep up with demand, especially when piloting.

- **Linking with existing projects:** Synchronising timing and sequencing with other projects that have similar goals and target areas will promote success through sharing of resources, capacity and likely ensuring a greater awareness outreach.
- **Embrace scepticism:** There will be some apprehension as old and new methods for existing problems clash, but this can be valuable to improve the tool. Furthermore it should not be discounted, overcoming the 'fear of change' will take time and sensitisation.
- **Time for capacity development, advocacy and awareness:** more time is required for capacity development and sensitisation process.
- **Scaling options and opportunities** need to be considered from project start-up
- **Embrace difference:** Piloting needs to happen in different countries and different contexts

So what does this mean for CoFLAS? STDM was designed as a community-led, bottom-up enumeration tool. In contrast, CoFLAS was designed as a tool for public authorities. However, these differences do not negate the value of the insights from learning from the STDM pilot development. Pro-poor land tools are successful when they are participatory, transparent, efficient and affordable – and the targeting of CoFLAS at public authorities does not negate any of these points. There is a clear role for not only for community engagement, awareness and participation, but from the donor sector and private sector as well. Aligning a CoFLAS pilot with an existing project is valuable input, and may also facilitate high community engagement. Comments regarding the time need for sensitization and advocacy are also particularly relevant.

One point not mentioned from the Uganda case is the value and success of the STDM Training of Trainers events, particularly in promoting awareness of alternative tools and the continuum of land rights. This may be a further option for CoFLAS in the future – not necessarily a training of trainers, although this could certainly happen – but even an in-country 'kickstarter' workshop could result in a functional pilot.

4.2 Piloting training of the Land Based Finance for Governments Tool

The second piloting case study comes from a recent evaluation report of the Land Based Finance for Governments tool. Land Based Financing (LBF) is a collective name given to a range of instruments which local governments can use to expand their revenue base, thus generating funds to deliver services and infrastructure development and achieve their maintenance goals. LBF Tools can include:

- Recurring Taxes on Land and Buildings (This is two sessions: Policy and Administration)
- Betterment Charges and Special Assessments
- Developer Exactions
- Land Value Increment Taxes
- Sale of Development Rights
- Land Leases and Sale of Public Lands
- Transfer Taxes and Stamp Duties

A Land Based Finance Training for Asia was held in Manila, Philippines from 9 – 11th December 2015. Whilst intended as a regional event, last minute challenges resulted in a majority Filipino attendance (with one attendee from Myanmar). The focus of the event was to effectively pilot the training tools developed by GLTN to facilitate local governments to implement land based financing options.

Training materials on all LBF tools were made available to participants prior to the training, whilst the

training itself concentrated on only three in detail. Action-based training was implemented to guide the development of action plans. Core objectives of the training were:

1. To achieve a greater awareness, understanding and implementation of the benefits and risks of land-based finance.
2. To help participants in defining the best land-based instrument suited for their country/city and how should it be adapted to the context to successfully generate revenue
3. To facilitate the understanding of the next steps necessary for implementation of the selected land-based finance instrument

Participants to the training were encouraged to share the challenges, issues and technical problems that they may have experienced at one time or another when implementing such instruments. Challenges identified that may have hindered LBF tool implementation included:

- **Awareness and information sharing:** Lack of information made available to key stakeholders and/or to those implementing
- **Experience:** Lack of experience and/or training
- **Landowner resistance:** including both resistance to change and resistance to, for example, increased property taxes
- **Capacity:** Lack of capacity and awareness of major players
- **Political will:** With strong resistance from land owners and developers experienced in different contexts, political will is essential to not only implementing projects, but fostering goodwill and promoting information sharing and participatory practices to promote community buy-in
- **Lack of facilitating policies, regulations or laws** and/or a lack of awareness of these. Legal frameworks may also be dated or inappropriate, there may be legal loopholes and/or overlapping laws.
- **Weak governance** for implementation
- **Lack of accurate and appropriate data:** for example, low tax base on real property tax due to not updated schedule of market values.
- **Weak compliance and enforcement:** which may link also to landowner resistance, capacity and facilitating policies
- **Insufficient or inappropriate hardware, software or infrastructure.** Fore example, lack of a GIS database.

The participants also identified a number of possible actions to address these challenges, issues and technical problems highlighted above (note, these have been abridged to the context of CoFLAS as necessary). These have been grouped into core themes:

- **Legal context:**
 - Review and if possible update legislation, legal frameworks and guidelines, and ensure that they are strictly adhered to by all stakeholders during the implementation of these instruments.
 - Undertake legal awareness trainings for various skill levels to both develop capacity within institutions for decision-makers as well as within institutions and communities to promote implementation. Establishing a local task force may further assist, particular if this task force can become aware of the particular legal cases that may come up in their area. Broader, public awareness should also be undertaken.

- **Capacity building, information dissemination and awareness**
 - Continuous dissemination of information to stakeholders
 - When providing training, ensure that there are national and local case studies applicable to the audience included to promote understanding
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- **Participation**
 - Seek both public and political support
 - Particular attention to registered professionals in the private sector to ensure they are on-board and have the skills to explain Training and Licensing of the assessors and regulators in property valuation making sure that they are well-trained to process and explain any changes to the norm.
 - Identify and ensure follow up discussions and actions from key events and activities
 - Stakeholders and members of task force to ensure that systems are tested and understood
 - Coordinate with other agencies and/or projects that may have similar goals
 - Invite representation from all sectors
- **Institutional**
 - Measures to address corruption and embedding the interests of powerful actors. These may include ensuring independency of local officials, ensuring wages are adequate, and accountability measures.
 - Standardise and simplify as necessary.
- **General**
 - Ensure accountability and transparency in budgeting and application of funds, auditing, evaluation by specific intra assessment agency
 - Conduct monitoring and evaluation, and ensure participation from all stakeholders to ensure all perspective are heard
 - Ensure objectives are clear and made transparent (well disseminated)

It can be seen from the above that there is significant overlap between the piloting of STDM and LBF, despite the latter being more in the form of a training. For LBF, lack of political will and public support were identified as the core challenges during implementation of the land based financing tools and this was echoed in STDM in the context of embracing skepticism and linking with other projects (the latter also echoed separately above). Impediments included lack of will from the elected representatives to take early action, weak governance, and lack of understanding of Land-Based Financing. Strong resistance from land owners/developers, lack of land ordinance, payment delinquency, out of date legal frameworks, low tax base on real property tax due to failure in updating market value schedule, poor land management system and lack of GIS database were all acknowledged as critical issues.

In contrast to the STDM case study, the LBF case does provide some technical detail that is relevant to CoFLAS, for example, reviewing the institutional and infrastructural context. LBF is in fact a complementary set of tools to CoFLAS, hence CoFLAS may face a number of similar challenges, particularly in the legal and governance spaces. Capacity and awareness are again critical considerations.

4.3 Case study implications for piloting CoFLAS

From the above two case studies then, the following key elements can be drawn out as essential for consideration in a pilot of CoFLAS:

1. Further **practical and hands-on training** will be essential to not only promote individual and institutional capacity to pilot CoFLAS, but to critically create early advocacy, initial champions of the tool and to highlight any potential issues that may arise (likely resistance, for example)
2. Identify opportunities **to link a CoFLAS pilot into an existing project**, so that resources can be shared. This may also be a project identified as about to commence. Clearly, both projects will need to have similar goals in order for this method to be effective, but it may further promote political will, reduce early costs (including stakeholder and implementer time) and promote chances of success and sustainability
3. **Identify clear avenues for stakeholder participation from all sectors** (government, community, private, NGO, etc.) within CoFLAS implementation. This may be intended within CoFLAS, but is not truly highlighted. Doing so will enable a wider group of stakeholders from which CoFLAS champions may stem, and will promote overarching buy-in and local ownership of any pilot. It is also likely to reduce and/or address any potential for community/landowner resistance.
4. **Identify simpler components within CoFLAS for piloting** rather than solely promoting the tool as a whole. This was not an explicit learning from the two case studies above, but rather stems from a review of the challenges as a whole – namely, that much will be learnt from a pilot of just one phase of CoFLAS which may provide material for revision before waiting for a pilot to be completed on the whole of CoFLAS. It may also make such a project more palatable to early-implementers, by reducing the time (and hence cost) necessary to implement.

The following section now addresses some other, general theories that have been developed together with GLTN staff in order to promote CoFLAS pilot adoption.

5. Emphasising potential for revenue gain

GLTN has recently theorised that further assessment of the return on investment and potential financial benefits of implementing CoFLAS may additionally promote its uptake. That is, by providing further examples of potential avenues for governments to gain revenue by implementing CoFLAS, we will increase our chances of uptake. Drawing from the literature on financing LAS establishment and reform, De Vries (2012) presents the traditional methods of financing LAS as agency-funded, funded through user charges on transactions, or funded through user charges for data access. De Vries advocates for public funding to enable LAS data as a fundamental dataset, and that funding for data access and data changes is counterproductive to the aims of a registry. However, it is clear by the growth of open data that a number of innovative applications for LAS data can be developed, and it may be that *fee-based services* emerge as a strong foundation for public-private partnerships and ultimate funding of LAS establishment and operation. Documenting the proliferation of fee-based information and services drawn from LAS may provide guidance to countries seeking to develop a business case for LAS reform.

An additional review of the private sector role may provide further insight. All LAS face the tension between service provision to all, regardless of wealth, and the objective of recovering costs. Traditional mechanisms of funding, being government- and/or donor-centric have typically been less innovative and adaptable. Bird and Slack (2004), for example, provide a comparative study of land and property tax in 25 countries and note that the contribution of property tax – a long standing tool to finance LAS operations – to sub-national revenue in developing countries decreased significantly from 1970 to 1990. Törhönen et al. (2012) reviews the limited experience of public-private partnerships to finance the provision of LAS services, noting some examples in a range of jurisdictions from Canada, India, South Korea and Australia,

however no experience in funding the development of LAS with broad geographic cover. They provide a number of key considerations for countries seeking to proceed with such an approach, which will be further reviewed in the context of CoFLAS.

These examples highlight the need for the linkages between CoFLAS and other GLTN tools – such as the Land Based Financing for Government tool and STDM tool highlighted above.

6. Proposed steps to implement CoFLAS

In the above we have identified to pilot case studies to review in order to identify avenues to best promote adoption of a CoFLAS pilot. From these we have identified four key elements to guide the next steps of CoFLAS. In this section, we now wish to recommend some practical steps that stem from this paper and which clearly articulate just one potential way forward. Some of these steps have already commenced during the process of writing this paper, and with opportunities that have arisen, some may take considerable time before they can be implemented. Regardless, this list provides insight to other tools developed and requiring piloting, and may stimulate interest and responses from individuals, organisations or institutions interested in piloting CoFLAS.

(i) Develop a hands-on CoFLAS Training

This training may ultimately grow to a similar, multi-day format as the STDM Training of Trainers, but it is recommended in the interim it be targeted at either a single national context (ie: a single workshop for stakeholders who may promote the piloting of CoFLAS in, for example, Tanzania) or for several stakeholders from each of multiple contexts (ie: a single workshop developed to be general enough to apply to multiple country contexts, yet specific enough that participants were enabled to return to their countries and commence. It is recommended that at least 3-4 participants from each country context attend this workshop, and participants could come from multiple sector backgrounds).

As a precursor to this training, a Masterclass has been proposed for the 2016 World Bank Annual Land & Poverty Conference, to explore in detail one example of CoFLAS implementation, using real data but in a theoretical context.

(ii) Identify a country context that has an existing, complementary project to link with

This is seen as a key factor to success of both the Uganda pilot and participant experiences with the LBF tools. In this case, an opportunity presents itself in Tanzania, to link a CoFLAS pilot with one of the many donor programs being implemented or planned there. Local champions in Tanzania have already expressed interest in commencing a pilot there, and now that the election of 2015 is completed this may prove the best opportunity for the first pilot case.

Other opportunities may also arise, however, and should not be ignored or overlooked if promising. These opportunities may arise in tandem with other donor programs, with national scale land initiatives and/or in conjunction with other GLTN tools.

(iii) Voluntary supply of further data from established states and/or national or international consultants, as either a comparative step, or an initial step to support local governments.

This point may be further aided by (iv). A vast amount of data was collected in preparing the first CoFLAS report, and there is a relatively easy opportunity to extend this by promoting as simple process for others – whether consultants, donors or country governments – to contribute their data. This would be particularly beneficial from the perspective of revenue generation, to promote CoFLAS opportunities more widely, but even in the context of policy failures or ‘what not to do’.

(iv) Development of a web tool

CoFLAS currently exists as a series of templates, and has been created in excel (though very simplistically and not yet available publicly). Development of an easy to use web tool, especially for the forms in the second and third stages of CoFLAS, would particularly aid recommendations (i) training and (iii) voluntary supply of data. There is an opportunity for the web tool to be created as one of the pilots, though future revisions to the tool should be anticipated.

(v) Revision of the CoFLAS tool to better compartmentalise tasks, make clearer datasets and actors required, and better promote participation from all sectors

CoFLAS has been created as a tool in four stages, and to that extent is already compartmentalized. However, the four stages are linked through a common thread, whereby decisions that are made at one stage may impact the costs of decisions made at a later stage. Some thought could be given to streamlining the tool across specific areas (eg. first registration) or making – although this may not be possible. Creation of a web tool as per (iv) may make it clearer to users how different sections of each stage interact with one another, though arguably may make it more difficult to jump into a stage without having completed earlier steps. Mapping of fit-for-purpose options within CoFLAS, based on country case studies from both developing and developed countries would assist.

Identification of common entry points and participative steps within CoFLAS will enhance the tools fit-for-purpose and pro-poor elements by making the tool more stakeholder aware and inclusive. Such a step would widen the door for CoFLAS champions to come from outside government.

7. Conclusion

In summary, CoFLAS, as well as providing the basis for estimating the costs of LAS reform, also provides the basis for simple projection of the likely revenue from LAS. This projection has been based on historical information from developed and developing countries, including the World Bank’s Doing Business reports. There is scope to further articulate opportunities for revenue from LAS reform particularly in light of technology adoption and open data initiatives. It is theorised that doing so may address the challenges GLTN has faced in piloting CoFLAS – but it will not be the only solution. This paper seeks to explore future opportunities for piloting, identify the reasons for pilot delays so far, and to further address the question of revenue from LAS reform.

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Figure 1:

