

Promising Approaches to engendering Development

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Land use rights and gender equality in Vietnam

Legal rights to real property, clearly recognized in property titles and registration documents, can enhance the potential of both women and men to use property for economic purposes. In many countries, however, land is disproportionately controlled by men, even when rural women work as agriculturalists and when the law dictates otherwise. A pilot project in north central Vietnam has instituted an approach to land titling that gives both women and men rights to use land. In an economy transitioning from collectives to smaller family farms, the project has increased opportunities for rural families to use their most productive asset to generate income, and has promoted a gender-responsive, low cost, and decentralized method of land titling.

Why this is a promising approach:

- *Implemented after identification of gender inequalities in access to land.*
- *Provided a gender-responsive land administration system.*
- *Empowered women and men by providing them access to land, the most productive asset in the community.*
- *Enhanced local government capacity to implement land reform.*
- *Removed disparity between national law and its application.*
- *Improved knowledge of national law in isolated rural communities.*

Joint land use rights

In most low income and transition countries, land registration documents, such as land tenure or use certificates, often bear just the name of husbands or another male head of households, leaving women without opportunities to increase land productivity, sell or use land for credit. Women's access to land often depends on their marital status, with the result that unmarried and divorced women who may contribute to family labor on the land are rarely named on title deeds. In this context, properly documented joint land use rights for both wives and husbands can significantly reduce gender asymmetries in access to and control of real property, and thereby increase productivity.

To recognize the interests of both women and men, the pilot project in Vietnam re-issued Land Tenure Certificates (LTCs) for households in two rural communes in Nghe An province. The certificates now bear the names of both the wife and husband of a household. As joint holders of LTCs, women and men can both take advantage of the opportunities that such property rights entail for the well-being of the rural economy.

Gender-neutral policy benefits only husbands

The project idea is very simple, but it has far-reaching impacts. Between the 1980s and 1990s, Vietnam's national policy of granting long-term land use rights to households presented significant opportunities for rural farming communities to improve their incomes and livelihoods. Although the government remained the single owner of land in Vietnam, a policy was instituted to grant households rights to use the land for economic purposes, including as collateral for credit.

Each of the over 10 million LTCs issued to date under that policy registered land use rights to an average of 10-12 small plots assigned to families in a commune. The LTCs had space for only one name per family, and since registrants were often the male head of the household or the husband, the policy resulted in male control of those plots of land, despite the gender neutrality of the national policy.

Vietnam's PRSP clarifies land rights

Vietnam's poverty reduction strategy aims to ensure that by 2005 the names of both husband and wife will appear on all LTCs. Effective in October 2001, Vietnam's Government Decree No. 70, on the implementation of the Marriage and Family Law, states that all documents registering family assets and land use rights must be in the names of both husband and wife. However, the General Department of Land Administration (GDLA), responsible for rural land titling, lacked the capacity to provide all provinces with instructions to ensure compliance. Remote rural provinces and communes, in particular, needed assistance to effect these changes.

The World Bank's Vietnam office hired local consultants to assist the Vietnamese government. At a half-day workshop, for GDLA's leadership, its Committee for the Advancement of Women, and local technical staff, it was decided that a pilot project to re-issue LTCs was needed, and that a survey would be conducted to identify communes for the pilot.

Survey reveals land use patterns

Surveys were conducted in three provinces in northern and north central Vietnam, where the majority of Vietnam's poor population lives. The surveys revealed a common pattern: LTCs issued had space for only one name per family.

“One man said that his wife complains all the time that the LTC seems to have no value when he is absent and the family needs to borrow some money from the bank. He said that women here play very important roles but the LTC doesn't provide adequate conditions for them.”

– Hoa Thi Mong Pham, Operations Officer

The limitations and high risks of arbitrary action associated with those LTCs began to emerge almost as soon as they were issued. In Vietnam, women make up the majority of the agricultural labor force, and farming is the one community activity shared by both spouses. Despite their contributions to family labor on the farm, without LTCs in their name, women had no legal proof of their rights to land. At a time when families may have the most pressing need to take advantage of these usufruct rights, such as when husbands were away from the village for extended periods of time, wives could not use the land as collateral for credit.

Wives could assert their rights to land only if accompanied by their husbands. Divorced women were often left without enforceable land rights, as estranged husbands could transfer this valuable property based on LTCs bearing their sole names. Once a marriage was dissolved, the husband could profit from the land use rights without consulting his ex-wife.

Partnership with local government successful

Nghe An province's Dien Dong and Hung Thinh communes were selected for the pilot. The People's Committee of Nghe An Province was planning to consolidate agricultural land and re-issue LTCs. Officials were willing to work with the consultants to

disseminate information about national land laws and provide LTCs bearing joint titles. The consultants worked with the Land Administration Department of Nghe An, whose staff was able to reach close to 2,600 households in the two communes.

In partnership with the local government, leaflets about laws on gender equality in land use rights were printed and distributed. Households demonstrated their increased knowledge of national laws by posting those leaflets on their walls. Village meetings and loudspeakers were also instrumental in spreading the word about the new LTCs. Once the LTCs were issued, consultants worked with government officials to update the cadastral record books.

Project lessons and applicability

The reasons why land titling often omits women's names vary from society to society, and need to be understood before effective interventions can be designed. This case illustrates the use of surveys to uncover the reasons for land titling biases and a promising approach to correct these in a legal context that endorses gender equality. It also highlights the cost effectiveness of building joint titling into the design of land policies at inception.

Within Vietnam, this approach will be used in the other parts of Nghe An province. This pilot will be expanded to other provinces where land allocation and consolidation efforts are under way, or when new LTCs are issued.

Further Reading

- Vietnam's PRSP at: <http://www.vdic.org.vn/>
- David Dollar, *Reform, Growth, and Poverty in Vietnam*, World Bank Policy Research Working Paper 2837, May 2002.
- Martin Ravallion and Dominique van de Walle, *Breaking Up The Collective Farm: Welfare Outcomes of Vietnam's Massive Land Privatization*, World Bank Policy Research Working Paper 2710, November 2001.

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