

# Vietnam Land Registration from Terminology to the Practice

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## Structure of presentation

1. Introduction of Vietnam land registration
2. From terminology
3. From the practices
4. Conclusions & Suggestions

## 1. Introduction

- Land use rights versus land ownership. Vietnam land belongs to entire people & uniformly managed by the State
- Land use rights registration (LURR) since 1993
- Contribute for the Property reduction from 58% (1993) down to 29% (2002)
- Many improvements, problems are more difficult to identified. What are next to improve LURR?
- This paper analysis:
  - What does mean Vietnam land use rights registration?
  - What is progress of registration for whole Vietnam

## 1. Introduction

- Applied IT for computerization of land registration since 1996
- Develop already a number of LISs: FAMIS/CADB, VILIS, PLIS, CILIS, etc
- 30% of land has cadastral maps
- 64 Provincial Land Registration Offices
- And more than 600 District Land Registration Offices



## 2. From terminology

### LURR has the same function as LR

- Section 19, article 4, (LL2003): LURR means the recognition of the legitimate land use rights in the cadastral records with respect to a definite land parcel in order to establish the rights & obligations of the land users.
- FAO, 2002: LR, the recording of rights to land in some form of public register. It includes information on the rights, their location, & their holders.
- LURR and LR have the same objectives as formalizing the property rights. LR systems provide the means for recognizing formalized property rights, & for regulating the character & transfer of these rights (Dale & McLaughlin, 1999).
- Two terms both interpret the registration of rights to land.

## 2. From terminology

### Land users has a bundle of land use rights as a land owner has

- Land users: 1) organizations, 2) individual, 3) population community, 4) religious establishments, 5) foreign diplomatic org. 6) Investor.
- Wrong interpretation of meaning of "land user" as who is using land.
  - Not only 9 rights: 1) Rights to exchange, 2) transfer, 3) lease, 4) sub-lease, 5) inherit, 6) donate land use rights; 7) mortgage, 8) guarantee, 9) make capital contribution.
  - But also: 1) Participate on the real estate market: 2) Receive land certificate, 3) benefit from investment on land, 4) receive State guidance & assistance in the process of rehabilitation & fertilization of agricultural land...
- Land use term: 1) stable & permanent land use & 2) land used with land terms. In most the case, land user can use it stable & permanent.
- Land use rights are private asset, which is protected by civil code as other asset when entering the real estate market.

## 2. From terminology

### Land Use Right Certificate versus Land Title

- LL2003: Land Use Right Certificate means a certificate, granted by State in order to protect land user's legitimate rights and obligations.
- Contents of land use right certificate: 1) land user, 2) land parcel, 3) property attached to land, 4) land use purpose and 5) changes registration.
- In the practices, "land certificate" means:
  - Certificate of Building ownership and Land use rights (Decree 60/CP)
  - Certificate of Construction building ownership (Decree 95/CP)
  - Certificate of Building ownership and Land use rights (House law)
  - Certificate of House ownership (for the case house owner and is not the same with the land use right owner), (House Law).
  - Certificate of Land use rights (Land Law).
  - A number of legal papers, which are also considered as valuable as LTC
- That is matrix. We are struggling to issue certificates for 500,000 houses from now to the end of year 2006 – land registration officer of Ho Chi Minh City.

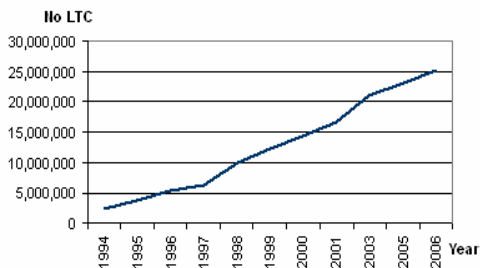
## 2. From terminology

### LURR depends on land allocation & land use planning

- Land allocation -> Initial land registration -> Changes land registration
- Land allocation but not adjudication is the first step for LURR
- LURR depends on land use planning (LUP). To allocate land, the State has to identify what is purpose of land use, is normally defined by the LUP
- Not all land allocation always rely on LUP - only 55% commune with LUP
- Five cases of land use changes need the approved by the authority – according to LUP
  - Paddy land to land for cultivation of perennial crops, forestry farming, aquaculture farming;
  - Land for special-use forests and protection forest to land for other purposes;
  - Agricultural land to nonagricultural land;
  - Non-agricultural land which was allocated by the State free of land use fees to non-agricultural land which is allocated by the State with land use fees payable;
  - Non-agricultural land (and not residential land) to residential land.

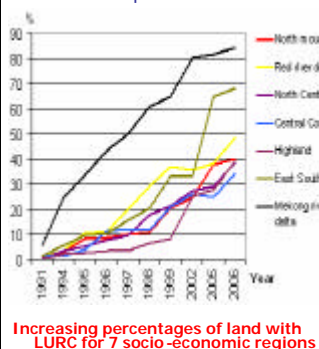
## 3. From the practices

### Increasing number of LURC since 1993

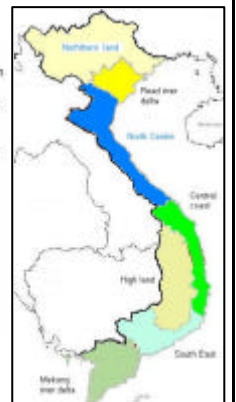


Number of LTC issued in Vietnam since the Land Law 1993

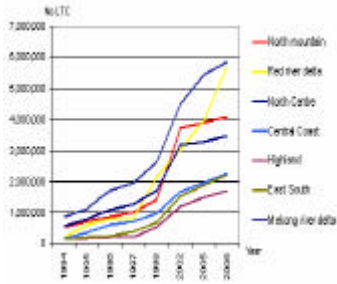
## 3. From the practices



Increasing percentages of land with LURC for 7 socio-economic regions



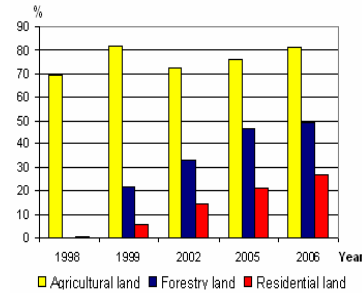
### 3. From the practices



Increasing number of LURC for 7 socio-economic regions



### 3. From the practices Different land use – different progress of registration



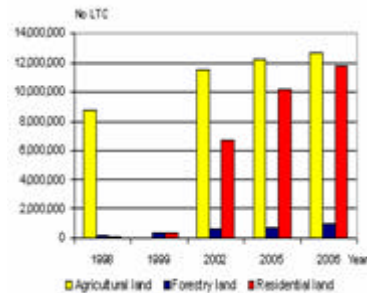
Percentages of area:

1 Agricultural land

2 Forestry land

3 Residential land

### 3. From the practices Different land use – different progress of registration



Number of LURC

1 Agricultural land

2 Residential land

3 Forestry land

## 4. Conclusions

- Vietnam land use rights ownership = land ownership
- The main characteristics of VN LURR:
  - LURR has the same function as LR
  - Land users has a bundle of land use rights
  - Land Use Right Certificate versus Land Title
  - LURR depends on land allocation & land use planning
- Different issues of LURR for different socio-economic regions.
- Different progress for different land use kinds

## 4. Suggestions - Problems identification

- Urban land registration is most difficult part
- More study on linkages between the characteristics of social, natural, history, cultural and economic conditions of 7 regions
- Different plan for different land use kind, and for different regions The aspect land changes registration and updating works of land registration is not yet touched in this study.