Mainstreaming Gender Issues in Land Administration
Awareness, Attention and Action

Karin HALDRUP, Denmark

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ABSTRACT

The paper follows up on the FIG-Guidelines on Women’s Access to Land and suggests for the surveying community courses of action for specific mainstreaming tasks. Research on land tenure in a socio-economic context has been done by different professional groups (lawyers, economists, anthropologists, etc.). It is proposed to work towards mainstreaming of gender issues by using this knowledge and prepare new literature on land tenure, cadastre and land administration, taking into account the needs of practitioners.

The paper further suggests action within the following areas:

1. Gender disaggregated land data and gender sensitive indicators
2. Gender in plural legal regimes
3. Socio-economic impact studies and monitoring
4. Simple, local models of land administration
5. Gender balance at all levels of organisations, and
6. Participation of women in implementation.

Despite the daunting tasks at hand, the power of modern communication gives reason for optimism. It has become easily accessible to network with other interest groups and share ideas and experience, all of which are essential to meeting the challenge of developing new models for land administrations and equitable access to land.

CONTACT

Karin Haldrup
M.Sc. Surveying (DK), M.Sc. Cartography (NL)
Sankt Peders Stræde 21, 1.
DK-1453 Copenhagen K
DENMARK
Tel. + 45 33 16 46 16
Fax + 45 33 16 46 36
Mobile +45 22 29 08 80
E-mail: Karin.Haldrup@mail.dk
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1. THE ISSUE OF GENDER1 IN ACCESS TO LAND, A MAJOR SOURCE OF INEQUALITY

There is an increasing awareness that land reforms, land titling, and land administration are not gender neutral interventions. The question of how gender mechanisms work is on the other hand so complex, that caution is required when making general statements. Yet, I might, (regrettably) have to break that rule myself in the following. The impact of gender has to be considered on the basis of a specific analysis, since relationships are largely determined by local conditions and are context specific. Clearly, opportunities for women in richer countries are vastly different from the harsh realities of life for most women (and men) in less affluent countries, as are conditions for social groups within a country.

Irrespectively, statistics show that the roles of women and men are different in ownership of real property and in land administration. Land registration and land administration is grossly deficient in many countries, so the gender dimension is just one of numerous aspects in land matters requiring awareness, attention and action. It has to be underlined here that focusing on the gender aspect in this paper does not mean a lack of appreciation of other important issues in land administration. Men and women often share problems and suffer under the same burdens.

Thus cautioned, there is statistical evidence on the difficulties women encounter in getting equal access to resources. The result is a feminisation of poverty world wide. The latest UN-report “Progress of the World’s Women 2000” writes that “Globalisation intensifies some of the existing inequalities and insecurities for poor women, but for educated, professional women, it opens up new opportunities.”

Formal and informal law, customs, rules, and regulations tend to discriminate against women across developing regions (Topouzis/du Guerny, 1995). Bruce et. al.(1994, p.263) writes that ”... both indigenous and registered tenures have left women disadvantaged, and reforms may be needed to allow women to inherit land from parents and deceased spouses.”

Combining this with evidence provided by de Soto (2000) on the imperative of mobilising property assets as the key to economic development, it is clear that the gender imbalance is a vicious circle, which has to be broken.

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1 Gender can be defined as the set of characteristics, roles and behaviour patterns that distinguish women from men which are constructed not biologically, but socially and culturally. The concept of gender refers not only to women and men but also to the relations of power between them. Gender relations are constantly being renegotiated in the context of changing political, economic, social, and cultural environments at the local, national and international level.
As a consequence, there is an urgent need to focus on poverty issues and professional aspects of meeting the demands for infrastructure and supportive systems to alleviate poverty, while integrating efforts to bring benefits to both women and men.

2. FIG DECLARATIONS AND GUIDELINES ARE GENDER SENSITIVE

The reasons why gender matters in land administration, development, and management have been well described. It has been an accomplishment for FIG to adopt the “FIG-Guidelines on Women’s Access to Land” (hereafter called FIG Guidelines) developed by such dedicated persons as Agneta Ericsson, Sue Nichols, and others.

Seen in connection with the Bathhurst Declaration (1999), it creates a solid strategic background for moving ahead with development of strategies and action plans for including sustainability and gender issues in our professional field.

It is a general phenomenon that women’s rights to land, housing and property are recognised and supported in a number of international legal instruments like the Convention on the Elimination of Discrimination Against Women (CEDAW), but implementation at national and local levels is lacking, as documented in UNCHS (2000), which holds a wealth of information.

It is remarkable that the essence of the FIG-Guidelines on women’s access to land is in fact to adopt approaches which are in general more sensitive and appropriate to the specific socio-economic context. That is to create systems which accommodate all segments of the population; work with the local customary community and informal law; remove barriers for women to seek information and broaden practitioners’ understanding of the circumstances, which limit women’s participation.

Such matters are in fact general and cannot just be solved by separate women’s committees, as they concern each and every practitioner, and our profession at large. Consequently it makes good sense to focus on mainstreaming gender issues in land administration.

3. WHY MAINSTREAMING AND WHAT IS IT ABOUT?

During the FIG working week in South Africa, June 1999, Lee-Smith and Lacroux presented a paper on gender in the Habitat Agenda and its implications for FIG. It draws the conclusion that, in addressing the new type of work implied by the Habitat Agenda, there are two factors of critical importance for FIG:

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3 Gender mainstreaming: “Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of the policies and programmes in all political, economic and societal spheres so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal is to achieve gender equality.” (E.1997.L.10.Para.4. Adopted by ECOSOC 17.7.97)
The former factor (under-represented groups in surveying) is already being addressed by the FIG task force hosting this session. There is therefore a need to initiate work on gender mainstreaming. The two factors are naturally related, as an important element of mainstreaming is to include more women at all levels of decision-making.

There are large amounts of material on mainstreaming, such as UN-training and instruction material, see, http://www.undp.org/gender/capacity/gm_intro.html. The term "mainstream" is to be understood as comprising the decision-making processes of the organisation. Information gained from socio-economic and policy analysis is what is being brought into the mainstream. Mainstreaming efforts have been made by all major organisations since 1996, e.g., in the UN system, EU, etc., Dasse (1999). The general UNDP material may not fully satisfy the needs of the surveying community, as there is also required sector specific material for our professional area, such as e.g., the FIG Guidelines.

I believe it would be helpful for the surveying community to get acquainted with the material from UN-Habitat and FAO. The plans and recommendations developed by FAO have a notable emphasis on collection and use of gender-specific data, gender sensitive indicators along with training etc. (ref. FAO Gender and development Plan of Action, 2002-2007).

Figure 1 gives short definitions of the four closely inter linked concepts of gender, gender analysis, gender mainstreaming and gender-sensitive indicators. SD 2001 “Gender sensitive indicators: A key tool for gender mainstreaming” Copyright FAO.
It is interesting to note that UN-Habitat recommends to use “women” as a primary indicator for the success of its interventions within the Global Campaign for secure tenure, considering the gender factor as one of the best monitors of changing socio-economic relations. Habitat has furthermore found that, in the reduction of urban poverty, a focus on women has the most beneficial effect, and that more people are assisted out of poverty as a result of this focus, ref. to http://www.unchs.org/tenure/vision.htm.

Lacroux and Lee-Smith in (FIG, 1999) do not dwell much on the mainstreaming concept itself, but write that, “the challenge for the surveying profession is the extension of new methods, tools and techniques of surveying and land development to vast areas of new settlement, and to existing informal settlements, working with low income people and women in particular through various organisations. This entails new types of professional working methods, as well as capacity building and skills development for the organisations, with which surveyors will work.”

Based on such solid argumentation, attention can be focused on strategy and implementation.

4. PREPARING FOR AND SUPPORTING ACTION

What can the professional community do? Nichols, Crowley and Komjathy (Nichols et al., 1999) have provided many answers in their paper “Surveyors Can Make a Difference”. The modest proposals of the present paper are all drawing on the mentioned references, notably the FIG-Guidelines supported by FAO and UN-Habitat materials.

As we all know, even with the best of intentions, implementation is always the difficult part. The proposed strategy for including gender aspects in land reform and land administration is described here through the terms: awareness, attention and action.

At first, there is a need for increasing awareness through upgrading the knowledge in the professional community on gender issues in land tenure in general, and in land administration. There is no small amount of literature available, which needs to be digested. Much research on land tenure, impact of land registration, and the context of titling projects has been done by anthropologists, economists, lawyers and other professionals.

Relevant material should be extracted out of these sources and presented in more concentrated formats. Conceivably, gaps will be revealed in the knowledge, which can gradually be identified and then filled in over time. It appears to be a task for the Universities to ensure that useful books and manuals covering this subject will be developed to be used by survey students and the professional community. There is a need for a book like “Introduction to Gender Issues in Land Tenure and Land Administration”. Furthermore, what is needed is more specific material and manuals for practitioners and field workers based on case studies. Incidentally, there is a regrettable general lack of books and useful materials on land cadastre and land reform for practitioners and for training.
The suggested action of developing useful books and material on land tenure and land administration is treated separately, because it is assumed to be complementary to the other proposed actions.

All documents on mainstreaming stress the importance of informing all sectors of society on gender issues, which would also be a natural development in the surveying community. This might be yet another task for universities to consider and prepare for.

Working on the intellectual aspect of mainstreaming should not delay action on the practical side, which needs to be initiated right away given the importance of the issue. Available knowledge has to be put to use drawing on the well-known aptitude of surveyors as practitioners and field workers to get things done.

5. IDEAS FOR AN ACTION PLAN

Below are some proposals on key areas as how to follow up to the Guidelines on Women's Access to land (FIG publication no. 24) - in random order:

Task 1. Establishing gender disaggregated land data and collecting gender sensitive indicators
Task 2. Understanding and working with gender roles in plural legal regimes
Task 3. Using socio-economic impact studies and monitoring
Task 4. Developing simple, local models of land administration
Task 5. Improving gender balance at all levels
Task 6. Ensuring participation of women in implementation

Clearly this is but a fraction of what requires attention and action, and even then the tasks mentioned are monumental.

5.1 Gender Disaggregated Land Data and Gender Sensitive Indicators

A first stumbling block is a lack of data, which would permit monitoring the development of the gender factor in land matters. It is a natural reflection of the lack of sex-disaggregated information or any information on the topic at all, for that matter. The FIG-Guidelines provide a comprehensive suggestion of what indicators should be recorded, so this will not be covered here. The importance for mainstreaming of getting gender-sensitive indicators is evident from fig. 1.

The job of getting better data on the actual situation lends itself to implementation in major projects executed according to international standards, but may be more difficult to organise, implement and systematically collect under the institutional conditions of land administration in many countries. One can consider grouping the data into such indicators, which could potentially be collected by (or extracted from) the National Statistics Bureaux as part of their other routines; what should be collected through enhancement of data in the land administration system; and data which would have to be collected in other ways, e.g., by dedicated sample surveys, or case studies (see task 4 below).
One point of particular interest is, of course, recording both spouses’ names during land registration, as emphasised in the FIG Guidelines. Recording only the *de-jure* head of household (most often the man) is in fact depriving the spouse (often the *de-facto* head of household) of an even share, and a major source of inequality. This is a matter of principle and not just a technical matter of including both names in registration forms and data bases. It has serious implications.

It is clearly a sensitive issue in male dominated societies, being closely related to civil law and the status of women in general. It is not difficult to imagine what resistance this course of action will meet in many countries, and investigations should be made in individual cases on how to approach the matter in each particular country or area. International conventions positively commit many countries to eliminate discrimination (CEDAW). Therefore, changes to existing practices may have to be promoted on a larger scale involving such organisations as FIG, the donor community, human rights organisations, NGOs, etc. It is not yet common for FIG to work with strong lobby groups or, e.g., human rights NGOs, but it is suggested that such a co-operation could be fruitful. In addition, such co-operation relationships could be refreshing and inspiring for FIG, which could, in return, offer its professional expertise, when required.

FIG can begin by making sure that gender-disaggregated data is at the forefront of attention, and incorporated in the work of e.g., Commission 3 and 7. I do not know whether it is possible to extract gender-disaggregated data in all countries with a strong digital infrastructure and well functioning land registration systems. This appears to be an issue needing further investigation.

The question of joint ownership of land for spouses, the treatment of property according to civil law, and practices of property inheritance are subjects not usually covered by cadastre and land registration reports and literature. It is suggested that surveyors consider broadening the perspectives in this respect and close this obvious gap. (See also task 2). Such information is also relevant and useful when dealing with questions of land fragmentation.

5.2 Understanding and Working with Gender Roles under Plural Legal Regimes

In many countries different legal regimes are functioning in parallel. Women’s access to land cannot be understood without considering inheritance laws and family relations in the communities. Differentiation between state law, religious law, customary law and the interplay between them, coupled with the dynamics in the adaptation to change, can at times be extremely complex. A simple example is the huge gap, which can be found in many cases between official law and general practice. Laws may simply not be known or implemented, or the legal system can be out of reach for a major part of society. Furthermore, in large parts of the world women are operating in a gendered environment, where women in their social roles find that they have different (and weaker) claims to property than men.

R. Mehdi (2001), provides an impressive description of one of the most complex situations of plural legal systems in Pakistan, where there are several bodies of customary laws, a number
of religious laws, and a state law, which itself is plural. For anyone interested in attaining increased awareness on the subject of women’s access to land (property), the work of R. Mehdi can be used as an eye-opener. One of the numerous hindrances to justice is the fact that officials in the judicial and administrative institutions are all men; so are officials in customary institutions (p. 241). Women have to rely on the informal system of dispute resolution.

Mehdi (p. 251) mentions an example where, in order to avoid limitation on the ownership of land through land reform, properties were registered in the name of women as a mere formality, while the real possession stayed with men. Also, she gives examples of women’s names being entered in official papers in order to fulfill the requirement of the law. She therefore concludes that these official papers, and thus official statistics, provide a grossly misleading picture of women’s relationship to landed property.

The extreme of the given example should not lead to anyone overlooking more subtle and less visible barriers to women’s access to property present in other societies.

The World Bank is actively taking gender aspects into consideration during planning and implementation of land reform and land management programmes; (see Judd and Dulnian (2001), the World Bank, a Study Undertaken prior to Implementation of a New Programme.)

In this programme there is an explicit recognition of the interrelation between land-related laws, family laws, and various customs. Although a gender neutral legislation makes the legal situation of women’s access to land in the Philippines rather favourable, the World Bank recommends that extensive information campaigns on women’s rights to land to be conducted for both administrators, dispute resolution groups and local communities. (See also Deiniger K. Binswanger H. (2001, p.8))

The gradual transition process from customary tenure systems to individual ownership calls for surveyors paying a great deal of attention to the dynamics of the land tenure system, which affects the fine balance of obligations and rights in a given community. A well-known issue is the fact that individualisation and privatisation of property often negatively affect women’s ownership, their use rights to land, and their access to communal land, since full ownership is typically registered in the name of the de-jure head of household, irrespective of the de facto situation. Dealing with the full bundle of legal rights is of particular importance for women, as even the modest rights traditionally held by women may be lost. Surveyors have to know the traditional land tenure systems. There is in fact no technical excuse for not including or recording such concepts in modern registration systems.

There is a vast literature on customary land tenure, and the failure of formal land tenure systems to provide appropriate security for all. Bruce et. al. (1994) argues for the introduction of an adaptation paradigm in stead of a replacement paradigm, when it comes to land administration programmes in Africa, and writes that “adaptation as a general strategy does not, of course, preclude legislation to deal with specific problems, such as gender issues or power relationships, as when customary land administration enshrines the dominance of one ethnic group over another.”
In the process of mainstreaming gender in land administration, one has to include, and even go beyond, the formal legal and institutional system, as indicated above. There is a basis for dealing with gender issues as a specific problem - in parallel with other actions.

**5.3 Making Socio-Economic Studies a Part of Planning Land Reforms and Cadastral Systems**

Abundant evidence is available on the complex nature of gender in access to land. To find appropriate solutions, developing cadastral reforms requires an intimate knowledge of the existing conditions. Judging from the shortcomings apparent in actual land reforms, registration and cadastral systems in serving all sectors of society, in many instances this has not been the case. To be able to work with plural legal regimes as described above, land administrators need specific methods to investigate, describe and analyse the situation.

Williamson and Fuerie (1998) suggest the introduction of a rigorous case study methodology based on anthropologic working methods in the preparation stage of land related programmes in order to evaluate and understand the existing system and the economic, cultural and social influences, which affect it.

It is suggested here to adopt that idea as part of the overall strategy to ensure that gender aspects are considered, and to strive towards promoting land related programmes that fit better with, and benefit, the wider society. Typically, surveyors, lawyers, cadastral experts, and land administrators do not have formal training in such methodologies. This could be an opportunity to renew the professional profiles of surveyors, and to promote work in multidisciplinary teams.

FAO has developed the Socio-Economic and Gender Analysis (SEAGA) framework for mainstreaming and increasing awareness of gender issues. The overall objective of SEAGA is to strengthen socio-economic and gender analysis capacities at the regional, national and local levels. (See, [http://www.fao.org/sd/seaga/index_en.htm](http://www.fao.org/sd/seaga/index_en.htm)). The SEAGA has a long history and has been developed with contributions from various UN and WB institutions. The programme has developed a set of handbooks (Field/Intermediate/Macro Level) and guides, but it is not clear how easy it is to apply the SEAGA approach in the work of surveyors and land administrators. The SEAGA framework foresees the development of new guidelines to incorporate socio-economic and gender analysis into a specific sector/technical field.

It seems to be an obvious choice for FIG to adopt the SEAGA initiative and supplement the existing material with specific literature as needed by surveyors and other land administrators. This could give FIG a kick-start in its mainstreaming efforts.

**5.4 Developing Simple, Local Models of Land Administration**

One of the recommendations of the FIG Guidelines is to simplify registration procedures. It is well known that the registration systems in use today are unmanageable and costly for the
The delays and deficiencies of formal systems have been well documented, notably by De Soto (2000).

Lacroux and Lee-Smith (FIG1999-03) write that “All of these modes of working partnerships between communities, local authorities, professionals, NGO’s and governments within and between regions entail some innovations for professionals. It would be insufficient for FIG members to simply engage in the transfer of new technologies. Rather, the whole method of professional work has to shift its focus to working with low-income communities who have limited resources.”

Our classical models of what a cadastral system is, cannot cope with the challenges of today. Other models have to be found. The reason to include it here under mainstreaming of gender issues in land administration is the fact that current barriers for disadvantaged groups, including women, will have to be overcome through providing local and sustainable solutions to land administration and land dispute resolution. This in fact proves once again that gender inequality must be addressed through a mainstreaming approach.

This is a challenge which calls for a large scale effort on the side of FIG, because its a common concern for a number of FIG initiatives such as the FIG Task Force on Sustainable Development, Working Groups under Commission 3, and the Commission 7 Working Group on Cadastral Systems in Developing Countries. Contributions to innovation in cadastral systems are underway, see e.g. Fourie, 2001.

5.5 Improving the Gender Balance at All Levels in Land Administration

After having looked at the four tasks above, this last task could seem easy and straightforward. The general desirability of having gender balanced organisations providing equal opportunities for all, and the difficulties in reaching that goal, are well known and need not be discussed here. The UNDP Guidelines on Mainstreaming include important action to be taken on gender balance in staffing.

One reason, and there are many, for including more women at all levels of land administration is the tacit assumption that women officials will advocate gender equality in proceedings and decisions on land, and that they may serve as role models and diminish the barriers for women to approach, and benefit from services of, land institutions.

However, if women are educated in technical environments with a “tunnel view” of cadastre as a merely technical exercise, a great effort is still needed to increase gender awareness and change behavioural patterns among both female and male professionals.

Surveying has traditionally been a male dominated profession, because of its military roots, and supposedly also for reasons of fieldwork hardships. The work in surveying and land administration has drastically changed character over the last decades. More and more women now join the ranks of the profession. The share of women in the surveying profession has been investigated by the FIG Task Force on Underrepresented Groups in Surveying, Dasse (1998). Out of 73 member associations, 16 members or affiliates responded.
Most associations had less than 10% female members, but a significant increase in the number of female students of surveying could at the same time be observed. The variation in distribution show the percentage of women to be highest in some former Eastern Bloc countries, e.g., the Czech Republic and Lithuania (over 30%), followed by the Nordic countries. It should be noticed that there are non-European countries with a high score, as well. The associations with the lowest percentage of female members recorded in the 1998 survey were Spain (0.7%) and South Africa (1.5%). Dasse (2000) has also reflected over what changes are needed to attract more women to studying surveying, indicating that a broader curriculum and the presence of female professors may be required.

Despite the changing composition of the group, it will take years before a good gender balance in surveying professions can be achieved, in particular in countries with few female professionals. With this limited number of women surveyors, does it make sense to talk about establishing a better gender balance at this time?

I believe it does. It is argued here that there are various other ways to improve the gender balance in land administration. There is room for improvement by involving more women surveyors in decision making, and in working with local communities, where they would make a significant difference. It is also clear from the tasks proposed above, that there is a need for widening the scope of the profession to cover broader socio-economic factors and to work in multi-disciplinary teams to solve the complex and overwhelming challenges at hand. Other related and relevant professions, like lawyers, economists and anthropologists, have different gender compositions in their ranks. It would be a good idea to include such professionals in land administration institutions to a higher degree than is currently the case.

The experience of the World Bank has been that land reform projects have generally performed below average on the institutional side. Therefore, a better co-operation between legal land registries and survey organisations is called for. In most countries there is a larger share of female professionals in the legal profession, than in surveying. Closer integration of these communities could be a way to break the male dominance and introduce change in the culture of both types of organisations.

As a conclusion, it is suggested that conscious steps towards achieving a better gender balance in all land organisations be made by defining a policy and setting specific targets. It will have to depend on the circumstances and the context, how far and how fast each organisation can realistically move ahead. FIG should take an active role in advocating and monitoring this transformation.

5.6 Ensuring Participation of Women in Implementation

Land is local and the final battle for the access to land takes place at local level. There is general agreement on the importance of educating, in particular women, on their rights, and on the procedures and institutions of land administration and dispute resolution. The key is involving all males and females in community action. The mobilisation of women’s
organisations plays a major role because it leads to women’s overall empowerment and increased self-esteem.

In UNCHS (Habitat 1999) this is described as an area, where considerable progress has been registered to date. Women in every region are forming and joining organisations as a vehicle for personal and political change. Examples can easily be found on the internet, e.g., Women of Uganda Network, WOUGNET, http://www.wougnet.org/ represents a strong network of women organisations and a powerful use of the information technology in breaking down barriers. One of the initiatives relevant here is the “Women and Land Rights Action Plan for Eastern African Sub-region”.

In The Eastern African Sub-regional Support Initiative for the Advancement of Women, EASSI, http://www.eassi.org/index1.htm, the key words are networking, information dissemination, lobby, advocacy, and capacity building. The organisation gives priority to issues of women and poverty; and women and land. According to the information on the web, they are working on producing a set of guidelines on mainstreaming gender in land and property rights, and they intend to share this with focal points and other stakeholders on gender and development.

This is evidence that NGOs are now taking forceful action, and that our profession needs to get active and prepare to work in a new reality, where the traditional institutions are being challenged and demands for change are strongly put forward with expectations that services and justice be delivered. FIG needs to move quickly in order not to be left behind by such dynamics.

6. CONCLUDING REMARKS

Taking action is difficult for a professional association like FIG, because it does not have direct access to resources and power. Even such organisations as FAO and UN-Habitat, with full awareness of the issues, do not have enough funds for large-scale efforts in implementation of land tenure programmes.

Despite this, optimism in FIG can be drawn from the power of modern communication. It is possible to reach every corner of the earth in a moment. Our chance is to change behavioural patterns of all the members of FIG and to function as a lobbying organisation.

But in order to do so, we should offer practical answers to practical problems. Therefore there is an urgent need to work on solutions to the problems encountered, and fulfill the needs for information, training material, and, not least, appropriate models of land administration, as suggested in this paper.

Surveyors need to understand the urgency and revise their strategies. The urgency of addressing the problem of lack of secure tenure for all is such that it cannot await results of long term strategies, but have to produce immediate results. Moreover, in some areas badly hit by the AIDS-pandemic, land tenure problems are magnified and have become an question
of survival for those deprived of inheritance rights or *de-facto* access to land for their livelihood.

“As the land tenure issues grow increasingly complex and become more diverse, the profession has a responsibility to know more about the issues and to do more to ensure that the systems for administering property rights serve all societies well” (FIG-Guidelines)

Hopefully, in FIG this challenge will develop awareness, receive attention, and result in action.

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BIOGRAPHICAL NOTES

Karin Haldrup, born 1953: Danish chartered surveyor 1978; has worked internationally since 1980, starting with census mapping in Western Samoa. 1983-85: postgraduate studies at ITC, the Netherlands, in cartography. 1985-2001: worked at Kampsax, Denmark, with production, consultancy, R&D, and business development in a range of fields from mapping and GIS to project management in cadastre and land administration. 1991-2001 extensive work in Eastern and Central Europe with a number of large projects mainly within land reform and land registration. Has also worked extensively with land registration and land information systems in Asia, Africa and Latin America.