CLIMATE CHANGE AND TENURE RIGHTS
Interlinked challenges in Viet Nam

Policy brief
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1. Introduction: unpacking the interlinkages between climate change and tenure rights

This policy brief sheds light on the challenges imposed on rural land tenure security by the risks and impacts of climate change, and enables a meaningful policy dialogue on pathways and opportunities to strengthen the protection of legitimate tenure rights in the context of climate change in Viet Nam. The brief’s objectives are to: 1) provide a broad overview of the major issues involved in the intersection between climate change and land tenure; 2) engage policy-makers and other relevant stakeholders at national and international levels in an informed discussion; and 3) inform further analytical work on these matters. The brief builds on a series of policy briefs aimed at strengthening the recognition and legal protection of customary tenure systems in countries of the Mekong region (FAO and MRLG 2019), in line with the “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (VGGT) (FAO, 2012).

Land use and management (including land tenure rights) and climate change are intrinsically linked. While land provides the basis for human livelihoods and plays a key role in the regulation of the climate system, human use has directly changed more than 70 percent of the ice-free land surface of our planet, causing significant environmental impacts (IPCC, 2020). Further, approximately 23 percent of total anthropogenic greenhouse gas emissions (GHG) that lead to climate change come from agriculture, forestry and other land-use activities. Importantly, emissions from agricultural production will likely increase due to projections of population and income growth and changes in consumption patterns around the globe in the coming decades (IPCC, 2020).

Conversely, climate change has an increasing impact on land and terrestrial ecosystems, with important consequences on the way land can be used and, consequently, on land tenure rights. The 2019 Special Report on Climate Change and Land of the Intergovernmental Panel on Climate Change (IPCC, 2020) noted that climate change poses severe risks to human populations and ecosystems due to increases in global mean surface temperature, leading to desertification (e.g. decreased rainfall), land degradation (e.g. soil erosion, vegetation loss), wildfires, permafrost thaw, and challenges to food security (e.g. decrease in crop yields and food supply instabilities). The report further highlights that the most severe projections are focused on tropical regions, including Asia and Africa, with the highest numbers of vulnerable people, where warming is projected to result in unprecedented climatic conditions by the mid- to late twenty-first century. Impacts include high risks of soil erosion, declines in crop yields, sea-level rise and more extreme weather events. Such factors put at risk the livelihoods of farmers and small-scale food producers, foresters and fisherfolk who depend on land and natural resources. This in turn leads to increased displacement and induced migration, both within countries and across borders, disrupted food chains and enhanced conflicts. Vulnerable groups such as indigenous and local communities, women, youth, disabled, elderly and poor are considered among those most at risk.
These grave projections also have important consequences for land and resource governance and associated rights across different landscapes. Changing climate conditions can alter how land and natural resources are accessed and used because they imply geographic shifts in resource productivity, resource scarcity, and land-use patterns. Climate change is also considered both a cause and a consequence of land inequality, which has become a growing phenomenon worldwide. Climate change may reduce agricultural yields and force people off the land, and the more sustainable land practices of small-scale farmers and Indigenous Peoples are threatened by increasing pressure on water and other natural resources due to large-scale, environmentally damaging monocultures, which are contributors to climate change (International Land Coalition, 2020). In addition, ethically and gender discriminative, insecure land and resource tenure rights often disincentivize rural people from investing in sustainable land management practices and forest conservation, ultimately leading to poor mitigation and adaptation outcomes in the face of climate variability (Quan and Dyer, 2008).

The VGGT emphasize the importance of respecting and protecting, as well as safeguarding, promoting and facilitating the enjoyment of legitimate tenure rights of those likely to be affected by climate change, particularly farmers, small-scale food producers and other marginalized communities (e.g. indigenous and local communities), and groups (e.g. ethnic minorities, women and youth) (VGGT para. 23). The VGGT also highlight the need to address tenure concerns caused by climate change or natural disasters (VGGT paras. 24 and 25). Important enabling elements in this regard include:

- The recognition and security of all legitimate tenure rights, especially considering that millions of small holder farmers worldwide hold land under customary tenure systems, enjoying socially recognized tenure rights but frequently lacking legally recognized tenure rights; and the mainstreaming of climate change considerations and responses into land administration and management frameworks (FAO, 2020).
- Tenure security, also considered a direct investment in disaster recovery ability and resilience, as secure tenure rights and systems render land users less vulnerable for eviction or loss of livelihoods in the case of disasters. Accurate and secure land records offer important protection for tenure rights when populations are displaced by climate hazards and disasters (World Bank, 2020a).
- Land and geospatial systems and the data they contain are critical, but also vulnerable to natural hazards and human interference. Relevant strategies to face this include ensuring resilience of land and geospatial information systems by providing digitalized and electronically stored land records; and sharing this information with disaster risk management agencies and the stakeholders, to enable the use of this valuable data in planning and operations (World Bank, 2020b).
- Measures and policies can achieve positive adaptation and mitigation outcomes, while generating revenue and encouraging the rehabilitation of degraded lands. These actions include: a) land-use zoning, spatial planning, and integrated landscape planning; b) land degradation neutrality; c) land valuation, as basis for climate disaster-related insurance and compensation schemes; d) securing Indigenous Peoples and customary land tenure regimes, and validating their practices for restoring ecosystems, as much of the world’s carbon is stored in the biomass and soil on the territories of customary land users, including Indigenous Peoples; and e) incentives, such as payment for ecosystem services, standards and certification for sustainable production, the use of scientific,
local and indigenous knowledge and collective action, all of which can achieve positive adaptation and mitigation outcomes (IPCC, 2020).

“Climate-proofing” land policies and legislation is important for assessing their responsiveness to address impacts and risks of climate change on tenure governance (Land Portal, 2020). This includes assessing legal and policy frameworks, with a view to:

- identifying how existing land and resource governance regimes – in particular, types of production systems – will be affected under various climate change scenarios in order to strengthen tenure security, especially in climate change “hotspots”;

- mainstreaming climate change considerations and responsiveness in the mandate of land-related institutions, while also enhancing cross-sectoral coordination between land (use planning and management), and climate change;

- adjusting national land administration and spatial planning systems to have the resources, tools and data to adequately predict climate change risks, respond to (potential and estimated) climate impacts, and to report on climate change adaptation and mitigation actions;

- using new digital technologies and resilient land and geospatial information systems (e.g. electronic land records to enhance tenure security in face of hazards and disasters), and reducing related threats to paper records; and targeting land registration efforts to disaster prone areas;

- applying a climate lens analysis to the landscape level, to clarify how tenure regimes are affected by climate change and enable holistic approaches in response;

- promoting interlinked sustainable land management and climate change adaptation and mitigation actions (e.g. removing barriers to freedom of crop choice by farmers and promoting resilient crop alternatives, which can enhance adaptation and resilience);

- identifying approaches to address socio-economic dimensions of climate change regarding land rights and access, such as tenure rights of displaced people, and the gender gap in tenure rights and access, which further aggravates the impacts of climate change on women; and

- ensuring that mitigation actions do not threaten tenure security: for example, the growing interest in “nature-based solutions” in the land sector, in view of the Paris Agreement’s emissions neutrality target, might mean more opportunities for sustainable land and natural resources management, while potentially leading to challenges such as increased land value and pressures on tenure security (see Borras et al., 2020 for a broader discussion of this issue).

Building on the elements outlined above, this brief aims to analyze the potential climate risks posed to rural tenure rights in Viet Nam, and to assess the national legal framework’s preparedness to cope with such changes, risks and opportunities for adaptation and mitigation actions.
2. Climate change and tenure in Viet Nam

2.1. Climate change risks and challenges in Viet Nam

The Asia and Pacific region is home to one-quarter of the global population, including China, Cambodia, Lao People’s Democratic Republic, Myanmar and Cambodia. This region has the highest proportion of weather-related disasters worldwide, experiencing more than 70 percent of all storms and half of all floods globally (Saghir et al., 2020). Such climate change-related vulnerabilities pose significant threats to agriculture and food security including drier conditions, higher temperatures, flooding and sea level rise, and make adaptation a high priority for the region (Saghir et al., 2020). This is particularly relevant as Cambodia, the Lao People’s Democratic Republic, Myanmar and Viet Nam are predominantly rural countries, with rural populations making up 75.8, 63.7, 68.9 and 62.7 percent, respectively, of each country’s total (2020 estimates) (CIA, 2020), which are also heavily dependent on agriculture and strongly based on customary land tenure systems.

In this already challenging context, Viet Nam has been ranked the thirteenth-most vulnerable country to extreme weather events in the Global Climate Risk Index, based on a 2000–2019 dataset (GermanWatch, 2021). Further, Viet Nam has been ranked among the five countries most likely to be more severely affected by climate change, due to its long coastline, geographic location and diverse topography (CGIAR, 2021). Some of the most significant hazards that Viet Nam experiences include 1) high temperatures that are expected to lead to chronic heat stress in some areas; 2) frequent floods, which represent the largest risk in terms of economic impact; 3) high exposure to tropical cyclones, especially along the northern coast; 4) increasing sea-level rise, which is expected to enhance the damage caused by cyclone-induced storm surges; and 5) the possibility of increased wind speeds and precipitation intensity.

Climate change is expected to increase the number of people annually affected by floods to 433,000 people, with an impact that could affect GDP by USD 3.6 billion by 2030 (World Bank, 2021).

Climate change also poses a significant threat to agriculture. A high proportion of the country’s population and economic assets (including irrigated agriculture) are located in coastal lowlands and deltas, including the Mekong Delta, which is considered to be one of the world’s three most vulnerable deltas to sea-level rise. For example, projections warn that a sea-level rise of 1 meter would inundate about 40 percent of the Mekong Delta area, 11 percent of the Red River Delta and 3 percent of coastal provinces, directly impacting 10–12 percent of Viet Nam’s population and leading to a 10 percent loss of GDP. In addition to future projections, agricultural lands have already shrunk, especially within low-lying coastal lands, with areas such as the Red River and Mekong deltas experiencing salt water intrusion (CGIAR, 2021). Rice is arguably the most important crop in Viet Nam, with 52 percent of paddy rice production coming from the Mekong Delta. Climate change will add multiple stressors on rice production, including high temperatures (particularly during development stages), saline intrusion, droughts, and floods (World Bank 2021a). Research indicates that the mean loss of suitable land and mean increase of unsuitable land for paddy rice cultivation could reach between 31.4 and 64.6 percent, respectively, by 2050 (Dang et al., 2020).

These risks become even more significant in socio-economic terms, as around 40 percent of Viet Nam’s total land area is dedicated to agricultural production, and
43 percent of its population are engaged in this sector, making it the major employer nationally, before services and industries. Vulnerabilities also represent a particular threat as 89 percent of farmers are smallholder family farmers, 65 percent of which are situated in rural areas with a farm size averaging 0.4 hectares (FAO, 2018).

2.2. Viet Nam’s regulatory framework

2.2.1. Legal and policy framework on land and forests

Viet Nam’s 2013 Constitution determines that land and natural resources are “public property, owned by all the people, and represented and uniformly managed by the State” (art. 53). Land is considered “a special national resource and an important resource for national development” (art. 54), and the state is mandated to allocate or lease land to, and recognize the land-use rights of, organizations and individuals, and to protect land-use rights by law. Furthermore, article 43 enshrines the right of all citizens to live in a clean environment; and article 63 provides that the State shall develop environmental protection policies to manage and effectively use natural resources, protect nature and biodiversity, prevent and promote resilience to natural disasters and respond to climate change.

Viet Nam’s legal and policy framework on land governance has evolved over the years. The Land Law of 1993 gave farmers a wide range of usufruct rights, leading to an expansion of agricultural land. Subsequent revisions, however, introduced restrictions on land use and allowed the state to appropriate land for economic development purposes. Land policy reforms from the 1990s to early 2000s, accompanied by increasing market openness, meant a significant transition from a net agrifood importer to a major exporter of agricultural products, and led to considerable loss of natural forests, which contributed to the country’s vulnerability to climate change (FAO, 2021). Differing from some other countries in the region, Viet Nam has a single ministry, the Ministry of Environment and Natural Resources (MoNRE), which has the primary responsibility of developing and implementing land policies.

Currently, the 2013 Land Law determines that the state allocates or leases land to individuals and organizations by issuing land-use right certificates (LURCs). Households and individuals directly involved in agricultural production are given priority in the allocation of land-use rights through incentives such as land-use tax exemption, longer allocation terms, and more rights to the allocated lands compared to other stakeholders. Enterprises and economic organizations, on the other hand, are assigned land-leasing rights, with a definite term specified by the state or other entity, and can use land acquired through the transfer of agricultural land-use rights from households and individuals for investment projects (art 29.2 Decree 01/2017/ND-CP). The 2013 Land Law allows for LURCs to be issued in the name of the husband and wife, and may be exchanged, transferred, mortgaged, leased and inherited. Varying rights are granted for different types of land. Residential land is allocated for indefinite terms, while agricultural LURCs and forest land are allocated for 50-year terms. According to the most recent data received from a ministerial source, as of September 2018, 92.9 percent agricultural land, 98.2 percent forest land and 86.1 percent aquaculture land had been registered and received an LURC.

Important challenges related to land tenure security remain, however. While LURCs provide some tenure security, revocation of use rights is fairly easy and frequent. Another challenge refers to recognition and security of customary land rights. Viet Nam has 54 officially recognized ethnic groups, with ethnic minority groups that reside in rural, mountainous areas representing 13 percent of the total population. The 2013 Land Law allows for land allocations to
ethnic minority communities, which are allowed to be allocated land for agricultural production, as well as protected forest land. In practice, however, priority has been given to individual households, and communities are estimated to have legally recognized land-use rights over only 0.5 million ha (FAO and MRLG, 2019). Other remaining challenges in land policy include issues that prevent further issuance and access to LURCS by land users, such as complicated and time-consuming processes, as well as added informal fees and corruption (Truong et al., 2018). Moreover, land expropriations also remain an important challenge, which is estimated to have affected 10 percent of the population (Land Portal, 2021). At the same time, the passage of the 2013 Land Law has led to an important decrease in the rate of expropriations, due to stricter provisions on governmental discretion for land expropriation as opposed to previous iterations of the law (Truong et al., 2018). As the risks and threats posed by climate change will add further insecurities to land tenure – due to issues such as displacements, loss of land, and changes in possible land uses – increasing land tenure security for all legitimate tenure rights holders is a key priority.

Nowadays, farmers tend to be able to grow their crop of choice on their land, except with regards to the Rice Land Designation Policy. Rice accounts for about 35 percent of agricultural land, and conversion of paddy fields to other land uses is strictly regulated (FAO, 2021). Considering further flexibility in crop choice is an important consideration with regards to climate change resilience and adaptation, and to the capacity of farmers to transition into alternative farming options in the face of climatic shifts. Relaxing land-use restrictions may have other benefits, such as supporting farmers to maximize income within existing limits of agricultural land, move from low-value to higher-value commodities in existing croplands, and lower the pressure of agricultural land expansion into forest lands (FAO, 2021).

Viet Nam has approximately 14 million hectares of natural and plantation forests. Since 1992, the government has led reforestation efforts to increase forested land area from 27 percent to 46 percent by 2018 (World Bank, 2021b). An estimated 25 million people live in and around forests, and depend on them for their livelihoods (USAID, 2018). A new Forest Law was passed in 2017, coming into effect in 2019. It includes climate change as a key component of forest management (art. 3), providing for sustainable forest management and recognizing the value of forest environmental services and responses to climate change. Forests are classified in three main types: special use forests, protection forests and production forests (art. 5). In particular, the role of protecting forests to limit natural disasters, help regulate the climate, and contribute to fighting against climate change is recognized. The 2017 Forest Law provides principles for forestry planning, and these must comply with overall plans (e.g. national land-use planning strategies, the national master plan, the national forestry development strategy, and the national strategy on biodiversity), and ensure sustainable forest management (art. 10).

The Land Law of 2013 classifies forest lands as a subcategory of agricultural land (art. 10), and as such, they belong to the people and are managed by the state. Private entities, including households, may be allocated, or lease, forest land for 50 years.

The 2017 Forest Law was considered an important step forward in securing land rights, including in strengthening the recognition of ethnic communities’ customary rights related to forests, as it gives priority to ethnic communities who have customary use of forests. Several challenges remain with regards to implementing forest policies, including the fact that LURC issuance in general,
while important for agricultural land, is considered an insufficient mechanism to promote forest land rights and improve forest management (FAO and MRLG, 2019. Further, the enforcement and application of the Forest Law has been facing challenges due to issues such as disregard for legal provisions, lack of transparency, weakness of sanctions and monitoring of forests, and the need to increase control over the conversion of forest land to other use purposes (OpenDevelopment Vietnam, 2020). Climate change may pose different types of impacts on forests and its uses by different groups, such as the degradation and loss of biodiversity and natural resources, with impacts on uses and products, including forest and non-forest ones, which might push populations off their land. In addition, the implementation of carbon markets, which are growing worldwide as approaches to support climate change mitigation, have important implications related to the definition of carbon rights. For all of these challenges, land tenure security plays a key role, and should, therefore, be strengthened.

2.2.2. Legal and policy framework on climate change

MoNRE is responsible for climate change policies in which land, forestry and agriculture issues feature prominently. These policies include, among others, the National Strategy on Climate Change (2011), Viet Nam Green Growth Strategy (2012), the 2012–2020 National Action Plan on Climate Change (2012), Decision No. 1055/QD-TTg, from 20 July 2020 on promulgating the National Climate Change Adaptation Plan for the 2021-2030 period, with a vision for 2050; the 2013–2020 National Plan on Urban Development of Viet Nam in Response to Climate Change (2013), the Plan for Implementation of the Paris Agreement (2016), the Support Programme in Response to Climate Change, the 2011–2015 National Target Programme to Respond to Climate Change, the 2016–2020 Target Programme on Climate Change Response and Green Growth (2017), and the 2011–2020 National Action Programme on Reduction of GHG Emissions through Efforts to Reduce Deforestation and Forest Degradation, and the Sustainable Management of Forest Resources, Conservation and Enhancement of Forest Carbon Stocks (2017). Further, the most recently updated Nationally Determined Contribution (NDC) features more ambitious adaptation and mitigation measures (compared with the 2015 NDC) that relate to agriculture, forestry and land-use measures, and will support achieving global commitments under the Paris Agreement.

Some government initiatives address climate risks with regards to land and forests. For instance, Decree No. 119/2016/ND-CP on Sustainable Management, Protection and Development of Coastal Forests creates policies to manage, protect and ensure sustainable development of coastal forests to cope with climate change. Such policies include provisions requiring municipalities to review and convert coastal land areas planned for production forests that are eroded or affected by sand, to coastal protection forests, and relocate construction works that affect protected coastal forests.

Further, Prime Minister Decision No. 120/QD-TTg, dated 22 January 2015, approved the project on protection and development of coastal forests to cope with climate change in the 2015–2020 period, having as objectives to promote the protection of coastal forests to cope with climate change and rising sea levels, and to alleviate natural disasters, protect coastal dikes and infrastructure.

The 2013 Law on Natural Disaster Prevention and Control provides: 1) natural disaster prevention and control activities; 2) rights and obligations of agencies, organizations, households and individuals engaged in natural disaster prevention and control activities; and 3) the state management of, and assurance of resources for, natural disaster prevention and control. Under this law, natural disaster prevention and
control are the responsibility of the state, organizations and individuals. State policies on disaster prevention and control include investments in infrastructure in areas where natural disasters frequently occur; relocating people living in dangerous areas to safe areas and supporting livelihoods of those suffering from damage caused by natural disasters; and giving priority to areas frequently affected by natural disasters and vulnerable groups (art. 5.3). The law also envisions the need to undertake the prevention of natural disasters, including through planning residential areas and organizing production in adaptation to natural disasters, and reviewing and elaborating plans on relocating residents of high-risk areas; and developing five-year plans at national and local levels. These provisions are key to helping protect tenure rights in areas that are likely to be, or actually are, affected by climate change.
3. Challenges and opportunities

Some of the challenges in land governance may be exacerbated due to climate change. There are proposals under discussion to revise parts of the 2013 Land Law, so that they reflect a shift from the historically dominant “land to the tiller” narrative, which benefited smallholder farmers in past decades, to land concentration, with agribusinesses as the primary means of increasing agricultural production. Such land concentration narratives position large-scale land holdings for agribusiness investment as a necessity for the development of a “modern” agricultural system, reflecting a belief that the existing smallholder-based agricultural system is “weak” due to its low capacity and capital (To et al., 2019). Further, strengthened provisions securing communities’ land tenure rights and access to land are found to be a key issue in this process of legal reform in supporting the formal recognition and the improvement of smallholder tenure security (Truong et al., 2018). The potential challenges to tenure security posed by climate change might add additional pressures to the above-mentioned issues in the ongoing reform of the Land Law, especially with regards to changing conditions of land use, landlessness and related threats to rural people's livelihoods.

Women’s land tenure rights are also an important topic, as climate change represents an added stressor that exacerbates women’s vulnerability. Women represent a high percentage of the poor in communities that are highly dependent on local natural resources for their livelihoods, including household water supply, energy for cooking and heating, and food security. Further, women have less access than men to resources such as land, credit, agricultural inputs, decision-making structures, technology, training and extension services that would enhance their capacity to adapt to climate change (Osman-Elasha, 2021). In Viet Nam, women have equal rights under the 2013 Constitution to enter into land tenure contracts and to administer property. Under the 2014 Marriage and Family Law, land acquired during a marriage is deemed a common asset, and it is a requirement that the names of both the husband and wife be registered on LURCs. Additionally, the 2013 Land Law requires that LURCs include the name of both husband and wife if the land is a mutual asset (art. 95). However, women reportedly face disparities in accessing land, particularly through patrilineal inheritance customs. As an example, up to 2012, only 36 percent of agricultural LURCs were held jointly or in women’s names for the Kinh majority, and an even smaller 21 percent for ethnic minority women (Land Portal, 2021).

Menon and colleagues (2013) found that land-use rights held exclusively by women have, in general, beneficial effects on household expenditures, self-employment by women and the incidence of household poverty. Also, joint-holdings by husband and wife have beneficial effects in reducing poverty. Efforts should be made to protect women’s tenure rights, especially in the face of climate change.

Another topic of concern is the need to proactively upgrade the national land administration system to face climate change challenges and risks. Two major aspects are relevant in this regard: 1) access to data on climate change and its likely impacts, as a basis for improved decision-making; and 2) improving land information systems, including by considering digital systems of land tenure records to avoid risks posed to physical records by the increasing occurrence of natural disasters (Land Portal, 2020). Issuance of LURCs has proceeded quickly in some areas of
the government's initial land titling programme in the 1990s was one of the largest and most rapid of such efforts in the world. As of 2013, 38 million LURCs had been issued, with at least 11 southern provinces close to full coverage and many others below 70 percent completion (Land Portal, 2020). Further, following Prime Minister's Decision 714/QD-TTG from May 2015 on the development of priority databases, including a land database, MoNRE's General Department of Land Administration developed the “Comprehensive Program for the Development of Vietnam's Multi-Purpose Land Information System” (February 2016). The programme recommended the development of a multi-purpose land information system and a National Land Database, including a centralized data storage model based on modern technologies (World Bank, 2020c). Under this project, 50 percent of online public services, including land databases and a national land portal, should be completed, with the whole project due to be implemented by 2025 (Dinh Hong Phong, 2019). If successfully concluded and implemented, this project and approach to digital land management records could not only enhance land tenure security in the face of climate change, but also serve as an inspiration and provide lessons learned for other countries in the Mekong region.

There are indications that the government’s priorities for land use emphasize the need to address climate change. Resolution No. 134/2016/QH1 – “About the Adjustment of Land Use Master Plan 2020 (2016–2020)” – was passed by the National Assembly in 2016. The resolution responded to article 46 of the Land Law, which stipulates that land-use planning is adjusted when there is a national strategy of socio-economic development, national defense and security (Government of Viet Nam, 2016a). Also in 2016, a report was issued by the government to the National Assembly, emphasizing that several development targets and orientations had been adjusted and supplemented in the resolution of the 12th Party Congress, such as the need to promote a green economy and adapt to climate change, environmental protection, and sustainable development, among others, which pose requirements to adjust the land-use master plan (Government of Viet Nam, 2016b). In Resolution No. 134/2016/QH13, several decisions are recommended, such as the need to meet the demand on land for socio-economic development, ecological and environmental protection, sustainable development, response to climate change and sea-level rise, and strengthening the state management capacity of the land. For those purposes, measures proposed include: 1) continuing to review and adjust forest planning and reforestation, preventing erosion, protecting the environment, responding to climate change and sea-level rise; 2) assessing land salinization and desertification to find timely solutions responding and adapting to climate change and sea-level rise; 3) completing the certification of land use rights, ownership of houses and other properties tied to the land. This resolution is expected to address important issues such as allowing farmers whose land is threatened by drought, salinization and/or climate change to transfer land to other agricultural purposes (Land Portal, 2020).
4. Recommendations

In view of the above, the following recommendations can be made:

- Strengthen the recognition and protection of all legitimate tenure rights in order to protect land-use rights holders from additional stressors, risks and challenges on land use and tenure posed by climate change.

- Enhance the recognition and protection of land tenure rights of women, especially when implementing related laws, as climate change might exacerbate already-existing challenges faced by women with tenure security.

- Simplify and reduce the procedures related to securing tenure rights, particularly with regards to changes in the purpose of land use from rice land to another type of land, to enhance adaptability to changing climate conditions (noting that some flexibility is allowed in the conversion of rice land to perennial crops and aquaculture, as per art. 62 of Government Decree 62/2019/ND-CP).

- Consider climate change risks and impacts in the ongoing revision of the Land Law, especially with regards to how land concentration might put extra pressure on smallholder farmers due to the already-increasing risks to tenure rights posed by climate change.

- Use mechanisms such as the recommendations from Resolution No. 134/2016/QH13, which determined the adjustment of the land-use master plan, to also consider adapting and preventing risks to land due to climate change, and promoting a landscape approach to land-use planning to reduce the risks posed by climate change.

- In the face of risks posed by climate change (e.g. increased floods and storms), finalize ongoing efforts to improve land registration and information systems, including a digital land registry that would reduce chances of land-use rights records being destroyed and improve tenure security in the face of climate change. Further, enhancing geospatial systems would provide much more accurate information on land uses, which can be instrumental.

- Make use of the legal provisions of the 2013 Law on Natural Disaster Prevention and Control to face the risks and impacts arising from climate change on tenure rights of the rural population, by proactively promoting adequate prevention and responses to disasters, including resettlement in case of displacement and land losses.
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