



The World Bank in Vietnam

**ANALYSIS OF THE IMPACT OF LAND TENURE
CERTIFICATES WITH BOTH THE NAMES OF WIFE
AND HUSBAND IN VIETNAM**

FINAL REPORT

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Acknowledgments

Land Tenure Certificates with both the names of husband and wife has been one of the central issues of gender equality and poverty reduction. The significance of the joint LTC is that it is intended to reduce gender inequality in legal access to land; protect families against unilateral action by one spouse; protect women's right in case of divorce or other land disputes and empower women and men through their ownership of perhaps the most important asset in their community. One of the central arguments for ensuring women's legal access to land title is to increase their ability to use property for economic investments. Joint LTC was put as a policy action in the first Poverty Reduction Support Credits to Vietnam since 2001. With support from the World Bank the pilot projects to issue LTCs with both the wife's and the husband's names were first implemented in two communes in the province of Nghe An in 2002 and later in 20 provinces/cities nationwide in 2003-2004. These projects have received positive feedbacks from policy makers.

Since the Land Law 2004, all new LTCs must include the names of both spouses. However, there was no clear mechanism for changing/renewing the existing LTCs, which mainly bear the husband's name only. To have good arguments to speed up the process of changing existing LTCs with one name into the ones with two names, it is necessary to do a brief analysis of the impact of the joint LTCs in accessing formal financial services, in intensifying effectiveness of the land use as well as in other non-financial benefits to the women and men, in addition to analyzing the available Vietnam Household Living Standards Survey (VHLSS) 2004 and 2006.

Under the World Bank's Gender Action Plan, the World Bank in Vietnam has therefore commissioned the Institute for Research on Policies, Law and Development (PLD) to do a study on "*Impacts of Land Tenure Certificates titling both names of husband and wife*" from April 2007 to May 2008. Through data collection and surveys in Hung Yen, Thanh Hoa, Khanh Hoa and Tien Giang, results of the study were reflected in the final report, prepared by Nguyen Van Phuong (Hanoi University of Law), Tran Thi Van Anh (Institute of Gender and Family Studies), and Do Ngoc Quang (Director of the PLD).

To implement and accomplish the study, many people and organizations were involved and made contribution. The authors highly appreciate cooperation from staff of Department of Land Registration and Management, Ministry of Natural Resources and Environment, People's Committees of Hung Yen, Thanh Hoa, Khanh Hoa and Tien Giang, legal experts of Ministry of Justice, Institute of Gender and Family Studies, Hanoi Law University, Academy of Police and other agencies and organizations in implementing the study.

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Acronyms

Agribank	Bank of Agricultural and Rural Development
GSO	General Statistical Office
LTCs	Land Tenure Certificates
LT	Land Tenure
MPDF	Mekong Private Sector Development Fund
MONRE	Ministry of Natural Resources and Environment
PC	People's Committee
PLD	Institute for Research on Policies, Law and Development
WB	The World Bank
WU	Women's Union

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Executive Summary

The 2003 Land Law defines that the Land Tenure Certificate (LTCs) carries both the wife's and husband's names. Theoretically, the requirement of both the wife's and husband's names on the LTCs aims at enabling the wife to participate more actively in household economic production for poverty reduction, and to protect the rights of the woman in the event of civil disputes over the land that has been provided with a LTCs.

A field-based research was conducted in order to assess whether the joint-title LTCs has had positive impacts on the household in general and on the woman's roles in the household in particular, as intended by the 2003 Land Law. With support from the World Bank, the Institute of Policy, Law and Development (PLD) implemented the project: "*Impacts of the Land Tenure Certificates with Both Husband's and Wife's Name*" during April 2007 and May 2008. This report presents the findings and analyses from the data collected and field survey in Hung Yen, Thanh Hoa, Khanh Hoa and Tien Giang. The report is organized in three sections: (1) Introduction; (2) Study findings with five contents: Access to credit; Investment opportunities and outcomes; Land use rights security; Impacts on women's position in family and in community; and Issuance and conversion of LTCs; and (3) Proposals to Land Administration Agencies.

Part I: Introduction

1.1. Background

Vietnam's Constitutions of 1946, 1959, 1980 and 1992 all acknowledge equality between men and women in all areas, including politics, culture, society, and family. According to the 1993 Land Law, land belongs to all people, but land is allocated to organizations, households, and individuals for use. These entities are provided with the LTCs.

The 1993 Land Law defines the issuance of the LTCs to the household which carries the name of the household head, usually man. The 2003 Land Law defines the LTCs to be the asset of both the wife and the husband and thus should carry both names. In reality, these two laws have resulted in two types of LTCs: one that carries only the name of the household head (one person), and the other having both the wife's and the husband's names (two persons).

Research suggest that the main reason women are less likely to access formal capital for investment as compared with men is because their names are not on the LTCs (MPDF 2006). The rights to land of ethnic minority women are usually violated in divorce and inheritance due to oppression/pressures from the husband (Do Thi Binh 2005:30; Nguyen Nhat Tuyen 1999; Oxfam Anh 1997). Studies have also suggested a relationship between the LTCs and women's greater opportunities to invest and generate income because the LTCs allow women to use land as collateral while improving their decision making power (UNRISD 2003, Tinker and Summerfield 1999). However, it is not always easy to measure this concretely and precisely because this is not an immediate relationship (AusAid 2003).

With support from the World Bank the pilot projects to issue LTCs with both the wife's and the husband's names were first implemented in two communes in the province of Nghe An in 2002 and later in 20 provinces/cities nationwide in 2003-2004. These projects, which have

helped protect women's rights and partly reduced poverty, have received positive feedbacks from policy makers.

1.2. Research Objectives and Methodology

This research aims to assess the impact of the new LTCs on women's access to credit, and their opportunities for investment and employment. It also examines the impact of the new LTCs on ensuring women's land use rights and other interests as well as on their position in the family and community. The analyses aim at addressing the question of whether it is necessary to transfer all the issued LTCs with the household head's names to those with both the wife's and the husband's names. And if it is necessary, what are the best solutions?

This research is based on qualitative and quantitative data collected in three provinces of Hung Yen, Khanh Hoa và Tien Giang, representing three regions of Vietnam. Besides, Thanh Hoa was chosen as a mountainous province with ethnic minorities for in-depth survey. The research team surveyed 303 households, conducted 32 group discussions and meeting with 16 groups of local government officials. In-depth interviews were conducted with 24 men and women, 41 officials from the local units of Natural Resource and Environment at different levels, 30 bank officials and 4 district level juries to collect data for comparative analysis.

However, because of small sample, a number of quantitative indicators could not be analyzed in the research. There is also another study with the same topic which has been analyzed using data from Vietnam household living standard survey (VHLSS) in 2004, 2006.

1.3. Terms used in the Report

Forms of LT

First, LT is joint property of both wife and husband. Land, in this case, is normally residential land.

Second, LT is common property of household members, including residential land, agricultural, forestry and fishery land, etc., distributed by the State to households for production and residence.

Third, LT is individual property of a household member.

Types of LTCs:

- LTCs titling head of household
- LTCs titling head of household and head' wife (or husband)
- LTCs titling husband and wife
- LTCs titling an individual

LTCs issuance and coversion:

(1). Converting LTCs titling head of household into LTCs titling husband and wife in case that LT is joint property of husband and wife (residential land);

(2). Converting LTCs titling head of household into LTCs titling head of household and his wife (or her husband) in case that LT is common property of household (agricultural land, forestry and fishery land,...)

(3). Converting LTCs titling an individual into LTCs titling husband and wife in case that the individual asks to convert it (residential land)

Rights of other household members are not affected in case of converting LTCs:

- In case (1), LT is joint property of husband and wife. Due to the fact that LT is not common property of household, LTC titling husband and wife does not affect rights of other household members.

- In case (2), LT is common property of household. Converting LTCs titling household head into LTCs titling household head and his wife (or her husband) is, in fact, to add one more representative persons in LTCs. That does not affect rights of other household members.

- In case (3), LT is individual property of a member. Converting LTCs is carried out only when the individual requests. LT of the individual is changed after converting LTCs. However, that is his/ her own request.

Note that: In the Report, converting LTC1 into LTC2 (or LTCs titling household head or single-title into LTCs titling husband and wife or joint-title) has the same meaning and is applied to all three cases mentioned above. In particular, LTCs titling wife (husband) are converted into LTCs titling wife and husband in case that LT is the couple's joint property; and LTCs titling household head are converted into LTCs titling household head and his wife (or her husband) in case that LT is the household's common property.

1.4 Research team

The research team consists of experts from various fields, including law, credit, sociology, gender with active participation of personnel from the field of Natural Resource and Environment at different levels and local officials. The final report is completed with participation of: Nguyen Van Phuong (Hanoi University of Law), Tran Thi Van Anh (Institute of Gender and Family Studies), and Do Ngoc Quang (Director of Institute of Policy, Law and Development).

Part II: STUDY FINDINGS

2.1. Access to Credit

Sources of capital are diverse in surveyed areas. These include the Bank of Social Policies, supporting funds, commercial banks, credit funds, and individual money lenders, etc. In communes with difficulties, with ethnic minorities, the poor and poor women in particular can access subsidized credit from the Bank for Social Policies via the assistance of mass organizations such as the Women's Union, the Farmer's Union, and the Youth Union.

The group of non-poor women (including near poor) access loans mainly from Commercial Banks, Bank for Agricultural and Rural Development, and Bank for Industry and Trade, etc. These banks require the LTCs as collateral for granting loans. The ratio of borrowers meeting

this requirement varies between regions and between the rural and urban areas. According to the survey, 32% of households in Khanh Hoa and 47% in Tien Giang have used the LTCs as collateral for bank loans. In Hung Yen the number of households wanting to use the LTCs for bank loans is 71%.

In order to take loans using the LTCs, the banks require borrowers to follow procedures of mortgage as defined in Article 130 of the Land Law. However, the survey shows that there are some differences between the LTCs with one name versus the one with two names in accessing loans. The differences are:

First, the procedures for obtaining bank loans using the LTCs with both the wife's and the husband's names requires less time as compared with the one with only the name of the household head. *Second*, the LTCs with both the wife's and the husband's names enables not only the household head, but both spouses to conduct business with the bank as compared with the single-title LTCs. *Third*, the LTCs with both spouse's names allows the woman (or man) to directly borrow bank loans without authorization from the spouse whose name is on the LTCs as required by the single-title LTC.

The LTCs that has both the wife's and the husband's names has had positive impacts on both the procedures and opportunities in accessing loans for the woman. In terms of procedure, using the joint-title LTCs requires fewer papers, saves time and labor, and has a higher possibility of approval. This helps the borrower access loans more timely. That both the husband and the wife can directly work with the bank in the process of applying for loans, using and returning loans, ending contract and retrieving the LTCs, is an advantage for the household. The joint-title LTC has enabled women, those who are not household heads to directly take bank loans using the LTCs without complicated paper procedures.

2.2. Opportunity and Investment Outcome

New investment opportunities arise when men and women can use the LTCs as collateral to apply for loans for economic development. 42.6% people surveyed said they have used the LTCs for investment purposes - as collateral for bank loans and as a share of investment itself. Some variations exist between different the use of the LTCs as investment in different areas of production and business. 55.6% of respondents working in handicraft and businesses have used LTCs, while those in agriculture accounts for 32.5%, and the laborers, civil servants and other professions account for 36.5%. This suggests a greater impact of the LTCs for those in the non-agricultural sectors because of greater opportunities to invest in businesses than in farming. There are also some variations between men and women within the business group. In the farming sector, 19.2% of women have used the LTCs while the ratio for men is 39.2%. In the handicraft and business sector, the ratio is 64% for women and 51.1% for men.

It is clear from women's and men's opinion that the joint-title LTCs have had **positive impact** on credit access and management, although this was not evident in quantitative data. Women feel they have more freedom in making decisions to take and use loans when their names are listed on the LTCs. For those households with only one name on the LTCs, mostly the household head, who is man, the woman are not free to make decisions towards economic development for the household but are dependent on the husband's will.

The outputs of the use of the LTCs for investment are evaluated in three scales. First, some economic improvement: 44% of respondents agreed that their households' economic situation was improved. Second, 41% has expanded businesses or transferred to a new business. Finally, 29.3% said they have made net profit and increased income. Comparing male and female, 37% of the women using the LTCs for investment reported a profit and saving. This ratio among men is 25%. This difference is because women invested mainly in handicraft which generated greater profits as compared with agricultural farming.

2.3 Security of Land Use Rights

Vietnam's legal framework ensures equality between the husband and the wife towards the use of common land, assets on the land as well as the settlement of conflicts relating to Land Use Rights (The Family and Marriage Law 2000, the 2003 Land Law, and Guidance Decrees). However, in reality, some traditions continue to hinder women from exercising their rights. This indirectly increased the impact of the LTCs with both the wife's and the husband's names. The impact of the joint-title LTCs on ensuring women's rights to land can be viewed in three situations: first, conflicts in the event of divorce; second, when conducting civil transactions; and third, inheritance and ensuring women's rights to land in old age.

The women respondents all agreed that the joint-title LTCs offers the most advantage should conflict between the husband and the wife occur. The Court is of the view that the joint-title LTCs make it more convenient in conducting investigation, verification and judgment. In settling conflicts over land use rights, the joint-title LTCs partly contribute to reducing fault sentences and supporting higher legality thanks to more complete evidence.

The single-title and joint-title LTCs are similar in the steps required but differ in civil procedures, such as transaction, buy and sell, and use as gift and inherits. They also differ in terms of time and number of applicants. The majority of respondents and officials attending group discussions and in-depth interviews agreed that the joint-title LTCs shortens the time for completing an application as compared with the single-title ones because the number of signatures required is smaller, and the time to investigate and verify is shorter.

Ensuring a livelihood in old age is particularly important for senior Vietnamese citizens, especially because the ratio of old people living on allowance and pension is relatively small, 25.9%. What should be noted is the large gap in sources of livelihood between men and women. Only 19% of the senior women said that their main source of income is from pension or allowance, whereas for men it is 33%. The ratio of senior women relying on support from their children is greater than men, 51.8% versus 26.5%. Thus having their names on the LTCs will help ensure a livelihood for women in old age, even when they continue to need support from children.

Women also agree that the joint-title LTCs give them more power if the land needs to be divided. The joint-title LTCs can also help them avoid conflicts relating to disputes over the land of their ancestors and relatives. 75% of the men surveyed said that the joint-title LTCs make it more convenient in transaction and in inheritance. 50% of the men asked wanted to have their wives' names on the LTCs. 100% of the women asked were happy with the joint-title LTCs because it allows them to intervene in land transaction and inheritance, and participate in the process of production and conducting businesses.

2.4 Impact on the position of women's in the family

Most of the people interviewed and participated in group meetings agreed that the joint-title LTCs ensures greater equality between the husband and the wife as compared with the single-title LTCs. 88.3% of those asked agreed that the joint-title LTCs improve the position of the woman. Of this number, 89.2% are men and 86.6 % are women. No difference was noted between groups of professions. However, large gaps are noted when considering age. Those between 22 and 60 demonstrated a higher acknowledgement of the change in women's position with the joint-title certificate (from 92.1% to 90.2%). This ratio is much lower among those over 60 years of age (76.7%). There seems to be no difference in assessment of the changes in the woman's position between households with only one name on the LTCs and those with the joint-title certificate since the introduction of the two name certificate (87.2% and 89.1% respectively).

Respondents pointed out reasons for high satisfaction with the joint-title LTCs: since land is the common asset of both spouses, papers should record both their names. This avoids male monopoly over common assets and ensures equality and the rights of both the husband and the wife in the event of conflict. Both the husband and the wife have to discuss together and make decisions together. This will help the woman to participate more actively in income generating activities.

What should be noted is that mutual decision making is higher among those with the joint-title LTCs of 89.8% as compared with those with only single-title LTCs of 64.2%. This suggests that overall the decision to use the LTCs to access loan has been shared between the spouses, the joint-title LTCs provides a more favorable condition to the woman to participate in the decision making process with the husband.

2.5 The Issuance and Conversion of the LTCs

The general spirit from interviews, discussions and survey is that all the single-title LTCs should be converted to joint-title LTCs. This will help to ensure the woman's rights, improve the woman's roles, and avoid unnecessary conflicts.

However, the conversion from single-title to joint-title certificates requires reasonable steps due to a number of difficulties. At present a large number of people have used the LTCs as collateral for bank loans at both state and private banks. The change from single-title to joint-title certificates will thus require a lot of efforts and commitments from both the people and the government. How to withdraw the LTCs which are with the banks now and while sustaining the LTCs in order to control the loans is an issue that requires discussions and agreement among the departments of Natural Resources and Environment, banks, funds and the borrower.

Conditions necessary for the conversion of single-title LTCs to one with both spouse's names are needed as the basis for recommendations. These conditions include: 1) a legal framework for the transfer the LTCs with only the household head's name to one with both the wife's and the husband's names; 2) capability of state implementing agencies in carrying out this change; 3) support from people and entities relating to the LTCs. To gain support from the people in the shift from the single-title LTCs to joint-title LTCs, some propaganda activities

are needed in order to raise people's awareness on the significance and importance of this shift.

Part III: PROPOSALS FOR LAND ADMINISTRATION AGENCIES

3.1. About the overall project

It is stated in Resolution No 07/2007/QH12 dated 12 November 2007 by the National Assembly regarding socio-economic development plan in 2008 that one of main goals is to "reach an agreement to issue one type of LTCs and housing possession and in-land property under Land Law... By 2010, LTC issuance of all kinds of land will have been fundamentally completed all over the country". According to this Resolution, Ministry of Environment and Natural Resources has built up "An overall project of surveying, mapping, setting up land profiles, issuing LTCs and building land basic data". It is tentatively completed in 2010.

It is said by Ministry of Environment and Natural Resources that in 2008 the State began to consider providing fundings for land profile accomplishment to issue and change LTCs in 20 provinces and cities out of 63 all over the country. Besides, Vietnam Land Administration Project sponsored by the World Bank with the same objectives are being carried out in 9 selected provinces. It is scheduled that the overall Project will be further implemented in other remaining provinces in 2009.

3.2 Some proposals

Firstly, it is proposed that state land administration agencies should revise and complete land laws and policies. To do this, National Assembly should revise the 2003 Land Law and issue a Decree regarding land tenure, housing ownership and estate registration certificates.

Secondly, capacity building should be done for land administration agencies who directly carry out tasks of state administration of land.

Thirdly, it is necessary to increase democracy and publicity and transparency in issuing and changing LTCs.

Forth, it is essential to select priority areas for issuing and changing LTCs, combining social objectives and economic objectives. Economic criteria are shown obviously in urban areas and such areas of high LT values. Social criteria (i.e., gender equity) are clearly shown in rural areas. Issuing and changing LTCs are carried out at local levels, so it is suggested to carry out in both urban and rural areas as pilot areas, together with dissemination activities that should be done earlier in rural areas and urban nearings.

3.3. Proposals on dissemination and awareness improvement for local people

People's awareness and agreement have great significance in issuing and changing LTCs. In fact, this activity has not paid much attention in the Overall Project to update land use state and re-issue the LTCs. Therefore, dissemination is an essential activity to improve people's awareness of issuing and changing LTCs. Dissemination should be done through mass media such as central and local radio, television and broadcast systems of villages; newspapers, leaflets; clubs, socio-economic organisations such as Youth Union, Women's Association, Veteran Association, etc.; and direct dissemination to people. In order to implement dissemination effectively, it is necessary to train dissemination staff at local level;

Contents of dissemination should focus on legal regulations on issuing LTCs in general and joint-title LTCs in particular; legal regulations on issuing LTCs in general and joint-title LTCs in particular; problems of issuing joint-title LTCs (legal laws, mechanism,...).

To carry out dissemination effectively, supporting materials such as videos (for television), CDs (for boardcasting), papers or leaflets, and so on should be well prepared for each group of people..

It is noted that when combining ways of dissemination and supporting materials and languages, dissemination staff should pay attentions to regions, ethnic minorities, customs and qualifications of local people, especially poor women and men and ethnic minorities.

Part 1. Introduction

1.1 Background

Since its foundation, the State of Vietnam has been aware of the importance of gender equity and has made more efforts to promote women's roles in every field of the society. The 1946, 1959 and 1980 Constitutions all affirm gender equity between men and women in politics, culture, society and family. Institutionalization of gender equity is mentioned in Constitutions and the State has issued regulations to implement these equal rights in practice, of which there are regulations regarding laws on land.

In Article 17 of the 1992 Constitution, 1993 Land Law and 2003 Land Law, land is all the people's property and the State is the representative of ownership. However, the State shall not directly administer the whole land in Vietnam territory, land is administered by organizations, households and individuals. Legal land users are provided with Land Tenure Certificates (or Certificates of Land Use Rights) by the State.

In Vietnam, there exist a number of types of certificates regarding land rights and house property. Nevertheless, at the recent session of National Assembly regarding discussion on the practice of issuing LTCs on the date of November 6, 2007¹ all the delegates have come to an agreement on issuing ONE type of land right and property certificates. This makes land titling in Certificates of Land Tenure and Property much more important.

Issuance of LTCs has significant impacts and influence towards land owners' rights. To have all rights stated in legal documents land users must get Certificates of Land Tenure. The rights including rights to land use right transfer, lease, inheritance and gifting; rights to loan mortgage and security through land use right and others. As for state administration agencies and justice bodies, LTCs are the basis to resolve land disputes and to clarify authorized mandates between People's Court and People's Committee in land disputes resolving.

In the 1993 Land Law, LTCs of land as joint property of spouses or households shall inscribe the name of the representative of spouses or households. However, land titling like that cannot ensure legal clarity in identifying land right users. The practice of LTCs issuance so far shows that titleholders in LTCs are mainly male. For agricultural land, 66 percent of LTCs are male-titled, 19 percent female-titled and 15 percent co-titled and for residential land, it is 60 percent; 22 percent and 18 percent, respectively (GSO 2005).

To strengthen women's economic powers, the 2000 Family Law, the 2003 Land Law and the documents of enforcement guidelines require both names of the wife and husband appear on LTCs in case of joint property.

However, in the LTCs issued before the 2003 Land Law, titleholders are only heads of households and these certificates are still used in present transactions. Moreover, the process of issuing LTCs all over the country is still slow. Many of land parcels owned by households,

¹ <http://www.quochoi.vn/htx/Vietnamese/default.asp?Newid=12722>

spouses, and individuals have not been entitled to LTCs. Issuance of LTCs and its impacts on women, men and households are paid much attention by the community, the Government, the society and researchers.

Up to now, land-related studies have referred, to different extents, to the impacts of land titling on women's economic opportunities and positions. LTCs and women's economic opportunities are obviously related to each other but this relationship is not direct and difficult to measure (AusAid 2003). Studies of impacts of LTCs titling the husband and wife in Nicaragua, Indonesia and Honduras by Cornhiel S. et al. (2003) show that there are a lot of positive impacts, for example, people feel to be guaranteed and tend to invest into land estate in long term; neighborhood disputes are limited, etc. However, in terms of credit access, the land certificates make no remarkable differences to low-income farming households, only households which have incomes over the average level are able to use their LTCs for accessing loan to increase their incomes.

Besides economic impacts such as income raising from land uses or/ and by land mortgage to loans, LTCs could also bring women non-economic benefits, for example, improvement of women's making-decision rights in family, security of women's property rights in case of divorces, old-age security and improvement of women's participation (WB 2005). Some studies point out the connection between agricultural reforms and the importance of LTCs and women's rights to land as well as effectiveness of house and land uses of women (UNRISD 2003, Tinker and Summerfield 1999).

Studies in Vietnam address a variety of problems related to unequal land use rights between female and male and possible consequences as well. Most of the studies refer to loan access, i.e. women have less opportunities than men since most of the titleholders of LTCs are male. 20 percent of the women who are refused to get loans have not got mortgage property (WB 2006:45; Mekong Private Sector Development Fund 2006; ADB 2005).

That household heads are registered to be titleholders in LTCs enhances women's dependence on her husbands (GenComNet 2006:46). There is a limit of women's access to information, training courses and development programs since women play a low legal role in land property (NCFW 2000:21). The researchers believe that improvement of women's access to loans could help enhance women's capacity building and business development. In addition, female titling in assets ownership/ utilization will ensure women's benefits and rights in case of divorce or inheritance.

Studies on ethnic minority women's rights to land use have addressed a lot of problems. For instance, women lack information on land use rights and there exist many misconceptions that women should only know how to do cultivation, they should not ask for their land titling in legal documents. In practice, women's rights to land are often violated in case of divorces and inheritance because of their husbands' transgression and irresponsibility of local authorities (Do Thi Binh 2005:30; Nguyen Nhat Tuyen 1999; Oxfam England, 1997).

With support from the World Bank the pilot projects to issue LTCs with both the wife's and the husband's names were first implemented in two communes in the province of Nghe An in 2001-2002 and later, in 20 provinces/cities nationwide in 2003-2004. The latter was

implemented by Land Registration and Statistics Department, Ministry of Natural Resources and Environment (MONRE) in collaboration with Legal Research Center (Law Faculty, Vietnam National University, Hanoi) and Research Center for Gender and Development (Vietnam National Institute of Social Sciences). The issuance and conversion of more than 30,000 LTCs into joint-titled LTCs over the country, especially in the communes where most of people are from ethnic minorities, have received positive feedback from women, men and policy-makers. Moreover, in people's opinions, the project had not only protected women's rights and benefits upon divorce and judicial separation but also promoted women's economic independence and contributing to poverty eradication (Project Review Workshop, June 2004).

In summary, studies and experience of the Project implementation have pointed out relationship between Land Tenure Certificates and women's economic development opportunities and decision-making powers. However, these impacts are not the same to all groups of women. Also, it is not always easy to measure these impacts exactly at any time since these impacts are sometimes intangible and indirect.

1.2 Objectives and methodologies of the study

The study is to analyze impacts of land titling on women in terms of:

- Credit access;
- Investment and employment opportunities;
- Security of land use rights and other benefits;
- Women's positions in family and in community.

The study is to answer the questions: Whether there is a justification for committing funds to re-issue LTCs titling household heads into LTCs titling both the husband and wife. And if yes, how and what are the proposed options for changing?

The study methods used to collect data and information are quantitative surveys and qualitative research, aiming at addressing the impacts of LTCs on women. Qualitative methods are the main ones of this study. Here are the study groups:

- Groups with LTCs titling household heads and groups with LTCs titling husband and wife
- Urban and rural women
- Women of poverty and ones of non-poverty
- Farmers and those doing business
- Ethnic minorities communities

However, because of small sample, a number of quantitative indicators could not be analyzed in the research. There is also another study with the same topic which has been analyzed using data from Vietnam household living standard survey (VHLSS) in 2004, 2006. There is

a proposed list of the impact analysis indicators in the Annex 1, which can be served as a reference for similar studies in the future.

Steps to carry out the study include:

1. Review the findings of the previous studies
2. Prepare for research tools
3. Select study sites
4. Carry out field studies
5. Process data
6. Consultation with experts and make reports

A set of research tools consists of:

- Semi structured questionnaires
- Guidelines for in-depth interviews and focus group discussions

In the following details:

1. In-depth interview credit and bank officers
2. In-depth interview local land officials and officers from natural resources and environment departments.
3. In-depth interview court officials
4. Discuss with female groups
5. Discuss with male groups
6. Discuss with communal officials

The survey sample is small (300 households) and hardly be representative for three main regions of the country. However, in the selection of the provinces, we did take into account level the socio-economic development and the diversity of population's occupations in the sites. In consultation with Land Registration and Statistics Department (MONRE), three provinces were selected: Hung Yen, Khanh Hoa and Tien Giang for the following reasons:

First, the three provinces are the representatives to the extent of three regions of Vietnam (Hung Yen in the North, Khanh Hoa in the Central and Tien Giang in the South) and all of them have diversified economic development structures.

Second, the rates of loan borrowers through mortgaging LTCs in these provinces are much higher than others all over the country.

Third, according to the MONRE most of local people of these provinces are granted to some kinds of LTCs such as LTC1 (with one name) and LTC2 (with two names). And, there are problems arisen in the practice of LTC issuance.

In addition, the project team has chosen for case study Quan Son District and Thanh Hoa City in Thanh Hoa province. Quan Son is a mountainous district with ethnic minorities participated in the World Bank supported project for changing land right certificates in 2004. The study methods applied in Thanh Hoa province are qualitative ones, namely, interviewing residents who have ever mortgaged LTCs for bank loans, interviewing communal land registration officials who are in charge of land administration, discussing with male and female villagers and local authorities at communal levels including representatives of People’ Council, People’s Committee, Fatherland Front, Women’s Union, Veterans’ Organization and Heads of hamlets.

Selection of households for sociological surveys (through questionnaires) is based on the following criteria: 50 percent of households are issued LTCs with single title and 50 percent of households with Certificates with titles of the husband and wife.

Surveys are scheduled to implement in provinces as follows: Hung Yen Province (from December 24, 2007 to December 27, 2007), Khanh Hoa Province (from January 6, 2008 to January 11, 2008), Tien Giang (from January 7, 2008 to January 10, 2008) and Thanh Hoa Province (from April 23, 2008 to April 26, 2008).

In these provinces, the survey team conducted in-depth interviews with officials from Provincial and District Department of Natural Resources and Environment, District People’s Court, Bank of Agricultural and Rural Development of the Province and District, Bank of Social Policies of the Province and District, Bank of Investment and Development of the Province and District, and Communal People’s Credit Funds. In every commune, the survey team hold 3 group discussions with participation of representatives of local authorities and mass organizations (06 people), male group (06 people) and female group (06 people) (Table 1).

Table 1. Number and component of participants in study sites

Participants (of province, district and commune)	Sites				Total	
	Hung Yen	Khanh Hoa	Tien Giang	Thanh Hoa	Male	Female
Head of Land Registration Division of Provincial Department of Natural Resources and Environment	1	1	1		2	1
Officials of District agency of natural resources and environment	4	4	4	2	12	2
Officers of district banks	6	8	8	4	16	10
Judge of district court	2	2	2	2	4	4

Communal land registration officials	4	4	4	4	24	non
Communal credit officials	2	2	1	1	2	4
Group discussion of communal officials (groups)	4	4	4	4	50	46
Group discussion of female and male (groups)	8	8	8	8	96	96
People interviewed (persons)	14			25	15	24
Household survey (households)	100	103	100	Non		

One of advantages of these surveys is to address problems occurring in reality and learn about contradictions, conceptions and thoughts of representative groups from residents and local authorities regarding LTCs with titles of the husband and wife. Nevertheless, there are several constraints:

Under the action plan, the survey team should have in-depth interviews with the individuals who lend money on interest through keeping LTCs for mortgage. In practice, local residents refuse to talk about this kind of loans. Meanwhile, local authorities revealed that money lenders do not keep LTCs for mortgage since the certificates have effects and values only to the titleholders in certificates. Nobody can use LTCs but the title holders only.

After completing surveys in Hung Yen Province, experts and staff of PLD held a meeting to draw experience and to review the questionnaires and then, revise them to gain the expected study objectives. Therefore, there are some differences between questionnaires for Hung Yen and ones for Khanh Hoa and Tien Giang.

There remain a lot of entanglements of issuing land right certificates, causing hot questions from local people. As a result, when learning that a survey team comes to work about LTCs at local, many residents who are not selected to be interviewees have come to speak out their own opinions and petitions about their land certificates, which takes from the team much time and distracts their work.

Due to the fact that the progress of issuing LTCs is slow and the rate of Certificates titling the husband and wife is quite low, it is not easy and simple to identify households issued with LTCs titling the husband and wife for interviews and information surveys, especially the ones divorced.

1.3 Some terms used in the Report

The following terms and denifitions are used in the Report:

Household: Households are the subjects of civil relations (in Article 106, Article 107 and Article 108 of Civil Code). In a household, there are many members who own common property and contribute to develop family economy.

Head of household: There is a head in a household. The head is the person who is representative of the household in all civil transactions for interests of the household. The head could be father, mother or an other member who is mature.

Common property of household: including land using rights, forest using and planting rights of the household, assets contributed to create by household members, assets gifted and inherited to all members and others that household members agree to consider as common property.

Household registration book: Household registration book is issued to every household (under Article 25 of Residence Law). Those who have the same legal residential places and have family relations such as grandfather, grandmother, father, mother, wife, husband, children, brother, sister, sibling, and etc., could share the only one household registration book.

Households and individuals have Land Tenure (LT) for the following causes:

- Land is distributed by the State without paying money. Land is used by households for agricultural or farming production to ensure household members' life;
- Land is distributed by the State with paying money (for residential land);
- Land is gifted or inherited by parents as joint property to sons and daughters-in law or to daughters and sons-in law;
- Land is gifted or inherited by parents as individual property to sons and daughters alone (not to sons-in law and daughters-in law);
- Land and land tenure is transferred and purchased by both husbands and wives during the marriage time;
- Land and land tenure is transferred and purchased before the marriage or during the marriage time but both wife and husband agree that land tenure is wife's own property or husband's own property (LT is not joint property of wife and husband);

Forms of Land Tenure (LT):

First, LT is joint property of both wife and husband: LT is transferred and purchased by wife and husband during the marriage time; or LT is individual property (owned by wife or husband) but is decided to put it into the list of joint property under Article 28 in Family Law 2000. In this case, land is normally residential land.

Second, land using rights towards such kinds of land as residential land, agricultural, forestry and fishery land, etc., are distributed by the State to households for production and residence. Such kinds of land are common property of household members.

Third, LT is individual property of a household member. A household member has rights to owning individual property including LT.

Types of Land Tenure Certificates (LTCs):

- LTCs titling head of household
- LTCs titling head of household and head' wife (or husband)
- LTCs titling husband and wife
- LTCs titling an individual

LTCs issuance and conversion:

(1). Converting LTCs titling head of household into LTCs titling husband and wife in case that LT is joint property of husband and wife (residential land);

(2). Converting LTCs titling head of household into LTCs titling head of household and his wife (or her husband) in case that LT is common property of household (agricultural land, forestry and fishery land,...)

(3). Converting LTCs titling an individual into LTCs titling husband and wife in case that the individual asks to convert it (residential land)

Rights of other household members are not affected in case of converting LTCs:

- In case (1), LT is joint property of husband and wife. Due to the fact that LT is not common property of household, LTC titling husband and wife does not affect rights of other household members.
- In case (2), LT is common property of household. Converting LTCs titling household head into LTCs titling household head and his wife (or her husband) is, in fact, to add one more representative persons in LTCs. That does not affect rights of other household members.
- In case (3), LT is individual property of a member. Converting LTCs is carried out only when the individual requests. LT of the individual is changed after converting LTCs. However, that is his/ her own request.

Note that: In the Report, converting LTC1 into LTC2 (or LTCs titling household head or single-title into LTCs titling husband and wife or joint-title) has the same meaning and is applied to all three cases mentioned above. In particular, LTCs titling wife (husband) are converted into LTCs titling wife and husband in case that LT is the couple's joint property; and LTCs titling household head are converted into LTCs titling household head and his wife (or her husband) in case that LT is the household's common property.

1.4 The research team and the structure of the report

The research team consists of experts from various sectors such as legal experts, credit experts, sociological experts and gender analysis experts. The study was supervised by Dr. Hoang Manh Giao and Prof. Do Ngoc Quang from PLD with participation of officers from MONRE and its branches at all levels as well as local officers of research centers.

The Report is written up by: Dr. Nguyen Van Phuong (Hanoi University of Law), Dr. Tran Thi Van Anh (Institute of Family and Gender Studies) and Prof. Do Ngoc Quang (Institute of Policy, Law and Development).

The report consists of three parts: Introduction, Findings and Proposed options and Recommendations. In the part of Findings, there are 5 main sections as follows:

- Credit access;
- Investment and employment opportunities;
- Land use right security;
- Impacts on women's position in family and in community
- Issuance and change of land certificates

Part 2. Study Findings

2.1 Access to Credit

Credit resources of study sites now are very diversified, including from Agri Bank, Social Policy Bank, Support Funds, Credit Funds, other Commercial Banks, individual loans and so on. However, that whether people can access loan resources or not usually depends on many factors. Here are some main factors: (1) poor household in a difficult commune; (2) the size of loans; (3) legal LTC for mortgage; and (4) land certificate titling loan borrower.

In communes with extreme difficulties and areas of ethnic minorities (under Program 135), local people in general and women in particular can conveniently access loan resources of Bank of Social policies through the authorized channels of the Bank such as Women's Union, Farmers' Association, Youth's Union, etc. Those who want to borrow loans will write a letter to their organizations which they join as members; then they are admitted to "saving-credit" as entrusted groups, after that, they are put into waiting-lists of loan borrower selection for their turns based on local allocated budgets by Bank of Social Policies periodically. These loans shall not require property mortgage but rely on collective guarantee of organizations and associations. Is it likely that one who is not the member of an organization/ association will not be able to get loans? The answer given by the local is: "Yes, likely". However, it is likely that another person of his/ her household will access loans as a member of the other organizations/ associations. For example, his daughter may borrow money through her Youth's Union.

Box 1. Social Policy Bank credit and Women's Union

Trung Ha commune, Quan Son district, Thanh Hoa Province: over 80 percent of the population are ethnic minorities of Dao, Thai, Muong.

Debit balance at the end of 2007 is 4.3 billion VND. The number of women borrowers is 513, over total 712 households (averaged one woman member per household), accounting for 72 percent. At average, one person borrows 6-7 million VND, the maximum loan size is 15 million VND and loan term is from 1 to 5 years and the average interest rate is 0.85 percent per month. The loans are mainly used for breeding, agricultural inputs, small business of groceries and etc. (Vice president of Trung Ha Commune Women's Union)

Son Lu commune, Quan Son district, Thanh Hoa Province: more than 80 percent of the population is ethnic minorities of Thai, Dao and Muong.

Debit balance at the end of Quarter I of 2008 is 2.09 billion VND. The number of women borrowing loans is 283 over the total members of 402, accounting for 70.3 percent. Poor households can borrow 15 million VND at maximum and interest rate is 0.65 percent per month while business households (not in list of poor households) are allowed to borrow 30 million VND at maximum with interest rate of 0.9 percent; and students can borrow money on interest rate of 0.5 percent per month. Loan duration is

from 3 to 5 years at average. Most reasons of borrowing loans are to raise buffalos, cows, chicken, ducks and etc. or to trade agricultural inputs (Vice president of Son Lu Commune Women's Union).

Vietnam Women's Union

Debit balances all over the country by May 2008 sums up 14,000 billion VND; 2.2 million women are provided with loans, accounting for 17 percent of total 13 million members (Deputy Chief of Social and Family Department, Vietnam Women's Union).

Despite having to sign in waiting-lists of borrowing loans, women in communes of difficulties can easily access subsidized loan sources of Bank of Social Policies through its authorized organizations such as Women's Unions or others. Here are the advantages of this scheme: simple procedures, no mortgage assets, high possibility of acceptance, low interest rate, especially experience and information sharing, training courses and interest payment support by others through women's saving and credit groups.

As for women who are living outside communes of difficulties, or are not in poor households list, or have demands to borrow large size loan, they will not have such advantages. Non-poor women (including nearly poor) mainly access loan sources of such commercial banks as Bank of Agricultural and Rural Development, Bank of Investment and Development, or Commercial and Industrial Bank, etc.

Under the policies of Bank of Agricultural and Rural Development at local (Khoai Chau district, Hung Yen province), production households can borrow up to 30 million VND, farming households can borrow up to 50 million VND without mortgage. However, borrowers have to submit their business plans with high feasibility which the Bank shall appraise before lending them. In practice, this happened in the period of 2003- 2004. To avoid risks of loan, the Bank does not allow for borrowing loans under these policies after 2004. In other areas, local people in general have to meet the conditions of property mortgage.

The number of female borrowers of Bank of Agricultural and Rural Development through the authorized women's associations all over the country is 620,000 people by April 2008. To borrow authorized loans, women are required to send the Bank their Land right certificates or confirm letters of Communal People's Committee saying that there are no disputes on their land (in case of no land certificates). This, in fact, is considered as a type of land rights mortgage (Interview Representative of Vietnam Women's Union, 2008).

In three study provinces, land property is the most valuable among local people's assets. Few residents own other assets (for example, machines, production equipment, cars, ships, barges, etc.) which may be of higher values than or the same values as land property. Therefore, land property is the best for mortgage to borrow loans for household economy development.

Under the existing regulations of law (Land Law 2003 and its enforcement guidelines), the subjects who are allowed to mortgage their land use rights to borrow loans include: (1) Households and individuals using agricultural land which the State does not impose land tax, other kinds of land allocated by the State with land tax paying, land received

by transfer, inheritance, gifting or leased land from the State before the date of July 1, 2004 with leasing costs paid for the whole lease duration or for many years while paid lease duration is at least 5 years left; (2) Households or individuals, who use land leased by the State but lease cost is paid yearly, can mortgage by their assets attached to the leased-land.

At present, the people have land use rights to 2 main types of land, i.e, agricultural land allocated by the State without paying land taxes and residential land in the form of inheritance, transfer practices or allocated by the state with land tax paying (residential land compensated by the State or land allocated by the State with paying taxes upon land acquisition). These types of land can be used for mortgage to borrow loans, together with satisfying the other conditions under law regulations.

The condition of mortgaging land use rights to borrow loans from banks is that borrowers must own Land Use Rights Certificates. However, not all types of land are accepted by banks. For example, in the areas nearing Hung Yen city, many households with land use rights to annual crop land are refused to borrow loans by banks since the land lies in the construction planning of public works (the planning has lasted many years). In Quan Son district, forest land and annual crop land are not accepted to mortgage due to their low values. Meanwhile, residential land in the center areas of the district or near high ways are surely accepted by banks to mortgage for borrowing loans.

The percentage of those borrowing loan by mortgaging LTCs is different among regions and areas, between rural and urban areas. According to the survey results, in Khanh Hoa, the rate of households mortgaging LTCs to borrow loans is 32 percent of total interviewees, in Tien Giang is 47 percent and there are 74 percent of households in Hung Yen willing of mortgaging LTCs for bank loans. Total loan borrowed through mortgaging land use rights is rather big. For example, in Khoai Chau district, Hung Yen province where 29,000 households are issued with LTCs, Bank of Agricultural and Rural Development of the district has received LTCs mortgaged for bank loans with total debit balance of 240 billion VND (at the time of the surveys, December 2007), accounting for 60 percent of total debit balances of mortgage loans of 402 billion VND.

Among those who have mortgaged land use rights for bank loans, the rate of households owning LTCs with single title is higher than the rate of ones owning LTCs with co-titles, 46.9 percent and 37.5 percent accordingly (Table 2). This can be explained that LTCs with co-titles have been issued recently with much less quantity than that of LTCs with single titles which have been issued earlier.

Table 2. Rate of households using LTCs for bank loans

	Single-title LTCs		Joint LTCs	
	N	Percent	N	Percent
Ever used	45	46.9	45	37.5
Not used yet	51	53.1	75	62.5

Total	96	100	120	100
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As shown in the table 2, a large number of households do not mortgage LTCs to borrow loans from banks. The reasons given by interviewees are as follows: No demands on capital loans; No feasible business plans; Loans of other sources (such as Social Policy Bank, entrusted groups, and Funds for Poverty Eradication); and land use rights are not eligible for loan.

The surveys show that some people borrow money from private or individual sources. However, LTCs are not accepted for mortgage by these private/ individual lenders. The reason is that they face many difficulties in liquidating land to take their money back in case that loan borrowers can not settle their debts. In fact, however, in some of pawnbroker's and in unofficial loaning centers, LTCs are still being used to mortgage for loans. In circumstances like these, loans are often in urgent need to meet borrower's pressing cash requirements for health treatment, school fees, etc. and not excluding some cases where LTCs are mortgaged for loans to gamble.

To get loans by mortgaging LTCs, borrowers are required by banks to follow the procedures and sequences and mortgage registration under law, which is stated in Article 130 of 2003 Land Law as below:

(i) Registration profiles regarding LTCs mortgage consist of contracts of mortgaging land use rights and land certificates. The profiles are sent to land registration agencies; in case mortgagers are households or individuals living in hamlets, they should send the profiles to People's Committee of the communes where land is registered for confirmation (local residents and no land dispute) and then People's Committee will send profiles to land registration agencies.

Contracts of mortgaging land use rights, in general, shall be certified by a notary public's office of the State. Meanwhile, contracts of mortgaging land use rights of a household or an individual shall be either certified by a state notary public's office or by People's Committee of the communes, wards or towns where land is registered;

(ii) Within 5 working days starting the date of signing credit contracts, mortgagers of land use rights shall submit the mortgage registration profiles under Clause (a) of this Article;

(iii) Within 5 working days starting the date of receiving proper profiles, land registration agencies shall process the mortgage registration and record it in land books and land certificates; and then return the certificates to mortgagees/ guarantees.

Accordingly, under the law regulations, there are no differences in the procedures and sequences of mortgaging land use rights through LTCs titling the household head (with single title) and ones titling the husband and wife (with co-titles).

However, the study results show that there are differences in accessing loan sources in reality when mortgaging LTCs with name of household head and ones with names of the husband and wife.

Differences are shown in the following points:

Time taken to process procedures

For loan borrowers, it takes less time to process the procedures of mortgaging LTCs titling the husband and wife than that of LTCs titling the household head.

As for LTCs titling the household head, all the other members of the household (older than 15 years old) shall sign their names in mortgage profiles. It is due to the bank's application of the Article 109, Clause 2 of Civil Law to loaning activities based on mortgaging land use rights: "For production material assets and valued common property of the household, there should be agreements of the household members who are older than 15 years old on determination them; for other common property, it is also essential to get agreements of the majority of household members older than 15 years old".

Meanwhile, there are no clear, specific and measurable criteria of a household (what is a household and who are its members?). In Article 106 of Civil Law, a household is stated: "A household in which its members have common property and all together contribute to economic activities of agriculture, forestry and fishery development or other legal business activities shall be the subject of civil relations in the fields mentioned herein".

To strengthen "the security", the banks, in addition, apply the law regulations regarding household residential registration: "An individual's residential address is the place where he/she inhabits regularly." (Article 52, Civil Law) and "Residential registration is defined that a citizen registers his/ her residential address in mandated registration agencies and then the registration agencies shall process procedures to issue residential certificate" (Article 18, Law on residence, 2006). Therefore, many banks require all people whose names appear in household registration books to sign in the profiles of mortgaging land use rights for bank loans in case of LTCs titling the household head.

In reality, a household member's number and the names of the members registered in Land certificate may not the same as in the household registration book. Household registration books are used to record all changes in the number of household members in details. For example, one member of a household dies, a child is born, a member is married and move out (or move in) causing the plus or minus the total existing members or a member goes abroad for study or work, etc. For other cases, some households have nieces, nephews or relatives from the countryside coming to live with them and registering into their household registration book. For all these cases, the procedures of borrowing loans require to have all these people signed in the borrowing papers. For the households whose members go far away for study or work but their names are still in household registration book, it is rather complicated and takes time to collect all member's signatures.

For banks, they can save time as well. There are also differences in the way of appraising and identifying which members of the household to get them sign in the mortgage profile among banks. Take Bank of Agricultural and Rural Development of Quan Son district, Thanh Hoa as an example, the Bank has local authorities (communal people's committees) clarify those whose names are in household registration books but they are not members of the household and later on spare their signatures (they are not forced to sign in mortgage profiles). That takes not only banks themselves much time but related parties (such as communal people's

committees) also. However, these procedures are no longer necessary for LTCs titling husband and wife.

Therefore, it is more convenient and time-saving to use LTCs titling the husband and wife under the Land Law 2003. The reason is that the number of people who have to sign in loan documents is only two (i.e. husband and wife), not based on household registration books. All papers required to borrow loans are record certifications by local authorities (at communal level) or marriage certificates and personal identifications.

Both wife and husband can do transactions with banks

Not only the household head but either head's wife or husband could carry out bank transactions with LTCs titling the husband and wife, which is more convenient for borrowers, especially women, than with single-titled Land Certificates.

As for LTCs titling the household head, it is required by banks that the household head himself shall come to receive loans and land use rights certificates returned by banks in case of debts settlement. In the case where the title holder in LTCs is far away (absent from home), all the loan procedures cannot be processed unless the title holder grants the authority to another household member and the other members come to an agreement on this. In practice these procedures are rather complicated and not all people, especially in rural areas, are aware of and know how to follow these.

Local people, both male and female, emphasized the advantages of LTCs with co-titles since anyone (either husband or wife) could make bank transactions, which is different from the transactions with single-titled land certificates. "As the husband is the single title holder in land certificates, he himself shall work with banks all the times, both coming to the bank to receive money and return money and come to withdraw LTC from loan profiles as well. Meanwhile, the wife shall not be replaced for her husband to do such things. Therefore, LTCs with co-titles have more advantages, either husband or wife can make the transactions" (Male's focus group discussion, Quang Thanh Commune, Thanh Hoa City).

The males who usually hold titles of LTCs as household heads have spoken out the disadvantages of LTCs with single titles under the regulations of the banks. The case herein is an example: the husband who holds the title of the land certificate mortgaged for bank loans goes away for long time and the wife has to pay for the bank loans; but she has no rights to taking back the land certificate from the bank as her name does not appear in the land certificate. She has raised her inquiries on this and the bank says that land is great property which is highly likely to cause disputes, so LTCs shall surely be returned only to title-holders (Male's focus group discussion, Quang Thanh commune, Thanh Hoa city).

Among those who have ever used co-titling LTCs for bank loans and bank transactions, the majority (91.3 percent) say that is convenient. The figure for those who have used single land titling certificates is 67 percent (Table 3). None of the first group says the use of co-titling land certificates is not convenient while 32.3 percent of the second group do so.

Table 3. Opinions on the use of two types of LTCs

	Use co-titled certificates for loan is convenient		Use single-titled certificates for loan is convenient	
	N	percent	N	percent
Agreed	33	91.7	40	67
Do not	-	-	19	32.3
No ideas	3	8.3	-	-
Total	36	100	59	100

In summary, from legal viewpoints, women (and their husbands) have less difficulty in procedures and formalities of borrowing bank loans through Land Certificates titling the husband and wife. The practice of reducing the number of people signing in loan profiles and allowing either of the two titleholders to carry out transactions could help households with saving their time and energy and enhancing their abilities to access loan sources more quickly, creating favorable conditions to both male and female.

Moreover, with co-titled land certificates, female (or male) can directly borrow loans without the conditions of authority or guaranty, which is different from loaning through Land Certificates titling the household head.

As mention above, in many cases, loan borrowers' names are not registered in Land certificates, so they have to be authorized by the titleholder with the other household members' agreement in a written form of family meeting minutes. Many women, especially those living in rural or at the edge of cities, have no chances to know and to understand these bank's and security transactions regulations thoroughly. Besides, they have no time and transaction experience. Therefore, it is almost impossible for them to process these procedures and formalities so that they can borrow loans from banks using land certificates. In some other cases where they could complete all bank procedures, it is hardly likely that they are accepted to get loans by banks.

Higher possibility of borrowing loans

In case of LTCs titling husband only, wife seems to have no likelihood to borrow loans directly from banks by herself though her husband has signed in loan profiles already. In some other cases that they could complete all bank procedures, it is hardly likely that they are accepted to get loans by banks.

Box 2. No titles mean no loans, titles means to have rights to loans

Inquiries by Ms. TTD, 56 years old, a bakery's' owner, Ba Dinh ward, Thanh Hoa city.
My family has a LTC. It is residential land that we are gifted by his parents with

certificate titling my husband's name. I myself follow registration procedures and pay for issuance of land certificates. But, when I come to receive it in registration office of the precinct, they could not find certificates titling my name. It turned out that the LTCs titles my husband's name alone. Back home, I asked my husband "why do you register your name alone in land titles?" but I then forget about this. Last March, due to extension of the bakery, I had to come to the bank for borrowing some more money. Some people in the bank say that I might not be the wife of the land titleholder since my name does not appear in the certificate. They seem to think that I steal my husband's property certificate to mortgage for loans. I have got annoyed many times when being asked the question "why the land certificate titles the husband's name alone while the residential land is joint property of the husband and wife?" I said to my husband: "You're the land titleholder, you're to come to the bank for borrowing money" but he did not. I have to come back the bank once more. Finally, the Bank of Agricultural and Rural Development did send some officers come to check our business plan and our land parcel, but they said to me that the Bank has been out of money. In my opinion, they may be afraid to lend money because the land certificate is registered with my husband's name alone. Meanwhile, they have come three times and my husband has agreed to sign in loaning profiles already. I still wonder whether the Bank is out of money or they refuse us to borrow loans because of the land certificate.

Land titling means to have rights to loans

The story about Mrs. Nguyen Thi C. is a different example. At the age of 28, she has got 2 children and presently she and her husband run an oil-paint dealer and own a lorry for hire in Hung Yen city. Their residential land is gifted by the husband's parents and lately they are issued with Land certificate titling the husband and wife. At present, they are using it as collateral for bank loans of 200 million VND. She said about differences between certificate titling her husband alone and certificate titling her husband and herself: "...without my name in land certificate, I feel to have no benefits and no rights since my husband alone has rights to deciding to do this or not to do that. Even that he does not allow me to do this or that. It means that my husband alone has rights to the capital. But now, my name appears in land certificate, so I have rights to loans..."

In addition, joint-title LTCs give business or farming households more opportunities to borrow loans by mortgage than single-titled certificates. In case that either of land titleholders (husband or wife) is refused by banks to borrow loans due to such reasons as the old age, weakness or working capacity limit, the other is hardly possible to be accepted to directly borrow loans. However, in case that both the husband and wife hold titles in land certificates, it is highly likely that banks will accept loan contracts when considering the other's working capacity (Male's focus group discussion, Quang Thanh commune, Thanh Hoa city).

Similarly, as for LTCs titling an individual who might die unexpectedly, his/ her spouse is not accepted to mortgage land use rights to borrow loans if inheritance procedures are not processed. As for land certificates titling the husband and wife, under law regulations, a

spouse (husband or wife) can represent to borrow loans with the authority paper. In case of LTCs titling the husband and wife and a spouse might die, the other could mortgage it for bank loans, providing that the inheritor shall sign in loan profiles.

Giving convenience to banks in appraising and supervising loan profiles

The representatives of many banks highly appreciate LTCs titling the husband and wife and believe that these certificates could facilitate the banks in the process of checking, supervising and appraising loan profiles. Here are some points:

First and foremost, it is convenient to closely check land property since the husband and wife as borrower and the principal inheritor hold titles in the mortgaged certificate. Secondly, reliability is increased, risks could be controlled to resolve, limiting avoidance of loan duties since both of land titleholders sign in loan profiles, making land sales by order of the court easier (if any). Thirdly, it is more convenient to settle all potential matters, for example, in case the husband has a serious disease or he goes away for long time, the land-titled wife can act as a legal representative. Meanwhile, as for single titled certificates, it is required that the authorized paper shall be submitted to banks and the banks shall clarify whether the paper is legal or not, which causes more paper procedures and takes much more time. (Bank of Agricultural and Rural Development of Khoai Chau, Bank of Social Policies of Quan Son district and other banks).

Others say that LTCs including single-titled ones and joint ones are the same to banks. The banks just take business plans, type of land use rights and borrower records (reliable or not) in accounts. Nevertheless, they also agree that LTCs titling the husband and wife bring people more advantages when processing the procedures (Bank of Social Policies of Hung Yen town). All the options above show that in practice, acceptance of loan profiles through mortgaging LTCs titling the household head or titling the husband and wife depends on regulations and specific procedures of the bank as well as perceptions of bank officers. However, LTCs titling the husband and wife, obviously, have more opportunities to be accepted by banks than those titling the household head alone.

It is noted that women's difficulties in accessing bank loans are not due to land titling in Land Tenure Certificates alone. Other reasons can be listed here: people have lack of information on loan procedures, or bank procedures are too complicated, or bank officials have not guided them appropriately and explained them in details, or there remain patriarchal perceptions, or all factors mentioned herein.

It is obviously seen that there is a big gap between people's knowledge and law regulations regarding Land titling the household head (single titles). Under law regulations, headed titleholders are just the legal representatives to title land but they are not the only ones owning land use rights. However, most of people including male and female think that titleholders in LTCs are legal land users who own the all rights to make any decisions. Accordingly, the husband (or the titleholder in LTCs) has more rights than the wife (whose name does not appear in LTCs). In fact, single-titled land certificates, in the traditional and gender stereotyped context as well as female's and male's lack of legal information, are seen as

evidences of male-headed households' rights and powers in borrowing loans to economic development, which hinders women's rights to accessing loans.

In summary, borrowing loans through mortgaging land use rights is a high need among non-poverty households as well as farm and business households whose activities often require big size of loans. However, it is not with land certificate alone that they can be accepted to mortgage for loans. This, in fact, depends on type of land that the banks receive as collateral. In practice, areas of communal centers, towns and urban nearing have more likelihood to be accepted to mortgage than rural areas; residential land than agricultural and forestry land because of having higher value. Accordingly, people who live in rural and remote areas (which are not in the list of poor communes) and want to borrow a bigger size of loan (over 50 million VND) cannot access loans through entrusted groups and they also have less opportunities to borrow loans by land right mortgage.

LTCs titling the husband and wife have positive influences on bank loaning in terms of bank procedures and women's rights. Regarding bank procedures, mortgaging joint-titled LTCs for bank loans helps save time and energy, reduce administrative papers and get higher possibilities to be accepted. During the loan duration (from getting and using loans to returning them and taking LTCs back), either the husband or wife can make transactions directly with banks, which brings more advantages to households.

LTCs titling the husband and wife have created favorable conditions for women who are not household heads to directly and actively borrow bank loans through mortgaging land use rights without requirements enclosed.

The banks say that compared to LTCs titling the household head, LTCs titling the wife and husband have more advantages, i.e. saving time to verify authority papers, reducing possible disputes in settlement.

Difficulties are faced by women in borrowing loans through mortgaging household head-titled land certificates, which, in fact, comes from lack of legal clarity in issuing LTCs under the 1993 Land Law and from the way banks accept these certificates. Besides, difficulties come from the existing conceptions of male chauvinism and gender preconception of male and female among families at present.

2.2 Investment opportunities and outcomes

Investment opportunities come when male and female can mortgage their land use rights for bank loans to invest into economic development. About 42.6 percent of respondents say that they have ever used LTCs for investment purposes, including borrowing loans, stakeholder share, etc. In fact, LTCs are mainly mortgaged to borrow loans for business, agricultural production, and husbandry at household level. In addition, they are sometimes used to lease land or as capital contribution to a business. All these cases are considered as using land rights for investment.

To assess investment opportunities among different groups, the following is the rate of households divided in terms of use land rights (according to different occupation groups) and

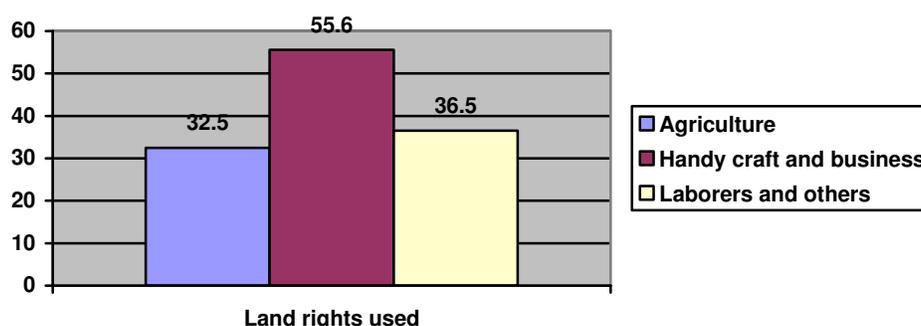
types of land certificates (single titles or joint titles). Then, investment inputs of each group and results of paying interest and returning loans will be taken in account.

High possibility to use LTC2 in non-agricultural sectors

Below we will look at the using rate of land rights for investment by sector, by type of LTCs and then their investment outcomes and rate of loan paying back.

Respondents from different sectors have different rates of using land rights to invest into business. For handicraft and business the rate is 55.6 percent; for agriculture - 32.5 percent and the rate for hired laborers, civil servant and others is 36.5 percent (Figure 1). This shows that impacts of land use rights on people working in non-agriculture sectors are stronger and clearer since they have more opportunities to use land rights to invest in business than those working in agriculture sectors.

Figure 1. Rate of using of LTCs for investment by sectors (percent)



The rate of using LTCs for investment is also different between male and female. In the agriculture sector, 19.2 percent of women and 39.2 percent of men have used land rights for investment. In the handicraft and business, these figures for women are 64 percent and 51.1 percent for men (Table 4).

Table 4. Rate of using of LTCs for investment by sector and gender (percent)

Use of LTCs	Agriculture		Handicraft and business		Employees and others	
	Female	Male	Female	Male	Female	Male
Yes	19.2	39.2	64	51.1	42.8	33.6
No	80.8	60.8	36	48.9	37.2	66.7
Total	100	100	100	100	100	100

Why do women working in agricultural sectors hardly use LTCs? It is due to the fact that agriculture land is hardly accepted to mortgage by banks due to its low value. Similarly, the rate of residential land in rural areas accepted by banks is rather low. However, the question is

why the rate of land rights used by male is higher than by female. Is it due to the fact that LTCs with female titles are less than ones with male titles? This, in fact, is not evidenced by statistics. For example, in agriculture sectors, the rate of joint-title LTCs accounts for 55.1 percent, a bit higher than that of 48.8 percent in business sectors (Table 5).

Table 5. Types of existing LTCs by sector (percent)

	Agriculture	Handicraft and business	Employees and others	Average
Single-titled certificates	34.6	48.8	39	40.8
Joint certificates	55.1	48.8	51.3	51.5
Both types	10.3	3.9	9.8	7.7
N	78	77	41	196
Percent	100	100	100	100

The data above show that using land rights does not depend on land titling alone but on other factors such as type of business, and production and business plans, this is especially truth in business and production sectors. For example, the rate of LTCs used by female in handicraft and business is rather high, accounting for 64 percent (that of male is 51.1 percent) while the rate of joint certificates is 48 percent, lower than in agricultural sectors (55.1 percent).

In rural areas, in the self-sufficient household based production, there are fewer opportunities to use land rights for investment. In this circumstance, LTCs with single titles or joint titles have not yet had impacts on production and business opportunities and outputs. As the respondents say, the most important things to farming households, especially rice production ones, are irrigation and good weather. A male village head talked about using water fields: “...One title or two titles are the same. Rice seedlings will be transplanted providing that there is water. But it is impossible to do if it’s too cold like last winter. Water is important, not one or two titles” (Focus group discussion, communal officials of Son Lu, Quan Son district, Thanh Hoa province).

However, for agricultural products producing households, especially specialized ones or ones combining with service and business activities, they are more likely to use land rights. These households are usually in the Mekong river delta, urban nearing and centers of towns, townships and urban areas in general. Due to high likelihood of using land rights for business investment, titling the husband and wife in LTCs has become more important to these groups.

Extension of investment opportunities

To learn more about what investment opportunities that co-titling LTCs would bring to women, it is better to look at what women lose when having no name on land certificates.

Box 3. Lack of capital and not in position to actively manage business

...I'm trading ceramic bricks and granite tables and chairs and my husband is trading wooden furniture. My family is borrowing bank loans through mortgaging the LTC titling my husband. Without land titles, I have many disadvantages. Firstly, if I want to do what my husband does not want, I cannot do it. If I hold land titles, I will actively do it. For example, if I want to borrow bank loans, I will loan by myself. My husband shares loan with me, no problems at all, but if I hold land joint titles, I will invest more to get higher profits. With more funding, more commodities can be bought during promotion time, thus increasing the profits. [Why can you actively purchase more commodities with titles?] Because we with my husband will have to discuss how much to borrow (how much is for this and how much is for that, etc.). Now, my husband takes the LTCs to the bank for paper work and then brings it home for me to sign in. Signing...yes, but if not, he will think of all sorts of things, stupid. If I hold joint titles, he has to discuss with me first. Now, he tells me to sign, I have to sign. When getting loans from the bank, he will take them all. He gives me some but it's not enough. I have missed my business transactions many times.

(Mrs. Tran Thi M., 46 years old, in Hung Yen city)

Box 4. Unable to repair machines, unable to create more jobs and get individual loans

Not being accepted to borrow bank loans, I cannot do it. If I were accepted to borrow bank loans, I would invest into business. Look, two ice-cream machines are broken down. Now, it costs a great deal of money to repair them. Then, some tables and chairs are bought to set up a booth. This, indeed, requires some money (no one gives credit at all!). At present, there is just enough work for my niece. My in-law sister come to work here but stays free all day. She's getting bored... It's due to the land certificate that brings me prettiness and anger. I'm loan borrower but there is not my name in the land certificate. Interest rate of bank loans is lower but I have to borrow loans from individual lenders with higher interest. Higher but have to accept it...

(Mrs. To Thi D., 56 years old, 4 children, bakery's owner, loan applicant through mortgaging residual land certificate titling her husband but refused by the bank, Ba Dinh precinct, Thanh Hoa city).

Great opportunity that joint-titled LTCs bring to wife is to extend her business scope or diversify commodities in production or business since wife herself can access loan directly with her husband's agreement. Besides, they can get business opportunities timely and create new business as their voices have got more important and they take part in discussing and making decisions to borrow loans together with their husbands more actively. However, to get these opportunities, wife should have full awareness of her own responsibilities in borrowing loans when she holds titles in LTCs.

More active in business

Women and men participated in the group discussion agreed that having title on land certificates women are more active in their business. Why co-titling have that impact? Because “they have been constrained for so long. For example, she wants to do business but she depends on her husband. If her husband is afraid to do, she is impossible to do, too.” (Male from Quang Thanh commune, Thanh Hoa city). Why husband did not allow his wife to use LTC for a business loan? “He’s afraid to lose the house in case of bad business. Even he might think that I will spend loans wastefully. So, he is difficult.” (Ms. To Thi D., Ba Dinh precinct, Thanh Hoa city).

In fact, it is not because husband is afraid of doing business, wife will stop doing business. Wife herself still manages to get her husband’s support, “..it’s very difficult to persuade him to borrow loans for doing business. I have to try my best to persuade him to agree...”. Therefore, holding titles in LTCs helps wives to save time and have less difficulties in persuading their husbands for support and agreement. It is likely that wife titling in LTCs could help reduce patriarchal ideology among husbands in some cases.

Besides, psychologically, when holding titles in LTCs, women feel more comfortable in making decisions to borrow loans for their business and production. On the contrary, due to the fact that there are no their titles in land certificates, they might think how much effort they make, their rights are not recognized by other household members (through land titling in certificates). Therefore, they might not motivate themselves in household economic development. “It’s summer coming, others do their business.., but I go to exercise my self. Why I have to work hard? For what? No one see my efforts. My husband's brother put his wife's name in but not my husband. I do jogging everyday now... no more business” (Nguyen Thi D. Ba Dinh precinct, Thanh Hoa city).

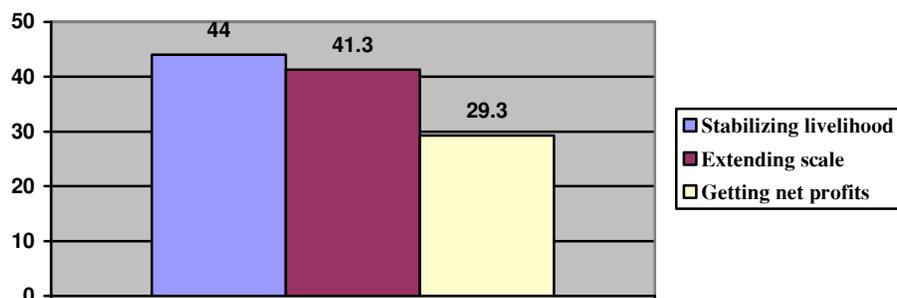
One with co-titling land certificate confirms that: “It is the same in any family. That women hold titles in LTCs will have strong impacts on household economy, especially when borrowing bank loans to invest into business development. Owning new land certificates, we can do any thing we want and do business more actively. Sincerely, without land certificates, it’s difficult to do any business because of lack of capital.” (Mrs. Nguyen Thi G., 48 years old, 3 children, plastic shop’s, owns 2 LTCs which are mortgaged for bank loans, in An Tao precinct, Hung Yen city).

The fact that women get more active in business when holding titles in LTCs is the result of many factors, including macro economy. Convenient business environment, developing service and good market, and increasing consumption, especially in urban areas have promoted services, production and trades. Meanwhile, in Vietnam, women traditionally play an important role in production and business, particularly in small scope. According to a survey in 2002 by General Statistic Bureau, 45 percent of managers of small and medium sized enterprises are female.

Positive investment outcomes

Regarding investment outcomes of the households using land rights for loans, it is rating by respondents in the 3 scaled levels considered from low to high and taking into account the way of outcomes use. The first one is stabilizing livelihood, not up and down in meeting the family members’ basic needs (44 percent). The second is extending the scale of production and business and/or re-invest in the new one (41 percent). The third is getting net profits and raising family income (29.3 percent) (Figure 2).

Figure 2. Investment outcomes by respondents rating scale (percent)



It is also shown in group discussions that LTCs play an important role in household economy development. More than 95 percent of local people participating in discussions in Tan Phuoc district, Tien Giang and over 80 percent in Khoai Chau, Hung Yen have mortgaged LTCs for bank loans for agricultural inputs (seedlings, fertilizers, pesticides). By paying back and borrowing again every crop they say using LTCs for loan would contribute to poverty reduction and household economy development.

Of the females using LTCs for investment 37 percent have made net profits and raise income while the rate of male is 25 percent. This is due to the fact that women mainly invest into handicraft and business which often bring more profits than agricultural sectors.

There are differences between households with single-titled LTCs and those with joint LTCs in business outcomes. The rate of respondents with joint-titled LTCs say they get net profits is higher than that of those with single-titled land certificates, though the number of cases is not big (Table 6).

Table 6. Outcomes of investment by types of LTCs holders (percent)

	Net Profit	Extending scale	Stabilizing livelihood	Total
Having single-title certificates	15.4	48.7	35.9	100

Having joint certificates	33.3	23.1	43.6	100
Having both types	37.5	37.5	25	100

The reasons why there are differences in outcomes between three groups of LTCs holders are due to several factors that cannot be clearly explained by quantitative data. However, the people themselves have their own ways to explain this, i.e. when have title in land certificates, the wife is more confident, so she can discuss with her husband on family business plans, and the results will be better since they have shared their rights and responsibilities together. "Once, before making up my mind, I asked my wife for her opinions, but she wasn't probably confident, she said it was up to me. The result might be good or bad, and I was totally responsible for it. But now, when she holds title on the land certificate, she gets more confident, we together openly discuss everything. I'm sure two minds are better than one to work out a better way to run business. It's no longer my own business." (Male farmers focus discussion group, Quang Thanh commune, Thanh Hoa City).

In fact, as mentioned above, joint-titles LTCs can have positive impacts on business outcomes through women's more activeness and their effective participation in making decisions on loan borrowing and using. Women themselves have got more motivated and responsible in household business and production. Moreover, in some cases, women could run their own business, which helps diversifying business activities and reducing risks for more effective capital turnover. That has positive effects on business outcomes of households in general.

Capital management and debt settlement on due

Good loan management and rational loan allocation are the factors contribute to the success in investment and business. The story below shows that how well women take part in loan management and why they can do that with their titles in land certificates.

My family runs a paint agent. We are borrowing a loan from the bank by mortgaging the land certificate titling the wife and the husband. The loan is managed by my husband, but whatever to do, whatever to buy are discussed together. For example, to buy a lorry, how much money we should invest, and how much we could earn in a month from it. Without the title in the land certificate, I would be less responsible for the loan management. But now we both have signed in all the papers, I must have more responsibilities for that. The interest is high now, so the business is harder... We have to think twice before doing" (Mrs. Nguyen Thi C, age 28, 2 children, Hien Nam precinct, Hung Yen City).

Bank interviews show that most of the households mortgaging their land use rights for bank loans have paid loans on the due date. Some overdue cases are because of such misfortune and circumstances such as flood, epidemic diseases, etc. After being supported by the banks to delay payment or extent loan duration, these subjects have able to settle their debts.

Bank officers and loan borrowers by land use rights mortgage both say that borrowing loans by land use rights mortgage has made much contribution to creating jobs for household members, developing household economy, increasing income and improving life quality. Therefore, the rate of borrowers paying loans on due date is 97.4 percent. It is noticeable that in the study, none of those having joint title certificate have overdue loans (Table 7).

Table 7. Rate of due loans and interest payment by types of LTCs holders (%)

	Due date	Over due	Total
Having single-title certificates	93.9	6.1	100
Having joint certificates	100	0	100
Having both types	100	0	100

Through only few cases in the table above, it cannot appropriately point out a direct correlation between LTCs titling the husband and wife and the high rate of paying loans. However, joint LTCs and women participation in loan management have contributed to due date loan payment.

"... last year we wanted to repair the altar on the third floor. My husband wanted while we are borrowing bank loans and have not made a profit yet. At first, I also wanted to do but then I told my husband that we should do it after we pay bank loans as it would be less difficult to do it than now. And my husband agreed. [How does this relate to your title holding in the land certificates?] If I do not hold titles in land certificates, my husband still discuss with me but it seems impossible to me to convince him. It is because all business papers and loan profiles title my husband alone. He had his own points of view and there is no space for the wife's opinions. Now, my name appears in papers already, so the wife's opinions should be respected. (Ms. Nguyen Thi C., 28 years old, Ba Dinh precinct, Hung Yen city. The couple runs a paint agent and has a lorry for rent. Their LTCs titling her and her husband are mortgaged for bank loans).

Both the wife and husband take part in loan supervision, management and due date payment, which will get better with LTCs titling the husband and wife. "... It's surely better since we have to openly inform each other. For example, we loans 100 million VND, and we should make clear that what each person is using loans for, how business is running, when to pay loans and if it is possible to pay on due date, etc. Shortly, we have supervised each other in loans and we are tied closely in life". (Ms. Pham Thi H., 47 years old, in Hung Yen town, has mortgaged land rights for bank loans).

Not all people say that LTCs with joint titles bring more advantages than those with single titles. A businessman says that in doing business you may easily lose chances if you do not make up your minds in time. Meanwhile, it takes time to discuss with the wife or husband. Therefore, LTCs titling the husband and wife have such disadvantages, single-titled certificates are more convenient. Here are opinions of a spouse about this matter:

The husband: "Sometimes, I decide and do it by myself since if I tell my wife, she will not agree with me. In borrowing loans and selling land, only three of ten things are said to her. Sincerely, my wife has stopped me to do many times. When I see that it my chance, it is better not to let her know and not to discuss" (Tran Son B., 52 years old, husband of a household, mechanic business, carpentry services and real estate, An Tao precinct, Hung Yen city).

The wife: "... I don't know what he thinks about this but in my opinion it is better to title both the wife and the husband in land certificates. He can mortgage land certificate A to borrow 1 billion VND but he should let the wife know what he do with 1 billion VND and should ask for the wife's agreement. It is not the husband's business alone. Because there are always two sides of the business, i.e., win and loose. In cases of winning, it's lucky to the whole family but in cases of loosing, the wife shall make 50 percent contributions to settlement (Ms. Tran Thi T., 52 years old, wife, candy shop owner).

The joint-title LTCs have positive impacts on capital management and capital repayment because of closer capital supervision as both wife and husband know exactly sum of capital, investment lists, and capital and interest payment period. In case of single-title LTCs, that mainly depends on the title holders. In case that title holders are arbitrary, their wife/ husband seems hardly to be informed fully about capital using situation. Conversely, with joint-title LTCs, wife/ husband of title holder have legal responsibilities and rights to request for information on capital using and repayment.

In summary, LTCs titling the husband and wife have strong impacts on women of business groups. The joint titling open up investment opportunities, enhance activeness and responsibilities in bank loans. This contributes to good loan management and due date loan and interest payment. Accordingly, it might have positive impacts on business outcomes in different levels such as stabilizing the life, extending business scale and especially getting profit and increased income.

The study shows that relationship between LTCs titling the husband and wife and investment inputs is not directly correlated each other and impossible to be exactly measured by figures. It depends on other influence factors as investment sectors, business environment, loaning procedures of mortgage, etc. that the study has not been able to control for in order to evaluate impacts of each type of land certificates. However, from viewpoints of involved parties including male and female, it is confirmed, despite various points, that LTCs titling the husband and wife have positive impacts on women in investment and business, through improving their activeness and responsibilities toward loan uses and interest and loan payment.

2.3 Security of land use rights

Legal framework and policies of Vietnam ensure the wife's and husband's equality rights to land uses and joint property on land and disputes resolution related to land use rights (The 2000 Family Law, the 2003 Land Law, and Decrees regarding enforcement instructions). Women's rights, in fact, are not ensured due to some existing traditional customs, which indirectly increases effectiveness of LTCs titling the wife and husband.

Impacts of joint-titled LTCs on assuring women's land use rights security herein have seen in terms of: (1) Disputes in case of divorces, (2) Civil transactions and (3) Inheritance and security of women's land use rights at the old age.

Risks control

It is common that women come to live with husband family after marriage, especially in rural areas of Vietnam. As usual, the family in-law gives the spouses a land parcel or a sum of money (to buy a house, a land parcel) in order to begin their marital lifetime. The wife, in these cases, usually does not title in land certificates. In complicated relationship of borrowing, lending and gifting between parents and children and among siblings, the wife may be badly treated or has risks in case of disputes against the husband and the family in-law.

Box 5. Without titles in Land certificates, I would have been thrown out to the streets

I have been in difficult situation for 2 years. My story is in brief as follows: My parents in-law have 8 children (2 daughters and 6 sons). For each child, my parents in-law could buy a house or half a house or they could give loans. As for my husband and I, they lend us 32 million VND, equal to 8 taels of gold in 1992 to buy younger brother in-law's house. In 1994, due to loss-making business, my brothers in-law told my parents-in-law to force us to sell my house and pay them all 8 over 10. I said to them that I didn't share the house with anyone. I borrowed them gold and I paid them gold. Then, my parents in-law agreed to take gold from me but they asked to take all 8 taels of gold in one day. I didn't know how to manage.... I gave my mother in-law 5 taels first and promised to pay the last ones later. However, she asked me to pay all 8 taels and I had to borrow loans to pay her. Then, my father in-law wrote a will saying that the house is his property which was given to my younger brother in-law and we were living temporarily in his house. Finally, I came to local authorities of the Precinct to ask for interventions.

...My husband is seriously ill and we have got two children, the first is going to university now. I have to manage everything by myself... Talking about the land certificate, it's too cruel to make me miserable. My family in-law has treated us like that... If I hadn't made the LTC titling the husband and wife that year, we may have been thrown out of the house. It's nearly a dead loss. I bought the house in 1992 and made the LTC titling both the husband and wife in 1994. That was my great lesson. At that time, I said to my husband that I should title the land certificate together. In case of your serious illness, you might die, our children and I would have got the house as property. Without titles, we might have expelled from our house. (*Ms. Tran Thi T., 45 years old, 2 children, tailor, owning the land certificate with joint titles since 1994*).

Discussing this matter, men also believe that women might easily have risks in case of disputes. "In rural areas, even in cities, land is property inherited by parents or grandparents and a land parcel will be given to spouses after their marriage. Recently, LTCs title both the husband and wife. Before that, they title the husband alone. In some cases, spouses get divorced after they have lived together unhappily for long. Accordingly, the wife is usually

treated badly and even taken away all rights though during the marriage the husband does not do anything and the wife does well. Even that whatever the wife earns is spent out by the husband, and the last thing left is the land parcel, for example. But, the land parcel is given to the spouses by parents in-law after marriage, which means that the wife at that time is a family member already. Therefore, the wife shall have rights but she does not title the land certificate. In cases of divorce, father in-law took sides with his son, preventing daughter in-law from having rights to land uses... (Farmer's focus group discussion, Quang Thanh commune, Thanh Hoa city).

Due to the fact that the wife move into the husband's family after marriage and the price of residential land is dramatically increasing in many areas particularly in urban nearing, other properties (contributed by the wife) are not as highly valued as land property (owned by husband's family). Meanwhile, in case of divorce, joint properties (of the husband and wife) are usually divided based on the proportion of each one's contribution. In fact, agricultural working outcomes in 20 years might be very little, compared to a land parcel of 200 square meters in urban nearing now in the context of booming real estate, for example.

It is traditional custom of some ethnic minorities that when spouses are divorced, they are not judged by the court but their own relatives, which brings the wife disadvantages. "...It's reconciled by our in-laws and the villagers. In case we cannot live together any more, the children and property will be decided to divide by the husband's family..." Let alone some cases in which spouses have not got "marriage registration and the wife have no titles in land certificates, it is surely impossible to judge by courts since the spouses are not recognized under law, women have obviously disadvantages" (Focus group discussion of communal officials, Son Lu, Quan Son district, Thanh Hoa).

Most of women interviewed, in general, say that LTCs titling the husband and wife are much better, especially in case of disputes. "Since... the fingers in one hand are not the same, similarly, the husband and wife cannot avoid disputes in daily life. Therefore, it is better to anticipate for any cases. When the spouses are happy, there are no problems at all but when disputes occur, there will be a lot of unexpectedly complicate problems. Joint-titled certificates could bring advantages in terms of economy (joint properties) and mental spirit (comfortable status and confidence)" (Focus group discussion of women of Ba Dinh district, Thanh Hoa city).

In short, due to the fact that prices are changing day by day, speed of land transferring and purchasing is dramatically increasing and the custom that women come to live with husband family after marriage, joint-title LTCs is an effective measure to control and reduce risks in case of disputes between wife and husband or between wife/ husband and wife-in law/ husband-in law. Single-title LTC does not mean that wife/ husband of title holder has no rights to land tenure as common property. However, it is highly possible to dispossess of LT though it is considered as law breaking behaviours. Joint-title LTC, therefore, helps control and reduce risks to wife or husband of title holder, usually women who lack information and abilities to protect themselves against dispossessing their legal interests relating to LT and other in-land property.

Save time and cost to resolve disputes

All the disputes regarding land use rights and marriage and family matters are brought to the court for trials when they cannot be solved by mediation and the parties whose rights are violated submit their petitions. The viewpoints given by court officials, particularly by judges who handle these cases in law courts will show how courts will apply LTCs titling the husband and wife and those titling the household head alone in settling disputes.

All the judges interviewed believe that joint LTCs have more advantages in practice of verifying, appraising and judging. For example, LTCs titling the household head are to relate to all household members. Therefore, in case of disputes, the court shall identify all properties (including land use rights) before and during marriage; and legal inheritance rights of each household member. As for LTCs titling the husband and wife, courts have no need to re-identify the matters mentioned above since in these certificates, legal land users are clearly determined.

How much time will it take to clarify cases of disputes regarding land use rights with LTCs titling the household head, in comparison to cases with LTCs titling the husband and wife? It is impossible to give out an exact number since time to clarify is up to every case. Such factors as cooperation of disputants, support of local authorities and state land administration agencies, or distance from courts to areas with land disputes, etc. all have influence on time needed to carry out clarification.

However, supposing that influence levels of all the factors mentioned above are the same, it takes from 1.5 times to twice more time to clarify dispute cases with LTCs titling the household head than cases with certificates titling the husband and wife. For example, under law regulations, time duration from handling a case in a law court to judging it will be 2 to 4 months. In case the wife (or husband) has no names found in the certificate it will takes 4 to 6 months to investigate and collecting evidences. It means to take at least one and half more time for a case (Vice tribunal president of People's Court of Thanh Hoa, specializing in civil cases). More time means more expenses and more human resources for investigation agencies and courts. Moreover, disputants also have to spend more time (stop their work) supporting clarification of courts.

Most of the judges say that only two people (wife and husband) are called for in case of land use rights disputes related to LTCs titling the husband and wife while all the household members (over 15 years old) are called in case of the disputes related to certificates titling the household head. Thus, LTCs titling the household head cause unnecessary costs for household members themselves. In other words, the cost to clarify and judge cases related to LTCs titling the husband and wife is lower than those rated to certificates titling the household head.

In settlement of land use right disputes, LTCs titling the husband and wife have contributed to reducing the number of unjust sentences due to sufficient and transparent evidences. With a regard to primary evidences and supplementary evidences and evidence identification of courts, LTCs titling the household head cannot ensure absolute objectiveness like joint land use right certificates (Vice Tribunal President of People's Court of Thanh Hoa).

In addition, under the regulations of Law on Civil Claims, the disputants have duties to make their own land right clarification. Accordingly, in case of LTCs with one title, the ones without titles find it difficult to demonstrate their joint land use rights. This becomes, particularly, much more difficult for women since they, in general, have lower income, less experience in communication and fewer social relations than their husbands to get supported for their legal joint land use right demonstration.

As for cases of family marriage, land disposition (spouses' joint property) is based on the followings: land sources; land reformation; spouses' income; children's status; income to ensure spouse's life after divorce, etc., not based on LTCs titling the husband and wife or certificates titling the household head. From legal points of view, women's and children's rights shall not depend on LTCs with one or two titles, providing that land use rights are evidenced to be joint property.

However, in practice and by customs, the wife and children living with her in case of divorce are not given with rights to the land parcel which is inherited by husband's parents with his title only in land certificate though it is the land parcel that both spouses are inhabiting in. The wife has rights to property disposition except land use disposition. Therefore, it is likely that the wife and children living with her in case of divorce will be disadvantaged.

Impacts of joint LTCs on assuring women's land use rights upon dispute resolution have variations between rural and urban areas. In urban areas, assets are mainly joint property (co-ownership of husband and wife) acquired by the spouses. Meanwhile, the rate of urban women who work independently and have stable income is higher than that of rural women. Thus, few urban women's disputes are related to the families in-law while most of them are between wife and husband.

In summary, impacts of joint-title LTCs on ensuring women's land use rights upon dispute resolution have variations between rural and urban areas. In urban areas, assets are mainly joint property (co-ownership of husband and wife) acquired by the spouses. Meanwhile, the rate of urban women who work independently and have stable income is higher than that of rural women. Thus, few urban women's disputes are related to families in-law while most of them are between wife and husband.

In rural areas, as mentioned above, there exist women's economic relations with their families in-law, particularly in inheritance of parents' land and construction of residential houses on the land parcel. In the event of disputes, daughters in-laws are usually vulnerable because of traditional custom (perceptions of the in-laws) and legal evidences (land documents are titled with husband only though land is said to give both wife and husband). Therefore, joint-title LTCs, especially for residential land, will be highly likely to ensure land use rights of the riskier group, i.e. rural women group.

Besides, in urban areas and nearing, land value is normally higher and the transfer is more frequent, which causes much more disputes. Male and female in these areas, therefore, often have better knowledge of legal regulations and clear understandings of land disputes and problems arising from husband's and wife's rights to land uses and residential houses. As a result, urban women take more concerns about titling in LTCs and are better aware of

protecting their rights than women living in rural and remote areas. Accordingly, impacts of joint-titled certificates are now seen more clearly among female groups in urban areas and nearing and center towns and districts.

However, in the context of high economy growth and the estate market dramatically extending in Vietnam, it is sure that potential disputes related to husband's and wife's rights to land uses will be arising at the higher speed in the coming time, even in rural areas. In such circumstances, joint- titled LTCs will better protect rural women's rights to land uses, including women of ethnic minorities in remote areas.

Process of civil transactions and administrative procedures is simpler

Sequences and procedures of land use transfer, inheritance and gifting are specifically stated in Article 127, Article 129 of the 2003 Land Law. There are both similarities and differences in joint land use certificates and certificates titling the household head regarding procedures and sequences of such civil transactions as transferring, purchasing and gifting land use rights and assets-related land.

They are similar in terms of the number of papers and documents but different in the number of people signing in such documents and papers as gifting commitment papers, land purchase contracts or inheritance disposition minutes, etc. As for LTCs titling the husband and wife, the spouses alone are required to sign in all papers/documents or profiles while as for certificates titling the household head, all the household members (over 15 years old) in household records are to sign in. These procedures are the same as those of mortgaging land rights for bank loans.

LTCs titling the household head will cause some unnecessary administrative procedures. For example, if the titleholder suddenly dies and other household members want to exercise land rights such as borrowing loans or determining in civil transactions, they have to make land titling transfer first and then they can exercise such rights (Male farmers focus group discussion, Quang Thanh Commune, Thanh Hoa city).

Most of people and officials through group discussions and in-depth interviews say that the procedures of land rights transferring and gifting with joint-title land use certificates are more convenient than those with LTCs titling the household head.

However, people's opinion are various through surveys: 53.3 percent of interviewees say that joint-title certificates are more convenient in transactions, 25.3 percent say certificates with one title are more convenient and 18.7 percent say that both types of certificates are convenient.

Active participation in making decision on LT

In fact, some traditional practices also cause differences in transactions and protection of women's land use rights between the two types of land certificates. For example, in many rural areas and ethnic areas, the male usually makes all transactions related to great assets. In Quan Son, a mountainous district of Thanh Hoa Province with the population of over 35,000 people (in 2006), in the recent years, about 40 people per year, at average, come to DONRE

for land use rights transactions. Among them, only 3-4 people are female (Vice Director of DONRE). It means that the male, with or without reasons, are likely to have his title of joint property or to make transactions without asking for their wives' opinions since they are normally supposed to be household heads and land titleholders. *Joint-title LTCs will not only reduce risks of that but also create favourable conditions and encourage women to actively make decisions on LT and protect their own LT.*

In addition, in the way of thinking of property, most of Vietnamese people bare in mind that "husband possesses property and wife possesses credit". Women and men seem to depreciate property clarification between spouses. They think, affection is the most important and property is nothing without affection. It is good if spouses are happy. But, in case of disputes, this may cause a lot of serious problems due to lack of legal evidences to identify joint and individual property. It is the thought mentioned above that makes people uncomfortable to make clear who have what and with what documents when their family are living happily. In Vietnam, it is rarely talked about marriage contracts which are criticized by many as in favor of materialism. In this case, joint-title LTCs contribute much to identify LT of each party and make clear LT determination, especially between wife and husband.

It should be noted that people's inappropriate understanding of titling the household head in LTCs has contributed to the limit of decision-making powers of non-title holder when participating in civil transactions. Under law regulations, the titleholder is representative of husband and wife. Meanwhile, many people think the titleholder (mainly husbands) in LTCs shall have all land use rights. Therefore, husbands are supposed to have rights to make decisions since they are titleholders. In other words, LTCs titling the household head increase husbands' powers, by chance, and reduce wives' participation in making decisions on civil transactions, "...some husbands are patriarchal, certificate titling makes them more patriarchal" (Female focus group discussion, Ba Dinh precinct, Thanh Hoa city).

The survey results show that in civil transactions (land use right transferring, gifting and inheritance), 94 percent of spouses with joint-title LTCs make decisions together while just 70.2 percent of spouses with single-titled certificates do so.

Due to people's misunderstandings of representativeness of LTCs with one title, non-title holders' rights have been violated in many cases. People in Hung Yen town, Hung Yen province and in Dien Khanh town, Khanh Hoa province say that husbands titling land certificates have mortgaged land use rights for individual loans or transferred land rights in the form of underground transaction (procedures are not processed through mandated agencies) while wives do not know anything. Under law, these transactions do not come into effects, so there are no risks of losing land use rights.

In fact, women' LT has still been illegally taken away since sanctions are not strong enough and legal knowledge are limited. Women cannot protect their own legal rights, which mainly causes family conflicts and land right disputes in the event of LTCs titling the household head used by husbands for underground transactions.

Assuring land use rights at the old age and in the event of inheritance

Through discussions with women, many of them say that titling in LTCs brings them long-term advantages, especially at the old age since land use rights are sources to ensure their life. “We can get many benefits from land. First, we can have our land parcels inebriated by children when we are at the old age. No one can occupy the land parcel titling ourselves. Or, we can have it hired to earn money when we cannot work any more (Ms. Nguyen Thi G., 48 years old, 3 children, plastic business, owning joint land certificates, mortgage for bank loans).

It is very important for people in Vietnam to ensure their life at the old age since the rate of the elderly supported by the state allowances and retirement pensions is rather low, just accounting for 25.9 percent (The Vietnam Family Survey 2007). Noticeably, there is a difference between men and women in terms of living-based sources. For example, 19 percent of the female elderly live on pension or allowances while the rate of the male elderly is 33 percent. Compared to the male, the number of female supported by children at the old age is rather higher, i.e. 51.8 percent, while that of the male is 26.5 percent (Vietnamese Family Survey 2007).

That is why co-title LTCs help women ensure life at the old age, even in case of being supported by children. That making women titling in LTCs independent from children, particularly in the event that children do no longer respect parents. “...Without titles in land certificates, a bad child may say to you that the land parcel is my father’s, not yours. Even he says that you have no business to attend the family meeting of land disposition” (Ms. Trinh Thi T., 49 years old, An Tao precinct, Hung Yen city). “...Some children may misunderstand that mother must have done something so badly that joint property such as land use rights are not titled with her. Thus, in some cases, mother can not tell children to do anything. Let alone in the event of father’s death, children might be against mother and mother is easily thrown out of the house.” (To Thi D., 56 years old, Ba Dinh precinct, Thanh Hoa city).

Most women think that with titling land certificates, they have stronger voices on land disposition. “...Women with titling LTCs often have more rights than those without that. Despite no titles in land certificates, they have rights to land disposition and inheritance. However, their voices are not as strong as those holding titles in certificates.” (Nguyen Thi G., 48 years old, Hung Yen city)

From different points of view, the male also believe that joint LTCs appear better to children. “As for the land certificate titling the husband alone, he might make a will to transfer land use rights to a “neighbor's” child while we have got 3-4 children, for example. However, such a will is not valid for joint-title LTCs since the wife titles in the land certificate, too.” (Male focus group discussion, Quang Thanh commune, Thanh Hoa city)

Joint-title LTCs would help avoid potential disputes related to grandparents’ and relatives land use rights. “Children inherit the land use rights with LTCs titling the husband and wife much easily and simply since it is understood to be parents’ joint property. But, if the land certificate titles the husband, it is said to be inherited from grandfather to father. This would

somehow also relate to uncles who are husband's brothers and may be a source of disputes” (Female focus group discussion, Ba Dinh precinct, Thanh Hoa city)

In terms of procedures, 75 percent of male interviewees say that joint-title LTCs are convenient to transfer and inherit land use rights and 50 percent of them confirm that they would like their wives to hold titles in land certificates. Nevertheless, around 15 percent of them do not agree with issuing joint-title LTCs and they would like to remain LTCs titling the household head alone. Their reasons are that land is inherited from parents and grandparents, so sons alone have rights to land uses. They are afraid that wives have rights to land and land-based property disposition in case of divorce...

Meanwhile, 100 percent of the female interviewees agree with issuing joint-title LTCs under the 2003 Land Law since they have rights to transferring and inheriting land use rights. Moreover, women titling LTCs can be able to participate in production and business actively and independently.

Both representatives of the female and the male confirm that joint-title LTCs titling the husband and the wife, have more positive impacts on ensuring legal rights and benefits for those without titles in LTCs (the ones titling the household head alone), particularly protecting them from “underground” transactions which are made against their will.

In conclusion, in the event of disputes, LTCs titling the husband and wife will easily demonstrate legal land use rights of the spouses but LTCs titling the household head will not. This would ensure women's and children's rights and benefits better. Land disputes resolutions handled by courts will be less time consuming and costly. All related persons are benefited since the timing of finishing such cases is shorter. Moreover, joint-title LTCs contribute to reducing the rate of unfair judgment due to the fact that evidences related to joint-title LTCs are more objective, transparent and logical than those of individual-titled certificates.

In terms of administrative procedures, civil transactions regarding land use rights are simpler with joint-title land certificates. For example, the number of people signing in papers, documents and profiles is reduced, making it less time consuming, in comparison to LTCs titling the household head. Also, procedures of title transfer are less for joint-title LTCs than for individual-titled certificates in case of a spouse's death.

Joint-title LTCs help ensure women's life at the old age and protect children's land use rights inheritance from potential disputes among relatives.

Generally, there is no difference in ensuring LT between women in rural areas and women in urban areas. In some cases, joint-title LTC has stronger influence on women in rural areas, especially those who are from ethnic minorities. It is because compared to urban women, women in rural areas have been influenced more strongly by traditional customs and patriarchal conceptions that they often have lower positions in family.

2.4 Impacts on women's' position in family and community

Most of interviewees (civil servants, bank representatives and local people groups) believe that joint LTCs titling the husband and wife can promote better equality between wife and husband than LTCs titling the household head. This is mentioned in the following points:

Women's position improvement

According to the survey results, 88.25 percent of interviewees agree that joint-title LTCs help raise women's position. The percentage among the men is higher (89.2 percent) than that of among the women (86.6 percent).

There are nearly no big differences among occupation groups. However, there are differences in terms of ages. The rate of people at the age of 22 to 60 who agree that women's position would be changed due to joint-title LTCs is rather high (ranging from 90.2 percent to 92.1 percent) while the rate of people over 60 years old is lower (76.7 percent).

The difference is may be due to the fact that the old have still bared patriarchal perceptions in their mind. The younger now are more aware of gender equity. In addition, there are rarely big changes in spousal relationship of the old (over 60 years old), except in case of a spouse's death. Therefore, land titling makes no senses to them.

There are surprisingly no differences in assessing women's position changes between households owning joint-title LTCs and those with LTCs titling the household head alone. Both groups almost agree that women's position would be changed, the rate is 87.2 percent and 89.1 percent respectively.

Women's position in community, in terms of participation in community management, has changed more slowly than in the family. One of the reasons is that women borrowers are in short of time resources and there is not yet appropriate sharing of housework between husband and wife (Report on Evaluation of WU credit scheme "I love you Fund", 2002).

Qualitative data in the study show that business women appear to be proud of themselves and more confident to take part in discussions regarding common concerned issues with husband's relatives when they hold titles in joint-title LTCs (Woman, paint agent, Hien Nam precinct, Hung Yen city). However, rural women hardly take concerns about that unless they mortgage land use rights for bank loans (Male group, Quang Thanh commune, Thanh Hoa city).

Men's authoritarian position reduction

Why could joint-title LTCs (titling the husband and wife) help women to improve their position in family? The respondents give two main reasons. The first reason is that joint-title LTCs ensure equity, preventing husbands from exercising exclusive rights (64.6 percent of the interviewees give this reason). Secondly, it is explained by 27.1 percent of the interviewees that joint-title LTCs could ensure women's rights and responsibilities over land.

How could joint-title LTCs help prevent the male from exercising their exclusive rights? It is because it would help changing husband patriarchal conceptions based on single-titled land

certificates. “Some husbands are still rather patriarchal and they will be getting more patriarchal if LTCs title them alone. They keep in their mind that they have rights to land uses, they own the land and so they can do whatever they want or they can ban whatever they don’t want. They must have more power than wives in family. LTCs are theirs alone and the residential houses are also theirs alone, wives just live together with them. Such things are unwritten rules in fact. For example, if they do not want to mortgage LTCs for bank loans, wives cannot do it. That’s fact, that’s society (Female focus group discussion, Ba Dinh precinct, Thanh Hoa city).

Participation in making decisions

Statistics show that wife and husband, in general, both make decisions on how to use LTCs for borrowing loans. However, it is noticeable that the rate of couples with joint-title LTCs making decisions together is higher than that of those with single-title LTCs. The rate of couples with joint-title LTCs is 89.8% while it is 64.2% for couples with single-title (Table 8) It shows that decisions to use LTCs for bank loans generally made by both husband and wife. However, joint-title LTC creates more favorable conditions for couples to discuss to make decisions together.

Table 8. Decision-makers of LT mortgaging for bank loans by types of LTCs (%)

	Single-title LTCs	Joint-title LTCs	Both types of LTCs	Common property
Wife	18.5	3.4	11.8	12.1
Husband	17.3	6.8	0	11.5
Wife and Husband	64.2	89.8	88.2	76.4

It is shown that joint-title LTC contributes to improve husband’s and wife’s awareness of rights to their family property. As mentioned, land is a great property and an official paper inscribing names of wife and husband is considered as the evidence that the State recognises and ensures rights and duties of all. Attitudes and awareness may have positive influences on changing behaviours, promoting participation of both wife and husband in making decisions on LTCs.

Satisfaction with single-title LTCs and joint-title LTCs

Is it possible that husbands, in general, are satisfied with joint-title land certificates? 76.4 percent of the interviewees say yes but there are variations among areas. It is remarkable that the rate of the husbands satisfied with joint-title LTCs in Khanh Hoa is the lowest (59.6 percent) and the highest in Hung Yen (93.4 percent) (Table 9). Also, the rate of wives satisfied with joint-title LTCs is similar. One of many reasons is that women’s participation rate in farming and business is higher in the North. Accordingly, women there could bring more benefits from using joint-title LTCs than those in the Central. Moreover, the

interviewees in Khanh Hoa have shown their hesitance for this question since the rate of the interviewees having no ideas is high.

Table 9. Husband’s and wife’s satisfaction with joint-title LTCs by areas (%)

	Hung Yen		Khanh Hoa		Tien Giang	
	Wife	Husband	Wife	Husband	Wife	Husband
Yes	97.4	93.4	68.3	59.6	74.1	81
No	2.6	6.6	1	5.1	15.3	15.2
No ideas	0	0	30.7	45.4	10.6	3.8
	100	100	100	100	100	100

The rate of female and male saying yes on husband’s satisfaction with joint-title LTCs are not much different, 71.9 percent and 77.4 percent respectively. Similarly, the rate of male and female regarding wife’s satisfaction are 77.4 percent and 79.5 percent respectively. Meanwhile, the rate of interviewees saying yes about husband’s satisfaction with single-titled certificates is 40.4 percent of the male and 41.5 percent of the female. The high rate of 46.7 percent of the female saying yes about wife’s satisfaction with single-titled certificates show that women’s benefits from joint-titles and single-titled LTCs are not yet clearly and appropriately aware by the female (Table 10).

Table 10. Wife’s and husband’s satisfaction with joint-title and single-title LTCs (%)

	Female	Male
Husband’s satisfaction with joint-title LTCs	71.9	77.4
Wife’s satisfaction with joint-title LTCs	77.4	79.5
Husband’s satisfaction with single-title LTCs	40.4	41.6
Wife’s satisfaction with single-title LTCs	46.7	38.9

The higher rate of satisfaction with joint-title LTCs is due to the following reasons give by respondents:

- Land is joint and great property owned by both husband and wife, so it is obvious that LTCs should be title both husband and wife. Credit should be recognised in writing.
- Husband’s and wife’s rights and equity are ensured by joint-title LTCs in the event of disputes and prevention of the male’s exclusive rights.
- Women’s rights are recognized and ensured in LTCs.

- Everything should be discussed and made decision by both wife and husband.
- Women become more comfortable since joint-title LTCs help cross out women’s perception of “with-staying” and prevent husband from exercising exclusive rights to treat wife cruelly, including, getting wife out of the house. In such cases, women are surely protected by law if land use rights are joint property. However, with title in land certificates, women will become more confident to take action in such cases.

Satisfaction with single-titled LTCs is due to the following reasons:

- Wife gives land use rights to husband
- Either husband or wife titling LTCs is the same. Thus, it is not important that wife should title land certificates.
- Women’s position in family depends on a variety of factors, not titles of LTCs alone.

In practice, husband and wife both discuss to make decision on mortgaging LTCs for bank loans. It is noticeable that the rate of joint-discussion of the spouses owning joint-title LTCs is higher, accounting for 89.9 percent while the rate of the spouses with single-title certificates is 64.2 percent (Table 11). It shows that loaning is, in general, discussed to decide by both husband and wife. However, joint-title LTCs appear to facilitate joint decision-making to borrow loans better.

Table 11. Making decision on mortgaging LTCs for bank loans, by whom and by types of certificates (percent)

	Single-titled certificates	Joint certificates	Both types	Total
Wife	18.5	3.4	11.8	12.1
Husband	17.3	6.8	0	11.5
Wife and husband	64.2	89.8	88.2	76.4

In summary, most of the interviewees say that joint-title LTCs bring more gender equity than LTCs titling the household head, which is shown by women’s increased position and joint-decisions made by both of the spouses in using land rights.

The rate of husband’s and wife’s satisfaction with joint-title LTCs is higher. However, a remarkable number of wife and husband still satisfy with LTCs titling the household head.

Statistics do not show big differences in women’s position changes between urban and rural areas. However, there is difference in satisfaction with single-title LTCs and joint-title LTCs among areas, for instance, rate of satisfaction with joint-title LTC is highest in the North and lowest in the Central. It maybe explained by the fact that impacts of joint-title LTCs in the Central may not have been expressed clearly as in the North and the South.

Positive impacts of joint-title LTCs and people's satisfaction with joint-title LTCs, finally, are shown through the fact that whether people are ready to convert single-title LTCs into joint-title LTCs or not when they have to pay for it. The answers to the question "Convert or not if people have to pay for it?" are different between people in rural and urban areas. People in urban areas, particularly business women show their willingness to convert LTCs. "Trully said that fees are not very much while it is great property and legal rights to our children, grandchildren. Joint-title LTCs brings many economic benefits and spirit values. Economically, it's property and spiritually, it's comfortableness." (Female focus group discussion, Ba Dinh precinct, Thanh Hoa city)

People in rural areas, particularly men doing farming have different opinions. "Not converting when having to pay for it. Single-title LTCs and joint-title LTCs are the same. For long time, though I hold titles of farming land, my wife and I discuss to make decisions on doing well. Sometimes, my wife is more active than I, not because of joint-title LTCs. I will not convert LTCs if I have to pay for it. But, if not, I will convert it. In fact, our economic situation is very difficult." (Male farmers focus group discussion, Trung Ha commune, Quan Son, Thanh Hoa).

In summary, impacts of joint-title LTCs on women groups are different to a certain extent.

LTCs mortgage for bank loans have more significance towards business households and well-being households. Therefore, they have demands for great loans, very different from poor households who have no favourable conditions to borrow loans through LTC mortgage. Besides, LTCs of residential land in urban areas, in general, are more likely to be accepted for loan mortgage than LTCs of farming land. Therefore, joint-title LTCs have stronger impacts towards business households in urban areas than poor households in rural areas. Also, joint-title LTCs seems to have no strong impacts towards people of ethnic minorities in mountainous areas like people of Kinh in flat areas.

In terms of production scope and business sectors, households doing agricultural business and services have great possibility to use LT. Normally, such households are in Cuu Long river delta, urban nearings, town centers, towns and new urban zones. Due to the fact that it is highly likely that LT is used for doing business, titling in LTCs has got more important to these groups.

Impacts of joint-title LTCs are shown so strongly towards business women groups, i.e., giving investment opportunities, activeness and responsibilities in borrowing loans, closer capital management, appropriate capital using and on-due capital and interest repayment. Joint-title LTCs also have positive impacts towards farming households which produce goods and commodities through actively borrowing loans to purchase agricultural materials in order to develop the household economy or extend the scope of the household economy.

In fact, impacts of joint-title LTCs on ensuring LT for women upon disputes are different between those in urban areas and rural areas. In urban areas, disputes are usually from wife and husband while in rural areas disputes relate to economic relations with husband family. In these cases, daughters-in law often have disadvantages upon disputes because of the tradition that women come to live with husband family after marriage and lack of legal evidence of LT.

Therefore, joint-title LTCs, especially of residential land will help ensure LT better for higher-risk groups (i.e., women in rural areas).

In urban areas and urban nearings, men and women have enough legal knowledge and information and they learn much about land disputes and problems raising from wife's and husband's interests related to land and houses. Therefore, they take greater care about titling in LTCs and have better awareness of protecting their own interests than women in rural and remote areas. Accordingly, joint-title LTCs have stronger impacts towards women in urban areas, urban nearings and towns.

Generally, LT insurance through LTCs is not much different between women in rural areas and in urban areas. In some cases, joint-title LTCs have greater influences on women in rural areas, especially those of ethnic minorities. The reason is that up to now they have been long affected by traditional customs, patriarchal conceptions and lower position in the family

2.5 The issuance and conversion of LTCs

2.5.1 Progress of issuing LTCs

It is stated through interviews, discussions and surveys that all of the single-titled LTCs should be changed to joint-title land certificates. The rational is that, women's rights are ensured, women's position is improved and potential disputes will be limited. Joint property is recognized by law, so rights and duties to joint property should be the same. Through land certificates, the legal nature of land use right of both husband and wife is recognized by the State.

However, the process of converting single-titled land certificates (titles of household heads) into joint-titled land certificates (titles of spouses both) should be given with appropriate steps.

First and foremost, it is noted that LTCs titling the household head under the 1993 Land Law are not legally clarified and specified, causing a lot of difficulties to state administrative agencies and such involved parties as People's Court, the Banks, and those who have no titles in land certificates. LTCs are legal evidences to identify legal land users. However, the practice of issuing LTCs has up to now remained a lot of shortcomings and process is rather slow. According to the statistics of the Government, the area of land issued with land use right certificates is rather small.

The results of issuing LTCs all over the country by September 30, 2007 are as follows:

- Agricultural land: issued 13,686,351 LTCs with the total area of 7,485,643 hectare, accounting for 82.1 percent of the land area needed to issue land certificates.
- Forestry land: issued 1,111,302 LTCs with the total area of 8,116,154 hectare, accounting for 62.1 percent of the land area needed to issue land certificates.
- Aquaculture land: issued 642,545 LTCs with the total area of 478,225 hectare, accounting for 68.3 percent of the land area needed to issue land certificates.

- Residential land in urban areas: issued 2,837,616 LTCs with the total area of 64,357 hectare, accounting for 62.2 percent of the land area needed to issue land certificates.
- Residential land in rural areas: issued 11,705,664 LTCs with the total area of 383,165 hectare, accounting for 76.5 percent of the land area needed to issue land certificates.
- Specialized residential land: issued 71,897 LTCs with the total area of 208,828 hectare, accounting for 37.4 percent of the land area needed to issue land certificates.
- Land areas of religious locations: issued 10,207 LTCs with the total area of 6,921 hectare, accounting for 35.7 percent of the land area needed to issue land certificates.

(Source: The Government Report No 93/BC-CP regarding the practice of issuing LTCs of October 19, 2007).

There are many causes of slow process of issuing less LTCs than people's demands. Here are some main causes:

First, legal regulations in Land Law regarding the issuance of LTCs are not suitable and appropriate with the practice of using land in the context of Vietnam.

Under the 1993 Land Law and legal normative acts regarding land management, to be issued with LTCs, land users shall have all papers and evidences to demonstrate their legality of land using. However, for a long time (since 1954 in the North and since 1975 in the South to early 1990s), the State of Vietnam has had no consistent and standard regulations regarding land management. Local authorities (provincial level and district level) have their own ways of land management. Besides, people are not highly aware of preserving land papers. In many cases, they lost their all land papers in wars or in natural disaster. Therefore, for almost kinds of land, land users have no land papers. Many people have used land legally for many years without any land papers that are required under law. This is reason why they have no conditions enough to be issued with LTCs under regulations of Land Law.

In addition, the practice of issuing LTCs under the 1993 Land Law has not ensured legal transparency. Under the 1993 Land Law, any land parcels which are joint, individual or common property of spouses and households shall title the household heads alone. Meanwhile, in some areas in Khanh Hoa, Phu Yen, and Lao Cai, certificates title both husband and wife even in the case of a spouse's death - Khanh Hoa for an example. Also, all kinds of land including residential land, agricultural land, and etc. of a household are issued with one single land certificate in some provinces such as Khanh Hoa, Phu Yen, Lao Cai, Dien Bien, Lai Chau, etc.

Second, equipment of land administration agencies to measure the area of land plots for land profiles does not work well and correctly, which causes differences among land profiles and takes time to process procedures of issuing LTCs for people, particularly those in rural and mountainous areas.

According to the 1993 Land Law, local land administration agencies carried out to measure the area and identify borders of every land spot. However, measuring tools at that time are

mainly ropes, sticks, landmarks, etc., so data of the area are not exact. People have based on these figures for land using. Later, when land administration agencies apply measuring machines to identify land area for issuing LTCs, there are great differences in the area of the same land spot. In Hung Yen, it is regulated by local authorities that households whose land area exceeds 20 square meters shall not be issued with LTCs. These households will have to wait for opinions of provincial authorities to set up land profiles again and have to pay a sum of fees for using land. That makes LTC issuance delayed for long.

Third, the situation of public land transgression happens in many places, which also causes differences in land area, troubling LTC issuance.

Forth, barriers of administrative procedures, fees, costs as well as qualification, competence and responsibilities of local land administration officers cause troubles to LTC issuance.

Qualification of administration agencies in charge of issuing LTCs cannot meet requirements of tasks. Procedures of LTC issuance are complicated and troublesome towards people; land administration fees, land taxes and land tenure transfer taxes are too higher than living standards and incomes of people; state budget for measuring, mapping and setting up land profiles is limited; qualification of land administration officers is not very good. Additionally, responsibilities of these officers are not high and there exist harassing and authorian attitudes. All of them have troubled people to process procedures of issuing LTCs. Many people think that they live in their own land plots and no body have rights to get them away. Therefore, they donot want to process procedures of issuing LTCs.

All of the causes mentioned above make LTCs issuing process delayed and slower than demand in fact, bringing about a lot of difficulties to land administration all over the country.

Therefore, it is necessary to change single-title LTCs into joint-title LTCs for joint land property (spouses' property) in order to ensure transparence of the documents and papers regarding land use rights, and to ensure that land use right owners and co-owners shall exercise all rights and duties under law regulations, improving state administration capacity.

2.5.2 Advantages of converting land certificates

It is supported to convert LTCs by all involved parties regarding land use right certificates and the practice of issuance and change.

In the viewpoints of officers from the sector of Natural Resources and Environment, the practice of converting single-title LTCs into joint-title LTCs does not cause any complication or upset to administration agencies. Moreover, the practice of changing would help state administration agencies come to an agreement on land administration, preventing potential disputes among the people.

Bank and People's Credit Fund officers say that the practice of converting LTCs titling household head into certificates titling the husband and wife will facilitate both banks and loan borrowers. As for joint-title land certificates, procedures of mortgaging land use rights for bank loans are simpler than for individual land certificates. Accordingly, people are able to access loan sources better.

With a regard to the banks, joint-title LTCs could ensure legal safety and security when the banks lend loans through mortgaging land use rights. The banks, moreover, reduce the costs of appraisal. Also, it takes people less time to access loans for household economy development.

Joint-title LTCs also positively contribute to protecting legal rights and benefits of land right users in case of disputes, ensuring spouses to access bank loans favorably and to make decisions on matters of land use rights, creating legal basis and psychology of gender equity in family.

In discussions, local people including male and female want that single-title LTCs should be converted into joint-title LTCs which ensures non-title holders in LTCs to access bank loans conveniently for household economy development, and contribute to supervising and exercising rights of land users under law regulations.

2.5.3 Challenges of converting LTCs

Under the 1993 Land Law, in the practice of issuing land certificates, state administration agencies do not identify land use rights whether to be joint or individual property and the people shall not be asked for this. LTCs are issued to each household, titling the representative. Therefore, upon changing land certificates, it is required to identify and clarify land use rights as joint property of spouses or common property of all household members (agricultural land) or individual property of a spouse. Only land use rights as joint property of spouses are then converted as well as to add one spouse representative in the single-head-title LTCs.

That may not only cause difficulties to administration agencies but cause some discord among household members. In addition, it is noted that Vietnamese people in general bear the concept of “husband’s property but wife’s credit” in their mind, which has strong influences on the people’s life, especially in rural and mountainous areas, accounting for the great proportion of land users in terms of the population and area. Therefore, they hardly want to make clarification of property when they are living happily together.

Both land officers and people believe that converting single-title LTCs into joint-title LTCs only have significance in administration practice of state administration agencies and in exercising people’s rights when it is carried out, in co-ordination to adjusting on the land use status and settling the existing problems of people’s land administration transfer. However, to gain this objective, it is required to gather great efforts and funding as well as human resources from state administration agencies and people as a whole. During the process, such potential disputes regarding landmarks, inheritance, etc. among people might be arisen.

Land survey officers, particularly communal officers, have little knowledge of land laws in general and of land use right certificates in particular, so they hardly meet requirements of the process.

Besides issuing LTCs (issuance and change), land officers are in charge of other tasks such as land clearance, construction verification, disputes resolution, etc. In fact, changes in land use

status are rather great, so it is essential to carry out land inspection. Therefore, it is required to strengthen human and material resources for district-level and communal land agencies. Since there is only one regular land officer at commune level under administration regulations, it is impossible to allocate more staff to carry out any time-consuming task in reality.

Regarding expenses of land certificates, it costs each household around 200,000 VND, at average, to carry out land survey and issue LTCs as for residential land. People claim that these expenses are high taking into account their income. However, fees and costs are different among regions in term of administration fees and certificate cost. For example, it paid 25,000 VND for a blank copy of a certificate (printed by MONRE in single format for the whole country) and 200,000 VND for land survey fees in An Tao, Hung Yen town while it paid 50,000 VND and 200,000 VND in Hien Nam, Hung Yen town; and also it paid totally 200,000 VND for one land certificate in Khoai Chau, Hung Yen. In Tien Giang province, the fee of converting a land certificate is around 20,000- 25,000 VND, depending on each profile (Provincial DONRE). Meanwhile, land officers of Tan Hoa Tay commune, Tien Giang province say that there are no fees of converting LTCs at all. And, it is the same in Ward 5, My Tho city.

It can be seen that fees of changing LTCs are very much up to local administration. According to Circular No 93/2002/TT-BTC of October 21, 2002 regarding regulations on land fee payment and management, it is stated as in table 12:

Table 12. Issuance of LTCs fees by group of users

	Unit	Fees		
		For Individual and household		For Organisation
		In central cities; urban wards of cities or towns	In other areas	
2	3	4	5	6
Issuance of LTCs and LTC formalization	VND/ certificate	25.000	10.000	100.000
Registration of land changes including certification of land owner transfer, shape changes, land parcel area and change in purposes of land use	VND/ once	15.000	5.000	20.000

Copy of maps or documents of land profiles:	VND/ copy			
- Copy of documents:		10.000	5.000	10.000
- Copy of maps		10.000	10.000	10.000
Legal identification of land and housing documents	VND/ once	20.000	10.000	20.000

In the Circular, no fees of LTC issuance are applied to individuals and households resident in communes and hamlets of Areas III (mountainous areas) according to Decision No 42/UB-QD of May 23, 1997; Decision No 21/1998/QD-UBDTMN of February 25, 1998 and Decision No 26/1998/QD-UB of March 18, 1998 by the Minister, President of Ethnic and Mountainous Committee and other related documents.

If the State would not support these fees, the people of these areas, especially in rural and mountainous areas will have difficulties in changing land certificates. It is shown through interviews and surveys that a part of people will not change their LTCs if they have to pay for the fees by themselves.

At present, a number of people mortgaging their LTCs for bank loans (including state banks and non-state banks). How to draw LTCs from banks to change while the banks are ensured to keep LTCs for loan management? This question should be discussed to work out a measure of implementation by bodies of natural resources and environment, banks, credit funds and borrowers.

The practice of changing LTCs may make people confused and worried about land administration policies of the State if mandated bodies do not explain and inform properly about how LTCs titling the husband and wife have positive impacts and great benefits. Moreover, since people have little knowledge of land laws, they will surely raise a question why LTCs have to be converted. There is a risk when the people are using the land properly and land officers unexpectedly re-survey the land and make land register books again for the LTC conversion, they might think that the administrative office want to trouble them.

Regarding publication of procedures and fees of converting single-title LTCs to joint-title LTCs, DONRE officers at study sites say they have posted notices or announcements at Departments of Natural Resources of communes and districts under “One-Door” policies, and disseminated information through legal education and propaganda agencies and in people’s meetings. And detailed guidance provided for individual who has requested for. In My Phuoc town, Tan Phuoc, Tien Giang province, however, these procedures have not been publicized to the people yet as they have never been applied before.

Meanwhile, most of people, when being asked if administration agencies have publicized the procedures of converting single-title into joint-title LTCs say that they have not been informed about these procedures. The fact that people are not sure about the converting procedures will also be a great trouble in the process of LTCs conversion later on.

2.5.4 Conditions needed to convert LTCs

To set up the basis of proposals, it is necessary to take all requirements and conditions needed of changing single title LTCs to joint LTCs into account. Then, to see if these requirements and conditions are available now at the local in order to work out feasible proposals closely based on the reality.

Conditions to change LTCs successfully:

Condition 1. Legal background of converting single-title into joint-title LTCs

This is the first and foremost condition to convert single-title LTCs (titling household head) into joint-title LTCs (titling husband and wife). State bodies are to do what are allowed to do by law. Therefore, the practice of converting LTCs of land agencies shall be stated clearly in legal documents. In case it is stated to carry out compulsory conversion of LTCs under law, administration agencies shall make plans to change LTCs for all people. In case, it is stated under law that LTCs change is optional, administration agencies shall do LTCs conversion and issuance when required by the people.

Condition 2. Capacity of state administration agencies in charge of changing single title LTCs to joint LTCs

Administration agencies have to meet the requirements of human and material resources and funding for LTCs conversion. Workforce in charge of LTCs conversion should have enough in number, qualifications and abilities to meet the task requirements. Material resources such as equipment and tools of surveying and printing, etc. should be good enough to carry out the work. Besides funding from people (it is regulated to pay for LTCs conversion under law), the State should support land administration agencies in charge of LTCs conversion to cover the cost because of insufficient funding currently.

Condition 3. Agreement of the people and the involved parties of LTCs conversion.

People's agreement has great significance to ensure success in the practice of converting single-title LTCs to joint-title LTCs. The people (including male and female) shall get aware of significance and importance of joint-title LTCs in gender equity. However, they are often more aware when actually involve in the practice of the use of LTCs. So it is better to send a message through adjudication, bank loans and civil transactions related to land use rights that single-title LTCs might cause a lot of disadvantages to non-title holders. Then, it is possible to receive people's support for converting single-title LTCs into joint-title LTCs .

In addition, a number of people have mortgaged their LTCs for bank loans. Therefore, banks keep their LTCs for guaranty. To convert single-title LTCs, it is necessary to

set up a mechanism of 3 parties (land agencies- loan borrowers- banks), which help banks ensure loan security and help LTCs to be converted.

What are available at the present:

Through the results of the study and compared to the conditions mentioned above, we can see what are available now for converting single-title LTCs to joint-title LTCs in terms of the following contents :

1. Legal background

The 1992 Constitution, the highest valid law, affirms gender equity of the female and male in Article 63: “A male citizen and a female citizen have equal rights in every field of politics, economy, culture, society and family. It is banned to discriminate the female and to offend women’s dignity.”

It is stated in Article 48 Clause 3 of the 2003 Land Law: “If land use rights are joint property of the spouses, LTCs **shall** inscribe both the wife’s and husband’s first names and last names.”

According to the regulation, since the date of July 1, 2004 (when the 2003 Land Law comes into effects) joint-title LTCs **shall** be granted, inscribing husband’s and wife’s first names and last names. Land administration agencies are responsible for inscribing land users’ names in LTCs. This content is also suitable with the other regulations regarding joint property registration (co-owned by spouses) under the 2000 Law on Marriage and Family. It is stated in Article 27 Clause 2 and 3 of Law on Marriage and Family:

- If property is co-owned by spouses and it is required to register property rights, certificates of property rights shall be inscribed husband’s and wife’s full names.
- If there are no evidences to demonstrate that disputing property is individual property owned by a spouse, it shall be joint property.

In Article 48 Clause 4 of the 2003 Land Law: In case that land users were granted with LTCs, certificates of residential house ownership and urban land use rights shall not change these certificates into joint-title LTCs under the regulations of this Law.

It is shown through the regulations mentioned above that: Under general principles, administration agencies shall inscribe spouses' full names in certificates upon their joint property registration. And, land use rights are spouses’ joint property, so administration agencies shall inscribe spouses’ full names in LTCs .

In fact, land use rights are identified by law to be joint property (owned by husband and wife) during marriage or when a spouse has put it into the list of joint property, even when LTCs have only single titles. Therefore, is it not compulsory for land users to convert single-title LTCs to joint-title LTCs .

In addition, many kind of properties are co-owned by spouses while registration certificates title one person alone, i.e., automobile and motorbike registration. These certificates are inscribed with a spouse’s name though automobiles and motorbikes are bought in the time of

marriage. Upon divorce judgment and property disposition, these assets are recognized to be joint property by courts. However, the value of these assets is hardly comparable to the land one.

2. Capacity of state administration agencies in charge of converting LTCs

As analyzed herein, the practice of converting single-title into joint-title LTCs will bring a lot of work for land agencies at commune and district level. Meanwhile, land officers are carrying out a variety of tasks of natural resources and environment sector. In a commune (ward), one land officer is often overloaded with so much work. In Dien Khanh town, Dien Khanh district, Khanh Hoa province, town people's committee has hired one more person to carry out the work. However, funding to pay for this employee is from "extra income", not from the town budget.

Surveys show that there have been changes in terms of land officers at commune level over time. Therefore, many land officers at commune level have just worked for several years (2-8 years). This is one of reasons why qualifications and capacity of commune-level officers cannot meet the task requirements. For example, a land officer of Hien Nam ward, Hung Yen town does not grasp the main functions and duties according to law regulations. Being asked "what are your main duties?", he answers that he has duty to help Commune People's Committee with land administration. In fact, under law regulations, land administration is one of many duties of a land officer.

Currently material resources to support the practice of converting LTCs carried out by state administrative agencies are insufficient, particularly at commune level. In addition, fees of changing LTCs are different and unsystematic among sites, which may cause a variety of people's reactions.

3. People's agreement

Currently, the rate of people who want and support the practice of converting single-title into joint-title LTCs does not exceed the rate of people who do not want to convert LTCs so much. Moreover, the number of people actually have converted single-title into joint-title LTCs is rather small.

The results of surveys show that the major proportion of people believes that joint-title LTCs bring more equity between husband and wife. However, a small proportion of female and male are satisfied with single-title LTCs .

Besides, most of people in fact do not know about the procedures of converting LTCs. Thus, it is necessary to carry out activities of dissemination to raise people's awareness of significance and importance of converting single-title into joint-title LTCs with a view to receiving people's agreement.

In summary, the study shows that joint-title LTCs have positive impacts:

- Easier to implement land administration and management as well as to exercise rights to administration in accordance with the regulated procedures (more sufficient

information on land use, for example, LTCs can say who is household head and who are household members).

- Ensure gender equity, i.e, wife and husband have the same rights to assets.
- Create favourable conditions for women to manage household economy.
- Faciliate people in civil transactions, bank loans and right transfer.

For these positive impacts of joint-title LTCs, it is better to convert single-title LTCs into joint-title LTCs in case that land parcels are joint property of spouses.

The purposes of converting LTCs are to ensure transparence in land documents and registration profiles related to land use rights, to contribute to better land administration and to guarantee legal rights and benefits of land users, and contribute to property equity between wife and husband.

Therefore, only LTCs with joint land use rights of spouses are to be converted and those with individual land use rights are not to be converted.

Part 3. Proposals to Land Administration Agencies

3.1 About the overall project

It is pointed out in Resolution No 07/2007/QH12 dated 12 November 2007 by the National Assembly regarding socio-economic development plan in 2008 that one of main goals is to “reach an agreement to issue one type of LTCs and housing possession and in-land property under Land Law... By 2010, LTC issuance of all kinds of land will have been completed fundamentally all over the country”.

According to this Resolution, Ministry of Environment and Natural Resources (MONRE) has built up “An overall project of measuring, mapping, setting up land profiles, issuing LTCs and building land basic data” (An overall project). Accordingly, issuing and converting LTCs will be carried out together with measuring, mapping and setting up land profiles and land database all over the country. It is tentatively scheduled to be completed in 2010.

Therefore, plan of issuing and converting LTCs all over the country has been built up and carried out by state authorized agencies. It is said by MONRE that in 2008 the State began to consider providing fund for land profile accomplishment to issue and convert LTCs in 20 provinces and cities out of 63 all over the country. Besides, Vietnam Land Administration Project (VLAP) sponsored by the World Bank with the same objectives is being carried out in 9 selected provinces. According to MONRE, the Government-funded overall project will continue its implementation in others remaining provinces in 2009.

Under the National Assembly Resolution and the overall project of MONRE, all over the country, converting single-title into joint-title LTCs will be carried out at the same time of adjusting land use changes and issuing new LTCs.

However, there are a lot of difficulties in implementing the Project as follows:

- There is much work to be done, i.e., both issuing and converting LTCs at the same time, particularly in the practice of issuing LTCs for land area which has not been granted with LTCs yet. Capacity of administration agencies is also of great troubles to apply this method if capacity building has not been paid more attention to strengthen.
- Land use changes, shortcomings of policies regarding land use rights in the past, the regulations on fees of LTC issuance and regulations on rights transfer tax (especially for residential land) all help increase the cost of LTCs issuance remarkably. If these policies and regulations are not revised, they will hinder the application of this method, especially in rural and mountainous areas.
- Resolution of legal disputes among people to identify legal land users to set up basis for LTCs issuance and change would ask for people’s agreement and efforts of resolution agencies (People’s Committee, People's Court at all levels.

3.2 Some proposals

Firstly, it is proposed that state land administration agencies should complete land laws and policies, particularly regulations regarding financial obligations upon legal land use rights recognition and upon land use right transfer.

These regulations are suggested to complete in the following way: financial obligations should be reduced (land use tax, land survey fees). There should be no limits to residential land parcels for the households living for long in a land parcel in residential quarters with the over-limit area. Land users are recognized that the whole area of the land parcel is residential land and they are not to pay any more land use tax. The percent rate of registration fees and land use right transfer tax should be reduced with a view to encourage people to process rights transfer. Based on that, LTCs will be granted to such land use right transfers, which were not registered before. In some cases, people in rural and mountainous areas and people of ethnic minorities whose life are difficult should given policies regarding residential land tax free, registration and survey land fees free.

If these financial policies are not resolved, it is impossible to get people's agreement. People are willing to live in the land area which has not been formalized, has not been granted land right transfer and LTCs or not converted LTCs though they are well aware of legal risks of no LTCs or single-title LTC alone.

Besides all the matters above, the mandated state body (National Assembly) should give out a document to identify whether one or more than one LTCs are granted to land tenure, housing ownership and estate registration certificates.

To do this, National Assembly should revise the 2003 Land Law and issue a resolution regarding LT, housing ownership and estate registration certificates.

Secondly, improving capacity of land administration agencies. To carry out the practice of issuing and converting LTCs, land administration agencies have to do a variety of activities, including:

- Survey land and revise land register books according to land variables in the last time.
- Identify legal and illegal land users; who can be granted or converted LTCs and who cannot.
- Work with agencies and organizations involved in issuing LTCs, for example, banks which are keeping LTCs for loans mortgage, to ensure the practice of issuance and converting.
- Disseminate and guide people to complete land profiles for LTCs issuance and converting.
- Appraise and verify land profiles to complete them (in case of mistakes), make LTCs and return them to people.

Capacity of land administration agencies, as analyzed above, can hardly meet the requirements of these tasks. Therefore, it is essential to improve capacity of administration agencies of natural resources and environmental sectors, especially at commune level and

district levels. Meanwhile, it is better, in co-ordination, to socialize technical activities such as land survey, and mapping revision.

Thirdly, increasing democracy and publicity and transparency in issuing and converting LTCs. To improve state administration of land under laws and improve capacity of administration officers, it is necessary to increase democracy, publicity and transparency in issuing and converting LTCs as follows:

- Disseminate the objectives and significance of LTCs in general and joint-title LTCs in particular to people. The activities of disseminating should be taken in advance and combined a variety of dissemination forms.
- Announce the public about guidelines and plans of issuing and converting LTCs; financial policies and all kinds of documents regarding the practice of issuing and converting LTCs.
- Receive the profiles of LTCs issuance and converting. In case of those borrowing loans by LTCs mortgage, the mechanism of three parties should be applied herein (including banks, people/ loan borrowers and land administration agencies) to complete the profiles of LTCs issuance and converting.
- Survey land and adjust land variables.
- Issue and deliver LTCs

To apply this method, land administration agencies of natural resources and environment, particularly at commune and district levels, need supporting by the State for human and material resources. In addition, people should be helped in raising awareness and supported to pay fees of LTCs issuance and converting, especially those with difficult life living in rural and mountainous areas.

Forth, it is essential to select priority areas for issuing and converting LTCs. The practice of issuing and converting LTCs can be carried out as a pilot and then on larger scale, from an administrative unit to a whole province and then all over the country. It requires great resources of human and funding to carry out LTC issuance and converting in the scope of the whole country at the same time. Therefore, it is essential to select priority areas to issue and convert LTCs at first. Here are some criteria to select priority areas for issuing and converting LTCs:

- Economic criteria: The project should be implemented in such areas that LTCs issuance and converting have positive and strong impacts on economic development. These areas are urban areas, dynamic economic zones, and etc.,
- Social criteria: Increase stability of the society (less disputes among different stakeholders) and ensure gender equity.

Priority area selection should be done with combination of social and economic criteria. Economic criteria are shown more obviously in urban areas and such areas of high LT values. Social criteria (i.e., gender equity) are clearly shown in rural areas. Issuing and converting LTCs are carried out at local levels, so it is suggested to carry out in both urban and rural

areas as pilots, together with dissemination activities that should be done earlier in rural areas and urban nearing.

3.3 Proposals on dissemination and awareness raising for local people

People's awareness and agreement have great significance in issuing and converting LTCs. Therefore, dissemination is an essential activity to implement a project step by step and it should be the first and foremost step. In fact, this activity has not paid much attention in the Overall Project. In the total estimated budget of the Project there are almost no resources for dissemination activity to improve people's awareness.

It is obvious that dissemination will hardly be done effectively without appropriate concerns of related parties. As a result, it is impossible to get people's agreement and support, which will have negative influences on the objectives of the Project. The following proposals are about ways and contents of dissemination, not mentioning the funding for this activity.

Dissemination to improve people's awareness of issuing and converting LTCs should be done in the following ways:

- Dissemination through mass media such as central and local radio, television and broadcast systems of villages;
- Dissemination through newspapers, leaflets, etc.,
- Dissemination through clubs, socio-economic organizations such as Youth Union, Women's Association, Veteran Association, etc.,
- Direct dissemination to people. Information channels which are suitable with customs of each region, particularly of ethnic minorities should be used for dissemination, for example, news boards, market-days,... In order to implement dissemination effectively, it is necessary to train dissemination staff at local level.

Purposes of dissemination is to change people's awareness, which plays a very important role and has significance in implementing Resolution of National Assembly and Plan of issuing and converting LTCs of Ministry of Environment and Natural Resources. Therefore, dissemination should focus on the following contents:

- Legal regulations on issuing LTCs in general and joint-title LTC in particular.
- Positive impacts of joint-title LTC on household economy development, gender equity, civil disputes related to land upon divorcing, purchasing, gifting, inheriting, etc.,
- Problems of issuing joint-title LTC (legal laws, mechanism,...)

To carry out dissemination effectively, supporting materials such as videos (for television), CDs (for broadcasting), papers or leaflets, and so on should be well prepared. These materials should be composed and edited according to characteristics and qualifications of local people. In many areas, local people cannot speak Vietnamese. Thus, these materials need translating into languages of ethnic minorities with photo demonstration.

It is noted that when combining ways of dissemination and supporting materials and languages, dissemination staff should pay attentions to regions, ethnic minorities, customs and qualifications of local people.

Appendix 1. Proposed indicators for future study on the impacts of joint-title LTCs

1. Loan access

- 1.1. Time to process procedures for loan borrowers and banks (increase or decrease?)
- 1.2. Frequency of direct transactions of wife and husband (increase or decrease?)
- 1.3. Opportunities of loan borrowing (increase or decrease?)
- 1.4. Convenience in appraising and supervising loans by banks (increase or decrease?)

2. Opportunities and investment outcomes

- 2.1. Investment opportunities (increase or decrease?)
- 2.2. Women's activeness in business (increase or decrease?)
- 2.3. Investment outcomes (different levels?)
- 2.4. Capital management and repayment (rate of appropriate capital using and on-due capital repayment?)

3. Security of Land use right

- 3.1. Risk control level upon disputes (increase or decrease?)
- 3.2. Procedures of civil transactions (simple or complicated?)
- 3.3. Activeness of LT determination (increase or decrease?)
- 3.4. LT insurance upon old age (changed or not?)

4. Positions in family

- 4.1. Women's position improvement (changed or not?)
- 4.2. Men's exclusive positions in making decisions (change or not)
- 4.3. Participation of wife and husband in making decisions (change or not?)
- 4.4. Male's and female's satisfaction about single-title LTC and joint-title LTC (different between male and female?)

All the indexes mentioned above should be analyzed according to independent variables, including urban, rural areas, business sectors, living-standard groups, etc. And it is necessary to take characteristics of ethnic minorities group into consideration.

List of references

ADB 2005. Vietnam gender situation analysis

Agricultural and Forestry University, Ho Chi Minh City; Ministry-level study 2003. *"An investigation on the real situation of land using in rural areas in order to issue land certificates and make clearance and compensation"*

Cornhiel S., Argurto S., Brown J., Rosales S. 2003. Joint titling in Nicaragua, Indonesia and Honduras: Rapid Appraisal

Dang Anh Quan, *Some opinions about Land Tenure Certificates*; Legal Science Journal, No.2/2006.

Do Thi Binh, Hoang Thi Sen, 2005. "Land management and using by women in ethnic minority group of Co Tu". *Journal Science on women*, No. 4 (71)/2005.

General Statistics Office 2003. Survey results of production and business entities in 2002.

Hanoi University of National Economy; Ministry-level study: *"Real situation and solutions to improve the issuance of land tenure certificate in Hanoi city"*; 2001

Institute of Legal Science Research *"Sociological investigation on households and land using rights"*; 2000.

Land Law 2003.

LERES Conference on experience in issuing co-titled land certificates;
<http://us.vietnamnet.vn>.

National Committee for the Advancement of Women 2000. *Vietnam gender situation analysis and policies recommendations to improve women's development and equality* (September 2000)

National Assembly conference on red land book and pink land book: one certificate and tax reduction; <http://www.virila.ac.vn>.

Nguyen Nhat Tuyen 1999. *An investigation on female-mastered households and land using in ethnic minorities*.

Oxfam UK 1997. *Gender issues in granting land rights*

Pilot project on issuing and converting co-titled land certificates. World Bank associated with the Ministry of Environment and Natural Resources, the Center of Legal Research and Assistance, and Gender Study Center (Institute of Social Sciences);
<http://www.monre.gov.vn>.

Project "*Converting LTC1 into co-titled land certificates (LTC2)*" by the Ministry of Environment and Natural Resources, with the support of the Government of Denmark.

Report No 93/ BC-CP dated October 19, 2007 by the Government to submit the second National Assembly XII regarding Practice of LTC issuance, <http://www.quochoi.vn>

Tinker I., Summerfield G. 1999. *Women's rights to house and land: China, Laos and Vietnam*. Lynne Rienner Publishers, Colorado

UNICEF, Ministry of Information, Culture and Sports, Institute of Family and Gender 2008. *Investigation on Vietnam households*. Hanoi.

UNRISD 2003. *Agrarian change, Gender and Land rights*. Blackwels 2003.

World Bank 2005. Gender issues and best practices in land administration reforms projects - a synthesis report (6/2005)

World Bank 2006. A gender analysis of Vietnam household living standard survey 2004. Not published. Hanoi, 2006

World Bank, ADB, DFID and CIDA 2006, *Vietnam Country Gender Assessment*. December, 2006