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on Land Administration Reform*

**PROGRAMME MANAGEMENT PROJECT**

*Gender and Land Use in Vietnam*

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**Report on the Seminar on  
Women's Access to Land  
Hosted by CPLAR  
Hanoi  
November 22, 2001**

**GDLA**

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## 1. Introduction<sup>1</sup>

In November 2001, the Vietnam-Sweden Cooperation Programme on Land Administration Reform (CPLAR), together with the Vietnam General Department of Land Administration (GDLA), hosted a one-day seminar in Hanoi on women's access to land use. The objectives of the seminar were to:

- highlight the status of women with respect to land in Vietnam, including field studies prepared through CPLAR;
- discuss the Guidelines for Gender Inclusion in Land Administration prepared by the International Federation of Surveyors (FIG);
- look at some general issues related to gender in land and in land administration in Canada.

The seminar was attended by approximately 80 persons, most of whom represented the leadership, departments and institutes in GDLA. Other participants represented: three provincial land administration offices; SIDA; FAO; UNDP; and the Vietnamese Gender, Environment and Sustainable Development Centre (GENDCEN).

The seminar concluded with a roundtable discussion by approximately 30 participants on the following issues:

- concrete examples of women's access to land use and security of land use, compared to access and security for men;
- identification and prioritization of the main problems affecting women's (and men's) access to land use;
- identification of concrete actions which should be taken to address gender issues, including the role of the land surveyor.

The objectives of this report are to:

- summarize the findings and recommendations of the seminar;
- make recommendations to CPLAR and GDLA on strategies for future activities related to gender and land.

## 2. Gender Inclusion in Law

Vietnam has made a concerted effort since independence to ensure gender equity. This includes equality in the constitution and formation of the Women's Committee to address specific issues at the national and local levels. Today in the allocation of land use rights, marriage and inheritance laws, and other programmes such as community forestry, the Vietnamese government continues to promote gender equity. Previous research by CPLAR and others shows the legislation in Vietnam provides a strong foundation for ensuring equality between men and women with respect to land use rights

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<sup>1</sup> The consultant would like to thank all of the members of GDLA and other organizations that took time to attend the seminar and participate in the discussions. Special thanks to Ms. Tran Thi Minh Ha, Deputy Director of the Dept of Science and International Relations, GDLA, and Ms. Nguyen Thi Thu Hong, of the same department for their attention and assistance throughout the week of the seminar. The consultant would also like to acknowledge gratefully the support for the gender research provided by Mr. Gösta Palmkvist, Swedesurvey Project Manager CPLAR and would like to thank Mr. Tommy Österberg, also of Swedesurvey and Sida for making the seminar possible.

However, there is clear indication that this gender equality does not always exist in practice, i.e., in the implementation of these laws and policies. Traditional family roles and values are probably the major inhibiting factor. Urbanization, education, economic status, division of labour, and ethnicity were also seen by seminar participants as contributing factors to how well gender equity is achieved at the household and community level. Improving knowledge of the legislation was viewed as the issue that could be best addressed by GDLA and CPLAR in implementing gender inclusive policies.

### **3. Local Level and Household Practices**

Although men or women (or both) can receive Land Use Certificates (LUCs), there are no current standards for maintaining names on the register or for determining whose names will be placed on the LUCs. In discussion it was apparent there were a variety of practices at the local level. Seminar participants generally agreed that local custom should conform with national law, however, this may take several generations to achieve in practice.

A major issue raised was the status of women and men with respect to land in remote ethnic groups. A report was made on a CPLAR study which investigated various ethnic minority groups in the north, central, and southern parts of the country. Customary law varies from group to group and is often in conflict with the national legislation regarding gender equity. Primary reasons why tradition remains very strong include 1) lack of education and illiteracy, 2) remoteness and therefore infrequent contact with district offices, 3) language barriers, and 4) lack of appropriate information about the new legislation.

In several groups included in the study, land is believed to be inherited from ancestors. In most cases land rights passed through the male heirs who can care for their ancestor's land. In other areas forest land is held communally and communities still practice slash and burn (e.g., semi-nomadic) forms of land use. In the south, one group was identified with matrilineal inheritance patterns (Kh'mer). The study concluded that there was a need for more research in order to better understand the local traditions which may affect the manner in which the laws are implemented.

It was noted that where local land administration staff were aware of the gender issues and the law, they were often able to guide land use rights holders to comply with the law. However, from research conducted by CPLAR, the status of women within local administration has diminished over the last decade due to economic changes. This may affect the degree to which gender equity policies are actually appreciated or achieved.

The actual economic and social effect of having a wife's name recorded may not immediately change the manner in which decision-making powers are held in families and communities. The CPLAR study on women's role in land use indicated, for example, that women still provide most of the farm labour, especially where there is little technology and where the work was more strenuous. Similarly in decision-making within the family, women tended to make more of the routine, small decisions while men played a greater role in larger issues such as a land transfer. The study also noted that women are usually a better credit risk (more likely to repay loans) but still have poorer access to credit than men.

## 4. Information Dissemination

There was consensus that information dissemination on gender issues needed to be improved among ethnic minorities, and also at the local level. Among the issues were strategies to address illiterate people, languages, and education of children. While GDLA has made progress in implementing gender inclusive policies, the implementation of these policies at the local level will depend on the information available to land use rights holders and to local authorities. There was agreement on the need to make that information more effective, especially for remote communities.

The CPLAR study, noted above, also concluded that there were very few women involved in land administration and in decision-making bodies at the local level. Increasing the role of women in land administration was therefore also considered to be an improved strategy for communications.

## 5. Recommendations of the Seminar Participants

The following recommendations are summarized from the more detailed presentations and discussions reported in Appendix 2, including recommendations of the three working groups.

***Seminar Recommendation 1:*** There is a need to recognize that "gender" includes both men and women and that gender policies related to land need to provide effective access to land use by both women and men.

***Seminar Recommendation 2:*** There is a need to improve the implementation of the law to ensure that local practice conforms with the law (for example, the marriage law states that the names of both spouses can be included on the LUC, but in practice this is not always done). A pilot project should be conducted to check the compliance with the law.

***Seminar Recommendation 3:*** In addition to the names of spouses, the names of heirs (i.e., male and female children) should also be on the certificate.<sup>2</sup>

***Seminar Recommendation 4:*** There is a need to increase the role of women in local administration in order to ensure better gender equity at the local level and to improve the communication of gender policies to administrators and land use rights holders.

***Seminar Recommendation 5:*** There is a need to improve the communication and education strategies at the local level. This might include (but should not be limited to):

- preparing materials in a form more easily understood by illiterate people or people from different language and ethnic groups;

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<sup>2</sup> The consultant notes that while this may help to clarify any gender issues that may arise on death of one or both spouses, in practice it may complicate the administration of the LUCs. For example would a new LUC have to be issued on the birth or death of a child (to update the record)? Similarly would the register need to include all names and keep changes up-to-date? If a name did not appear on the LUC or register, would the unrecorded heir have any rights of inheritance (e.g., by customary law or by other legislation)? Do all parties named on the LUC or register have to agree to a transfer of rights to a 3rd party or only the parents?

- ensuring local administrators understand and can implement the gender inclusion policies and laws;
- ensuring local administrators understand the different schedules and priorities that women have that may limit their ability to secure their land use rights (e.g., by providing transportation or child care);
- holding seminars such as this one at the provincial and local levels.

**Seminar Recommendation 6:** There is a need to address the gender inclusion issue at a much broader social and economic level through, for example, agricultural policy, labour policy, education, and socio-economic development.

**Seminar Recommendation 7:** Donor assistance in projects such as CPLAR are important in helping Vietnam meet its commitment to gender inclusion and therefore donors should continue to support seminars, programmes, and research in this area.

## **6. Conclusions and Recommendations of the Consultant**

The following recommendations are made based primarily on the proceedings of the seminar, but also on findings of reports produced by CPLAR and other organizations.

1. Despite a strong legislative framework for gender equity, CPLAR should continue its work supporting gender inclusion in land administration during the bridging component of the project (i.e., between Phase 1 and Phase 2). Specific areas that should be addressed by CPLAR and with other agencies are documented in the recommendations below.
2. There is a need to address the issue of including spouses or other names on LUCs and in the registers. Special attention should be given as to how these names will be kept up-to-date and what the legal effect will be if names on the certificates and registers are different.
3. There is a need for more research on female-headed households in both rural and urban areas to determine i) what rights they have been allocated, ii) whether they can effectively execute their rights, and iii) whether they have access to credit or other inputs. Such research should also consider the degree to which these households have access to other economic strategies than farming (e.g., handicrafts, trade) which may better suit a single parent household.
4. There is a need to address the practical issue of local custom. While information and education may change tradition over time, it may not be feasible to impose national policy at the local level in some regions of the country. GDLA and CPLAR should be looking at ways to incorporate local traditions within the land allocation process and ways to realistically encourage change with respect to gender and other issues over time. The alternative may be gender inclusion on paper (i.e., in theory) but not in practice.
5. There is a need to address the issue of information dissemination immediately. Although GDLA has a programme for disseminating information, it was clear from

the presentations and discussions that there was still little knowledge of the national laws and policies at the local level. While this was an acute problem in remote regions it appears to also exist in rural areas. An information strategy should include the following:

- a. language translation and non written forms of communication;
  - b. inclusion of more women in administration at the local level (including district GDLA offices);
  - c. seminars and/or information for provincial and district office staff on gender equity;
  - d. participation by NGOs who may be more familiar with disseminating information and encouraging participation and change at the local level.
6. GDLA should continue to support women as well as men within the organization. One strategy that has been successful in many land administration organizations worldwide has been to form a women's group that can meet formally and informally to exchange information and help to develop the mentorship required for women to take on more responsibilities within the agency. Special attention should be given to this or other support at the provincial and local levels. Organizations such as the International Federation of Surveyors and the International Cartographic Association have special working groups that women within GDLA might join in order to improve gender equity within land administration.

In conclusion, gender equity is a complex issue which no nation has ever really achieved. Vietnam has a strong legal foundation with respect to gender equity in land and GDLA has shown commitment to improving the implementation of those laws. Much of the necessary cultural change will take time, education, and economic opportunities. However, rather than waiting for all of the broader socio-economic issues to be resolved, GDLA and CPLAR should strive to improve gender inclusion in land administration specifically by 1) understanding the issues better and 2) developing ways to make change occur where necessary or possible.

## Appendices

### Appendix 1: References

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## **Appendix 2: Summary of the Proceedings of the CPLAR Seminar on Women's Access to Land**

### **Summary of the Proceedings of The CPLAR Seminar on Women's Access to Land**

**November 22, 2001  
Hanoi**

The following is a brief summary of the presentations made at the seminar on Women's Access to Land on November 22, 2001

#### **Dr. Nguyen Dinh Bong, Dep. Dir General GDLA**

- officially opened the conference
- reviewed recent land law revisions, e.g.,
  - o Land Law 1987
  - o Land Law 1993 (rev 1998, 2001)
- GDLA is implementing the land allocation procedures
  - o Agricultural Land – 90% Land Use Certificates (LUCs) allocated
  - o Forestry land – 50% LUCs allocated
  - o Urban Residential – 30% LUCs allocated
- support from international community is important – e.g. Sida
  - o outlined projects in CPLAR
  - o donors help GDLA to address technical and socio-economic issues
  - o CPLAR helped to provide a focus on gender equity

#### **Mrs. Tran Thi Minh Ha, Deputy Director, Dept of Science and International Relations, GDLA**

- gender is given priority by the government of Vietnam, as well as internationally
- it is part of Project 6 (management) of CPLAR
- there was a previous seminar in 1998, addressing the role of women in land administration
- outlined projects in CPLAR, noting the 1999 study on ethnic women in Project 1 (Legislation) and Project 3 (Land Use Planning)
- there are still many issues, for example:
  - o forestry and agricultural allocations to women cannot be separated from family land on marriage, etc.
  - o marriage and family law provide for equitable division of property between spouses but does not always work well in practice
  - o the Land Law not always accepted in practice, especially in rural areas

**Professor Sue Nichols, Dept. of Geodesy and Geomatics Engineering, University of New Brunswick, Canada**

- presented an international perspective on gender inclusion in land administration
  - o why gender is important in land administration
    - it is both an equity and an economic development issue
  - o why access should be equitable, enforceable, and effective
    - to be effective, land holders must also have access to credit, labour, transportation etc.
    - for example, having rights to a 5th floor apartment may not give effective access to the street level for small, household businesses
  - o why we need reliable indicators for measuring access to land and its benefits
    - it is not enough to count names in a register or the number of titles allocated
    - need to consider indicators such as decision-making roles, status in the community, and access to agricultural inputs
- discussed the International Federation of Surveyors' (FIG) Guidelines
  - o copies of the guidelines were distributed in English
  - o stressed the importance of including women and men effectively in all of the land project and programme processes
  - o stressed the need to have role models
  - o stressed the need for appropriate forms of communication
- more details may be found at:  
<http://www.fig.net/figtree/pub/figpub/pub24/figpub24.htm>

**Mrs. Dinh Thi Mai, Expert, Department of Legislation, GDLA**

- described the results of fieldwork conducted in Project 1 (legislation) on access to land use of ethnic women
- survey in the North
  - o they have no information on or knowledge of National land law
  - o no communications means (e.g., no radio, TV, access to meetings)
  - o under customary law, land is passed down from the ancestors to the younger generation for use (migratory use)
  - o there are communal holdings (e.g., community forests)
  - o there is no modern equipment, productivity is low, and land use is migratory
  - o there is no land transfer except through inheritance
  - o men have complete rights over property including land
  - o women work on their husbands' land and often stay after his death
- Survey in the Central Region:
  - o family land of the household is inherited from ancestors
  - o migratory use of land
  - o women carry out most of the household and agricultural work
  - o property is owned by women – matrilineal systems
  - o but the husband is still considered Head of Household (his name on LUCs) – he represents the family legally

- on death of a wife, a man may be provided with land through a new marriage or else he may return to his parents
- daughters receive twice the amount of property that a son receive, especially if she is taking care of parents
- Survey in the South
  - Kh'mer women (matrilineal system) have no information about land use rights
  - when LUCs were issued, woman could have their names on the LUCs because they followed instructions of the technical staff
  - in mortgaging, they also follow instructions – the application form is filled out and signed by women, but in loan contracts there are both names
  - traditionally land is inherited by the youngest daughter to take care of parents
  - now the group follows the national law but the daughter still has larger portion
- in comparison to Kinh
  - Kinh women have made progress in asserting their rights
  - they have better education and important positions in employment

### **Summary**

- in both patrilineal and matrilineal systems, women in rural area have low living standards, are often illiterate, no access to credit, and often cannot feed their families
- the situation is even worse for female headed households
- there is a great need for better information dissemination to ethnic groups
- there is a need for better understanding of the differences among groups
- research needs to be continued to improve the land law (e.g. dispute settlement process on divorce)

### **Professor Sue Nichols, Dept. of Geodesy and Geomatics Engineering, University of New Brunswick, Canada**

- presented gender issues related to land and the role of women in land administration in Canada
- in Canada, women were not legal persons 80 years ago (and this hampered their role in many activities including holding property)
- court decisions in the 1970s created a need for new legislation on division of property after divorce to ensure women's rights were protected – now rights of both men and women are protected even if they are not formally married
- today issues include:
  - affordable housing for the increasing number of female headed households;
  - access to credit (improving in recent years as banks find out that women's businesses are often more successful than those of men)
  - aboriginal women's rights (they no longer lose their status as part of the First Nation (tribe) even if they marry a non aboriginal)
- in land administration, women have traditionally played a very small role, partly because of the rough work sometimes required
- but today, women's role is increasing although not as much as in Sweden and many other European countries; in land administration approximately (not

- based on actual data): 15% of surveyors; 40% of lawyers and land use planners; and maybe 20% of valuers are women
- some of the challenges facing women include:
    - o the perception of land administration as a male profession
    - o lack of role models
    - o division of work in the family and at work (e.g., women can be cartographers; men must be engineers) and life choices
    - o the "glass ceiling" preventing women from promotion
    - o culture (e.g., that women should not voice their opinions; should never get angry; should always defer to a man's opinion)
    - o the "sauna factor" where women are often excluded from social activities where many important decisions and contacts are made
    - o emphasis by both men and women that women should never make mistakes and should work harder than men; if not they have failed
    - o lack of mentors to provide support at key times in a career
  - **Recommendations:**
    - o do not always expect perfection
    - o provide opportunities and appropriate assistance to women
    - o understand and accommodate the differences between men and women and among women themselves
    - o build confidence – often lacking in women
    - o provide leadership training
  - never underestimate
    - o the importance of female perceptions that may help to solve problems differently
    - o female skills (especially with people)
    - o their role in collaborative (vs competitive) efforts
  - these are often the qualities needed in successful land administration, not just technical knowledge

**Mr. Hoang Ngoc Phuong, Expert, Department of Registration and Statistics, GDLA**  
(formerly with the Institute of Land Use Planning and Investigation which is responsible for implementing Project 3 on land use planning)

- reported on a study of the role of gender in land use planning and land use in Kim Bang district, Ha Nam Province
- generally noted:
  - o women account 52% of the total population labour force
  - o women have played important roles in the history and development of country
  - o fighting for gender equity in each historical period is different because of different circumstances
  - o in a market economy women play more important role than ever
- **Role of women in administration at the district and commune level**
  - o the number of women involved decreased from 65% in 1993 to 34% in 1995 and 40% in 1999
  - o Reasons: changes in management and economy always affects employment more for women than men – harder for women to compete for jobs

- 1999 figures for the commune for all types of associations and committees, including technical administration: in most cases none or 1-2 women (0%-5%) and in land administration: none out of 21 LA staff in all the district
- one exception is the Women's Association (100% women)
- planning and policies need to be developed from the commune level upwards in order to achieve stable development of society
- therefore commune level staff play an important role (especially in monitoring and implementing the land use plan and land use planning process)
- problems of education
  - participation by women is very low because women have lower educational qualifications than men (mostly from tradition)
  - women who get better education still have trouble because there is a lack of awareness of their potential
  - this is especially critical in land administration because it requires time to gain technical knowledge - women often have other responsibilities
- in the district land administration bureau (5 people) and 21 land managers for 21 communes, there is only one woman works at the district office
- **Conclusion:** GDLA needs more priority on this issues and with local authorities, needs to work out solutions to include more women in administration and land administration
  
- **Role of women in land use**
- Women have a decision making role in the household and major farming activities
- 630 households surveyed: to examine respective roles in farming activities
  - women were more likely to have the majority of labour when there was little mechanization and more strenuous work (e.g. transplanting)
  - in the major farming activities, by the number of activities participated in: - women were involved in 2441 to men in 1109
  - total time worked by women was higher than men
- **role of women in household decisions**
  - 63.3% for small or unimportant decisions
  - women have a greater role in decisions regarding family matters
  - in decisions on building houses or transfer of residential house: 72% were made by men
  - decisions on land use rights: 69% were made by men
  - reason: men are heads of household
- in female headed households, (7.4% of all households), women make all decisions
- **Conclusions and Recommendations:**
  - all single women need to have the resources to be self sufficient
  - gender issues are complex, and will need time to resolve
  - need policies etc so that all women have what they need
  - need policies for women's participation in administration and land administration
  - need policies to support women in agriculture production and need to reduce the amount of labour required

- need to provide education and training for women – including in the state agencies
- need to create opportunities for women in administration and land administration
- need to develop handicraft industry so there is an alternative source of income for women: creates confidence and increases total family capital
- through poverty elimination – better access to credit, increased investments for communities
- most women use credit better and pay back
- pay attention to training for staff and women, especially vocational training
- increase intellectual standard in local community – will help solve the social issues such as gender equity

## **Working Group Summaries**

### **Working Group 1**

- there is a real difference between what the law says and what exists in reality
  - urban areas are usually better with respect to gender equity but tradition is still strong
  - in rural areas and remote regions there are more limitations and women have much less power
- social status of women in general is poor and they have much smaller roles in decision making than men
- an information campaign to disseminate information should be directed to women directly
  - they should have support (e.g. travel, child-care) to participate in meetings
- there is a need to improve the general environment between men and women
- including both names on LUC's would be a positive step

### **Working Group 2**

- women's access to land use is protected by policy and law, but the reality may be different
- there is concern that the work distribution between men and women is inequitable with women assuming most work in agriculture, forestry, and housework because they are low paying and require lower education than service or industrial work
- it is acknowledged that families and communities are still affected by the male-dominated feudal system – it is difficult to change tradition
- it is recommended that both names be included on LUC's and that a pilot project should be conducted to check compliance
- GDLA is currently in the process of revising the certificates and information on households

### **Working Group 3**

- Need to consider *both men's and women's access to land use*
  - o today usually only the husband's name is on the LUC, even though the Marriage Law allows for 2 names
  - o there are still many traditional social attitudes that dictate what roles women and men play
  - o there are inequities within ethnic minority groups that need to be addressed
- **Recommendations:**
  - o Land Use Certificate should include all heirs names (both sons and daughters)
  - o There is a need to promote information appropriately about the laws and procedures
  - o Need to Disseminate Information appropriately to overcome lack of education
  - o Land administrators at the local level need to be more aware of the gender issues and laws so that they can help guide the appropriate implementation of the laws

### **Dr Tran Thi Que, Researcher, Gender, Environment and Sustainable Development Centre**

- does not matter whether a tenure system is matrilineal or patrilineal, women still bear an unequal share of the work
- 89% of agricultural production is by women
- women have limited rights in the household and cannot participate in decision-making, even in matrilineal systems
- women are not always respected today by men
- gender equity does not mean giving more priority to women, just equal priority, for example improving shared decision-making
- need better dissemination of information, but it must be appropriate
- need more donor support in this area

### **Mrs. Tran Thi Minh Ha, GDLA**

- this was a successful seminar and thank you to everyone, including our leaders, for participating
- many important issues have been raised that will need to be addressed

### **Professor Sue Nichols**

- noted the strong legislative basis for equity in Vietnam
- problem appears to be that it is not always followed or accepted at the local level, not only among ethnic minorities but also in rural and possibly urban households
- GDLA needs to continue to conduct studies to better understand the situation, to investigate concrete examples, and to come up with better solutions – need to be flexible
- A major issue is in information dissemination at the local level – perhaps GDLA should be working closer with NGOs and local groups to be developing appropriate dissemination strategies;

- Noted the number of women in the audience who appear to share many of the issues outlined regarding women's role in land administration – most are universal when women are working in a traditionally man's field; GDLA should be making more effort to include women in leadership and at the local level
- Seminars such as these need to be provided by GDLA at the district and provincial levels to help disseminate information and to ensure that those who are implementing the laws understand more on gender equity

**Dr. Nguyen Dinh Bong, Dep. Dir General GDLA**

- closed the meeting and noted the following
- this work – women and land – is just beginning
- the seminar has had very good participation and discussion
- GDLA recognizes women's contribution to improving land administration
- there are some limitations in implementing the law, including:
  - o lack of education and illiteracy constrains the dissemination of information
  - o custom and tradition in households and communities sometimes hinders the practice of the legislation
  - o some people simply ignore the law
- custom in Vietnamese households is very strong and part of that custom is that women should respect their fathers, husbands, and sons – the roles and authority are difficult to change in a short time
- with respect to the dissemination of information, GDLA already uses TV, radio, but that is not enough
- also there is a problem of accessing remote areas, but GDLA must take every opportunity to reach these communities and share the information
- GDLA needs more women leaders, unfortunately there are not often women with sufficient qualifications
- Thanks to the organizers, especially Mrs. Tran Thi Minh Ha and international agencies such as Sida in supporting us in this work
- More seminars such as these are needed in the future in order to contribute to the development of the country