

IMPACTS OF LAND POLICY AND LAND LAW ON SOCIO-ECONOMIC DEVELOPMENT IN VIETNAM

IMPACTOS DA POLÍTICA E DA LEGISLAÇÃO FUNDIÁRIA NO DESENVOLVIMENTO SÓCIO-ECONÓMICO DO VIETNÃ

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Abstract: This study examines impacts of Land Policy and Land Law on Socio-economic development in the Socialist Republic of Vietnam from 1945 to present, such as, the tenure of agricultural land ownership, the State's guidelines on land price, the policy on concentration and accumulation of agricultural land and policy on compensation for agricultural land recovery. The study also analyzes both the positive impacts and unexpected impacts of Land Policies on the Peasant Life. In the context of judicial reform in Vietnam, the issue of complete land law system has always been paid special attention by the Party and Vietnam State. The authors have combined traditional research methods of legal science such as legal analysis method, legal efficiency assessment method and legal comparison method. This study the author reviews the evolving land policy in the Socialist Republic of Vietnam, the impacts of Land Policy and Land Law on Socio-economic development in the Socialist Republic of Vietnam and pointing out inconsistencies and shortcomings. The study concludes with recommendations to improve policy and the long-term well-being of Vietnam and its people. This research may support many develop future research in Vietnam. The study of the land law become more and

more urgent and very important in Vietnam.

Keywords: Land use. Agriculture. Land policy. Land law. Vietnam.

Resumo: Este estudo examina os impactos da Política de Terras e da Lei de Terras no desenvolvimento socioeconômico na República Socialista do Vietnã desde 1945 para apresentar, tais como, a posse da propriedade da terra agrícola, as diretrizes do Estado sobre o preço da terra, a política de concentração e acumulação de terras agrícolas e a política de compensação para a recuperação de terras agrícolas. O estudo também analisa tanto os impactos positivos como os impactos inesperados da Política de Terras na Vida Camponesa. No contexto da reforma judicial no Vietnã, a questão do sistema completo de direito fundiário tem merecido sempre uma atenção especial por parte do Partido e do Estado do Vietnã. Os autores combinaram métodos tradicionais de investigação da ciência jurídica, tais como o método de análise jurídica, o método de avaliação da eficiência jurídica e o método de comparação jurídica. Este estudo o autor analisa a evolução da política fundiária na República Socialista do Vietnã, os impactos da política fundiária e da lei de terras no desenvolvimento socioeconômico na República Socialista do Vietnã e aponta inconsistências e

deficiências. O estudo conclui com recomendações para melhorar a política e o bem-estar a longo prazo do Vietnã e da sua população. Esta investigação pode apoiar muitos a desenvolver investigação futura no Vietnã. O estudo da lei de terras torna-se cada vez mais urgente e muito importante no Vietnã.

Palavras-chave: Uso da terra. Agricultura. Política fundiária. Lei de terras. Vietnã.

1. INTRODUCTION

Viet Nam is a mid-size country in terms of area, but its population of over 96 million makes it the 15th most populous country in the world. Almost two-thirds of the population live in rural areas. Viet Nam has abundant water resources at the national level but is among the most land scarce countries in the world. Arable land is particularly scarce at 0.07 hectares per capita, which reflects Viet Nam's diverse topography – around 72% of the total land area is mountains or hills (Gray & Jones, 2022).

Land is one of the scarce resources that remain unequally distributed in Vietnam. By 2021, Vietnam had a total area Land use 33134,4 hectares, in which, Agricultural land around 27983,6 hectares, Non-agricultural land around 3931,0 hectares, Unused land around 1219,8 hectares according to General Statistics Office data (Statistical Yearbook of Vietnam, 2021).

Land policy is crucial to Vietnam's socio-economic development and Land policies also play an important role in determining the degree of land use flexibility. The challenge for Land Policy and Land Law in Vietnam is to ensure that the nation's limited land base is used efficiently and equitably to promote socio-economic development.

Vietnam is in the process of preparing a new Land Law. It is critical that the new law address prevailing gaps and shortcomings, yet also create a more favorable enabling environment for the further development of a market economy with socialist orientation and for the more effective, equitable, and environmentally sustainable management of scarce land resources.

Therefore, this study aims to (1) to evaluate impacts of Land Policy and Land Law on Socio -economic development in the Socialist Republic of Vietnam, (2) to assess the influences of land-use policies on the peasant life, (3) to give an overview of land reform policies, issues related to these, and discusses challenges facing Vietnam's peasant life.

2. LITERATURE REVIEW

Numerous studies have examined the influence of land-use policies in Vietnam (Tram et al., 2022; Phuc & Martin, 2022; Tuyen et al., 2021; Thanh et al., 2020), the role of arable land in the livelihoods of households in rural Vietnam (Nguyen & Tran, 2013, Tran et al., 2014), Land-use change and urban expansion in Vietnam (Bui & Mucsi, 2022), impacts of Agricultural Land Acquisition for Urbanization (Nhung et al., 2021; Quang & Doo, 2020), impacts of land fragmentation on rural households in Vietnam. Hung et al, 2007) found that land fragmentation reduces crop productivity and increases the need for family labour and various cash expenses in two provinces of North Vietnam. Similarly, (Nguyen, 2014) finds that such fragmentation increases farm labour supply and labour intensity, and reduces farm profits and productivity. (Tran & Van Vu, 2019) confirm the negative effect of land fragmentation on household income. (Cholo et al, 2019) found that fragmentation has both positive and negative effects and, notably, creates potential advantages for enhancing food security as well as disadvantages. (McPherson, 2012) revealed how land policy and land management contribute to socioeconomic development in Vietnam.

3. METHODOLOGY

In order to examine impacts of Land Policy and Land Law on Socio-economic development in the Socialist Republic of Vietnam from 1945 to present, this study uses a combination of traditional research methods of the social sciences and legal sciences such as the legal analysis method, the legal efficiency evaluation method, and the comparative-legal method to achieve the objectives of the research. The study data was collected by conducting an in-depth literature review.

4. RESULTS AND DISCUSSION

Land Policy and Land Law in the Socialist Republic of Vietnam

To understand Land Policy and Land Law in Vietnam, it is useful to begin with the constitution. The first constitution of the Democratic Republic of Vietnam was passed on November 9, 1946, by the First National Assembly at its second session. The second Constitution was adopted in 1959. The third Constitution was adopted in 1980. The fourth

Constitution was adopted in 1992 (amended and supplemented in 2001). The present Constitution was adopted in 2013.

Article 12 of the Vietnãse Constitution in 1946 asserts that: The right to ownership of property is guaranteed to the Vietnãse citizen. And after that, the second Constitution was adopted in 1959 states: In the Democratic Republic of Vietnam, during the present period of transition to socialism, the main forms of ownership of means of production are: State ownership, that is, ownership by the whole people, co-operative ownership, that is, collective ownership by the working masses, ownership by individual working people; and ownership by the national capitalists (Article 11). While Article 12 affirms that: All mineral resources and waters and all forests, undevelopland and other resources defines by law as belonging to the state are the property of the whole people. Then, Article 14 asserts that: The State by law protects the rights of peasants to own land and other means of production.

On December 18, 1980, the Sixth Legislature of the Socialist Republic of Vietnam adopted the new Constitution at its 7th session. The 1980 Constitution, which contained the provision that: the land, forests, rivers and lakes, mines, natural resources in the ground, in the territorial waters and on the continental shelf; industrial, agricultural, forestry, fishery and State commercial undertakings; banks and insurance orgnizations; public utilities; the systems of transport by rail, road, river, sea and air; dykes and important irrigation works, defence installations; the systems of information and communications, radio, television and cinema; institutes of scientific and technological research, and cultural and social establishments and other property defined by the law as belonging to the State are under the ownership by the entire people (Article 19). While Article 20 affirms that: Land is put under State management according to general plans, to ensure its rational and economical use. Under the 1980 Constitution, a land regime under the ownership by the entire people became the fundamental legal framework for establishing provisions on land use and management. No longer did any form of collective or private ownership in land exist in Vietnam.

According to the Article 17 of the Vietnãse Constitution in 1992: The land, forests, rivers and lakes, water supplies, wealth lying underground or coming from the sea, the continental shelf and the air, the funds and property invested by the State in enterprises and works in all branches and fields - the economy, culture, society, science, technology, external relations, national defence, security - and all other property determined by law as belonging to the State, come under ownership by the entire people. Then, Article 18 asserts that: The

State manages all the land in accordance with the plan and the law, and guarantees that its use shall conform to the set objectives and yield effective results.

According to Article 53 of the Vietnãse Constitution in 2013: Land, water resources, mineral resources, resources in the sea and airspace, other natural resources, and property managed or invested in by the State are public property, owned by all the people, and represented and uniformly managed by the State. While Article 54 affirms that: The State may recover land currently used by organizations or individuals in case of extreme necessity prescribed by a law for national defense or security purposes; or socio-economic development in the national or public interest. Land recovery must be public and transparent, and compensation must be paid in accordance with the law (Clause 3, Article 53) and The State may requisition land in cases of extreme necessity prescribed by a law to perform national defense and security tasks or during a state of war or a state of emergency, or in response to a natural disaster (Clause 4, Article 53).

On October 4, 1953, Land Reform Law was ratified by the National Assembly of the Democratic Republic of Vietnam. Under this Law, the land is distributed among farmers in accordance with the egalitarian principle. This law specified the content of agrarian division, expropriation and compulsory purchase with the aim of 'farmers having land'. The Law on Farm Land Reforms of 1953 did not get rid of private ownership but only led to changes for private land owners by confiscating the farms of colonial and feudal owners, landlords and capitalists and giving them to farmers, under the slogan of 'farmers having land'. Provisions adopted at this point were mainly aimed at protecting the private ownership of farmers in land (Tuyen, 2010).

Vietnam already issued Laws on Land in 1987, 1993, 1998 (revised), 2001 (revised), 2003 and 2013. To implement these land laws, a huge body of governmental decrees, ministerial circulars and administrative guidelines has been promulgated. As announced by the Government, the 2013 Law on Land will be revised possibly in the coming years 2023.

The most important features of the 1987 Land Law included the establishment of a legal ground for the State to unify its management of all land capital in the country; the gradual establishment of a legal ground to enable the State to protect the legitimate rights and interests of land users. Land is the property of the people, and is subject to exclusive administration by the State. The State shall also allocate land to organizations, family households, and individuals for use on a stable and long term basis and did not allow transactions with respect to land.

On 14 July, 1993, the second Land Law was ratified by the National Assembly of the Socialist Republic of Vietnam. Article 1 of the Land Law in 1993 states: Land is the property of the people, and is subject to exclusive administration by the State. The State shall allocate land to economic organizations, units of the people's armed forces, State bodies, political and social organizations (hereinafter generally called organizations), family households, and individuals for use on a stable and long term basis. The State shall also allocate land to organizations, family households, and individuals (hereinafter referred to as land users) on a rental basis. And The State shall allow foreign organizations and individuals to rent land.

In addition, Article 20 of the Land Law in 1993 states: The State shall allocate land to organizations, households, and individuals for use on a stable and long term basis. It recognized the duration of land allocation for use on a stable and long term basis for planting annual trees and for aquaculture shall be twenty (20) years, and fifty (50) years for perennial trees. At the expiry of the duration, if the land user wishes to continue using the land the State shall comply with that wish, provided that the land user has strictly observed all laws relating to land during his period of occupancy.

And the State shall allocate land to households and individuals for long term use for the purpose of building residential houses, and shall only recover the land from them in circumstances stated in articles 26 and 27 of this Law. The duration of the allocation of land in other categories for long term and stable use shall be stipulated by the Government. In addition, where necessary, the State, shall for the purposes of national defence, security, national or public interest, recover possession of land which is currently being used. In such cases the land user shall be entitled to payment of compensation in respect of the recovery of possession by the State (Article 27).

Article 12 The Land Law in 1993 (revised 2001) supplemented: 1. The Government shall prescribe the price bracket for land of different categories for each region in each period, as well as the principles and method for determination of land prices. 2. Based on the Government's stipulations on the price bracket as well as the principles and method for determining prices of land of different categories, the People's Committees of the provinces or centrally-run cities shall prescribe land prices suited to the practical situation of their respective localities for calculation of land use right transfer tax; collect money upon the land assignment or the change of land-use purposes as well as the land rents and registration fee; determine the property's value upon the land assignment and pay compensation when land is recovered by the State (Article 12).

In November 2003, the National Assembly of the Socialist Republic of Vietnam passed the Land Law. The Land Law in 2003 allows two forms of land recovery: (i) Land recovery for national defense or security purpose (Article 39); (ii) Land recovery for economic development purpose (Article 40). Then, Clause 4 Article 56 asserts that: The land prices stipulated by people's committees of provinces and cities under central authority shall be publicly proclaimed on 1 January each year and shall be used as the basis for calculating land use taxes and income tax payable on assignment of land use rights; calculating land use fees and land rent for allocation or leasing of land without an auction of land use rights or tendering for projects which will use land; calculating the value of land use rights for allocation of land without collection of land use fees, registration fees, or compensation when the State recovers land; and calculating compensation payable by persons in breach of the laws on land causing damage to the State.

On 29 November, 2013, National Assembly of the Socialist Republic of Vietnam passed the Land Law 2013. Compared to the Land Law 2003, Land Law 2013 has 14 chapters with 212 articles that increased 7 chapters and 66 articles. Land Law 2013 has continued to inherit the provisions of Land Law 2003, it also amended and supplemented new regulations to remove limitations and inadequacies of the Land Law 2003. While ownership of land remains with the state, the revisions have changed incentives for land use so that they are increasingly similar to private property land use rights. However, the Government still makes a significant number of production decisions, and there are still limitations on how land is used and allocated. For example, there are limitations to how much land a household or individual can use (Article 129), and the area of land that must be under rice cultivation is stipulated by region (Article 134). An important change brought in by Land Law 2013 was to extend the duration of land use rights to 50 years for all agricultural land. Under Land Law 1993 the duration of rights was 50 years for perennial crops but only 20 years for annual crops. Another significant change was to allow, for the first time, foreign entities to be allocated land to build housing for sale and lease (OECD, 2022).

On December 31, 2022, the Government of Vietnam issued Resolution 170/NQ-CP on promulgating the Plan to collect People's opinions on the Draft Land Law (amended). The Draft Land Law has added a number of new and important points such as: Citizens have the right to access land information (Article 25); to allow peasants could consolidate and exchange of plots (Clause 3, Article 185).

Impacts of Land Policy and Land Law on agriculture

In Vietnam, food security is directly linked to land policy. The government interprets national food security to mean rice self sufficiency, a goal which is achieved through explicit controls over rice land (McPherson, 2012). Under Article 74 of 2003 Land Law, rice producers are prohibited from converting land use purposes without the permission of relevant government officials. The conversion of paddy land must be approved by land use planning regulations from communal level to provincial level. Other policies include Resolution 63 in 2009 on ensuring national food security, and Decree 42 (2012) on management and use of rice land. Under the rice self-sufficiency policy approach, the Government encourages rice farmers to continue to produce rice. Public policy is still designed to achieve rice self-sufficiency rather than income growth in rural Vietnam (World Bank, 2007). (McPherson, 2012) reveals that: In order to guarantee food security Viet Nam has implemented many reforms to sustain rice self-sufficiency, achieved by explicitly controlling rice land. For example, in 2007, the Party's Central Committee expressed its determination to maintain “. . . rice land to firmly and sustainably ensure food security for the nation.” And, in August 2009, the Party Politburo approved a plan to keep land permanently under rice. Overseen by the Ministry of Agriculture and Rural Development (MARD), the aim is “. . . output of 39 to 41 million tons of rice a year to secure food security for the country's projected population of 100 million in 2020 and 130 million in 2030.” A national food security committee, headed by a Deputy Prime Minister, will ensure that “. . . Vietnam's rice cultivation area must be kept permanently at 3.8 million hectares, including 3.2 million hectares of paddy rice.’

The Land Law also limits the land area held by households and individuals when land is allocated by the state. Paddy land and annual cropping land is limited to only 3 hectares for land in centrally-managed provinces and cities located in the Southeast and Mekong River Delta regions, and 2 hectares for land in other centrally-managed provinces and cities. Perennial crop land is limited to 10 hectares. Holdings in excess of these limits are discouraged by restricting the agricultural land tax exemption to households and individuals with holdings within the land limits (OECD, 2015). However, limits on property rights to land and significant land use planning continue to prevent households and individuals from using agricultural land in its most productive and profitable uses. Land use rights are not fully private, tradeable and secure. Households and individuals face several restrictions on land use in terms of their choice of crops, capacity to build fixed structures or to convert agricultural land to nonagricultural uses. Changes in land use are only allowed that conform

to central and local planning frameworks, which mostly confine farmers to growing rice on paddy land at the expense of other crops or aquaculture that would be a more profitable use of the same land (OECD, 2015). This creates inequality among land users.

Moreover, there has not been much change in agricultural land redistribution since 1993, leading to the young generation (born after 1993) in rural areas or in farmers' households not being issued agricultural land use rights. This could be one of the reasons why many young laborers in rural areas have not chosen the agricultural sector to work in (Huong, 2014). This means that, peasants do not have land for cultivation is increasing. (Huong, 2014) reveals that the peasants have rights on land use. However, in difficult circumstances many families, who do not have enough capital or appropriate ways to cultivate and produce, have no other choice but to sell their agricultural land use right and then fall into poverty. The State does not have enough resources to help them to retain agricultural land as the means of their living. As a result, the gap between the rich and the poor generates within the class of peasants. Social evils and crimes have chances to penetrate into the life of Vietnam villages.

Similarly, (Hung et al., 2007) found that land fragmentation reduces crop productivity and increases the need for family labour and various cash expenses in two provinces of North Vietnam. (Nguyen, 2014) finds that such fragmentation increases farm labour supply and labour intensity, and reduces farm profits and productivity. (Pham & Barkhatov, 2020) reveals that as the agricultural land is too fragmented, almost all agricultural households use their family's labors to cultivate and do not intend to buy agricultural machines and modern devices. They do not intend to cooperate with one another in agricultural production activities, in exchange of means of production and selling agricultural products as well as in application of science and technology in their agricultural production. Therefore, the effect and performance of agricultural production is still low. And (McPherson, 2012) concludes that rice policy in Vietnam is inefficient and ineffective. The current policy of food self-sufficiency based on the control over land use is inefficient because land and other resources are locked into low-value uses. It is also ineffective because food insecurity, particularly as malnutrition approach, still exists for rice farmers.

Some studies have demonstrated the pollution associated with the overuse of insecticides and pesticides has negatively affected the rice quality. The system of intensive rice production has resulted in environmental degradation (McPherson, 2012). Similarly, (Pham & Barkhatov, 2020) reveals that in order to have better crops many peasants abuse

chemical fertilizers and ignore investment on long-term improvement. As a result, agricultural land becomes degenerated and even polluted. Policies fail to encourage farmers to practice modern agricultural production.

Land policy creates opportunities for corruption. Under the 2013 Land Law, the state can recover land for the purposes of national defence or security, and socio-economic development for national and public benefits. While the law requires the state to pay compensation based on the market price, farmers are rarely compensated according to the open market land prices but the agricultural use value (OECD 2015). In addition, due to inefficient management of Agricultural land acquisition for urbanization (ALAFU) projects, the urbanization process has changed a part of acquired agricultural land into wildland instead of residential or industrial land, as was the plan, thereby wasting farmland which is naturally limited in Vietnam (World Bank, 2020).

There are also significant issues related to how land use rights are allocated and the security of tenure. State agencies have a significant role in determining how land use rights are allocated and the price at which land use rights are issued does not reflect the market value of land. As a result, land is most likely to be allocated to those with connections to the state and state officials rather than to productive and innovative enterprises (World Bank, 2016).

The lack of information on the location of land also effectively prevents economic, social and environmental assessments of potential effects of the land use plans as well as people's active participation in land use planning and land use plan implementation and monitoring.

Empirical evidence often reveals that land fragmentation has a negative effect on farm production because fragmentation not only prevents farmers from using modern, mechanised equipment, such as tractors and harvesters, but also prevents the adoption of high profit crops that can only be cultivated on a large scale (Tran & Van Vu, 2021; Hung et al., 2007, OECD, 2015, Hoang, 2018, Nguyen, 2014, OECD, 2022). Marsh et al., (2007) found that Land holdings in North Vietnam are highly fragmented as a result of a land allocation policy that distributed land so that there was equitable quantity, but inequitable quality, of land distribution to households. In reality, farmers will require farms of a size that is big enough to spread costs and have sufficient security of tenure to encourage their investment in their farms to increase the efficiency of their operations. So, land consolidation

program should be implemented to facilitate expanding farm areas taking advantage of continuing departures from the rural areas.

The current land legislation allows two forms of land recovery: (i) Land recovery for national defense or security purpose; (ii) Land recovery for socio-economic development in the national or public interest. In case, the State recovers land for socio-economic development in the national or public interest, there are two recovery mechanisms:

Firstly, land recovery according to administrative mechanism: projects which are approved or decided by the Prime Minister, including:

a). Projects on construction of industrial parks, export processing zones, hi-tech zones, economic zones, new urban centers; investment projects funded with official development assistance (ODA) capital;

b). Projects on construction of offices of state agencies, central political and socio-political organizations, offices of foreign organizations with diplomatic functions; ranked historical-cultural relics and scenic spots, parks, squares, statues, monuments and national public non-business facilities;

c). Projects for construction of national technical infrastructure including transport, irrigation, water supply and drainage, electricity and communication facilities; oil and gasoline pipelines and depots; national reserve warehouses; facilities for waste collection and treatment.

And projects which are approved by provincial-level People's Councils for which land must be recovered, including:

a). Projects on construction of offices of state agencies, political and socio-political organizations; ranked historical-cultural relics and scenic spots, parks, squares, statues, monuments, and local public non-business facilities;

b). Projects on construction of local technical infrastructure including transport, irrigation, water supply and drainage, electricity, communication and urban lighting works; facilities for waste collection and treatment;

c). Projects on construction of common activities of the communities; projects on resettlement, dormitories for students, social houses, and public-duty houses; construction of religious institutions, public culture, sports and entertainment and recreation centers; markets; graveyards, cemeteries, funeral service centers and cremation centers;

d). Projects on construction of new urban centers and rural residential areas; on improvement of urban areas and rural residential areas; industrial clusters; concentrated

zones for production and processing of agricultural, forestry, aquaculture and seafood products; and projects on development of protection forests or special-use forests;

e). Mining projects that are licensed by competent agencies, except mining of minerals for use as common construction materials, peat, and minerals in scattered and small mining areas, and salvage mining;

Secondly, land recovery according to agreement: As for, small-scale production and business projects, the investor makes an agreement with land user, then the State carries out the procedures for recognition of land use rights of the investor and change the land use purpose for the approved investment project.

In reality, regulations on land recovery for the projects on construction of common activities of the communities; projects on resettlement, dormitories for students, social houses, and public-duty houses; construction of religious institutions, public culture, sports and entertainment and recreation centers; markets; graveyards, cemeteries, funeral service centers and cremation centers; And the projects on construction of new urban centers and rural residential areas; on improvement of urban areas and rural residential areas; industrial clusters; concentrated zones for production and processing of agricultural, forestry, aquaculture and seafood products; and projects on development of protection forests or special-use forests (Points c, d, Clause 3, Article 62) means that the State recover land for the private sector without auctions of land use rights.

Based on current practice in Vietnam, as well as to be in line with the 2013 Constitution, we recommend that compulsory land recovery should only be allowed for the purposes of national defense, security, and for projects that are for the general public's benefit such as roads, parks, schools, etc., and no longer be applied for economic projects.

5. CONCLUSION

The study impacts of Land Policy and Land Law on Socio-economic development in the Socialist Republic of Vietnam from 1945 to present analyzed: (1) impacts of Land Policy and Land Law on Socio-economic development in the Socialist Republic of Vietnam, (2) the influences of land-use policies on the peasant life, (3) give an overview of land reform policies, issues related to these, and discusses challenges facing Vietnam's peasant life. In

order to gradually improve the efficiency of land management in the new period, Vietnam government should consider to implement of specific solutions:

Firstly, creating opportunity to enhance effectiveness of land use as well as to secure farmers' rights in land use by abolishing the agricultural land holding limits for households and individuals and allowing greater land accumulation would facilitate greater economies of scale, and extending rights of agricultural land users to alter land use purposes. And prolonging the duration of agricultural land tenure would give land users greater incentives to invest and care for the land.

Secondly, allow State's compulsory land recovery only for the purposes of national defense, security, and projects with general public benefits, such as roads, parks, schools, etc... and the land compensation price should be appraised and decided by independent boards at Central and Provincial levels, based on the results of the land valuation.

Thirdly, abolish the current limitation on alternative uses for so-called 'designated rice lands', at least for those rice lands where mono-crop cultivation is not economically viable.

Fourthly, provide legal provisions to formalize and regulate the access of land information and guarantee the rights of access to information, public participation in decision-making, and access to justice in land matters.

Finally, fifthly, transparency and anti-corruption in land management. Developing a more flexible and effective land planning management system, and improving transparency of land and anti-corruption in land management.

REFERENCES

- Bui, D.H. and Mucsi, L. (2022). "Land-use change and urban expansion in Binh Duong province, Vietnam, from 1995 to 2020". *Taylor & Francis Group*, <https://doi.org/10.1080/10106049.2022.2123564>.
- Cholo, T. C., Fleskens, L., Sietz, D., & Peerlings, J. (2019). "Land fragmentation, climate change adaptation, and food security in the Gamo Highlands of Ethiopia". *Agricultural Economics*, 50(1), 39-49. <https://doi.org/10.1111/agec.12464>.
- Duong, H. P., Tuyen, Q. T., Anh, P., Lam, X. H. (2019). "A quantitative analysis of farmland and households' livelihood in rural Vietnam". *Human Geographies - Journal of Studies and Research in Human Geography Vol. 13, No. 2 (2019)*, doi:10.5719/hgeo.2019.132.1, page 125- 138.
- Gray, E. and D. Jones (2022). "Innovation, agricultural productivity and sustainability in Viet Nam". *OECD Food, Agriculture and Fisheries Papers*, No. 181, OECD Publishing, Paris, <https://doi.org/10.1787/9cc1f47a-en>.
- GSO (General Statistics Office) (2021). "Statistical Yearbook of Vietnam 2021". Statistical publishing house, Ha Noi, <https://www.gso.gov.vn/wp-content/uploads/2022/08/Sach-Nien-giam-TK-2021-1.pdf>.
- Hoang, T. X. (2018). "Unexpected effects of land fragmentation". WIDER Working Paper No. 2018/125. UNU- WIDER, Helsinki, Finland. <https://www.wider.unu.edu/sites/default/files/Publications/Working-paper/PDF/wp2018-125.pdf>.
- Hung, P. V., MacAulay, T. G., & Marsh, S. P. (2007). "The economics of land fragmentation in the north of Vietnam". *Australian Journal of Agricultural and Resource Economics*, 51(2), 195–211. <https://doi.org/10.1111/j.1467-8489.2007.00378.x>.
- Lee, S. H. & Trinh, T. K. T. (2017). "A Study on Land Policy and Land Law in Vietnam after 1945". *Journal of Cadastre & Land InformatiX Vol.47 No.2 (2017)*, <https://doi.org/10.22640/lxsiri.2017.47.2.255>, page 255-275.
- Marsh S.P., MacAulay T.G. and Hung P.V. (eds) 2007. "Agricultural development and land policy in Vietnam: policy briefs". ACIAR Monograph No. 126, 72p.
- McPherson, MF. (2012). "Land policy in Vietnam: challenges and prospects for constructive change". *Journal of Macromarketing*, vol. 32, no. 1, pp. 137–46.
- Nguyen, C.V. and Tran, A.N. (2013). "The role of crop land during economic development: Evidence from rural Vietnam". *European Review of Agricultural Economics*, vol. 41, no. 4, p. 561-582.
- Nguyen, H. (2014). "Farmers' land tenure security in Vietnam and China: Legislative changes and challenges". The University of Groningen, Groningen, The Netherlands, 2014.

Nguyen, H. (2014). "The effect of land fragmentation on labor allocation and the economic diversity of farm households: The case of Vietnam". MPRA Paper No. 57521. Munich, Germany. <http://mpra.ub.uni-muenchen.de/57521/>.

Nhung, P.T., Martin, K., Heiko, F. (2021). "Impacts of Agricultural Land Acquisition for Urbanization on Agricultural Activities of Affected Households: A Case Study in Huong Thuy Town, Thua Thien Hue Province, Vietnam". *Sustainability* 2021, 13, 8559. <https://doi.org/10.3390/su13158559>.

OECD (2015). "Agricultural policy in Vietnam 2015". OECD, Publishing, Paris, <https://doi.org/10.1787/9789264235151-en>.

OECD (2022). "Innovation, Agricultural Productivity and Sustainability in Viet Nam". <https://www.oecd-ilibrary.org/docserver/9cc1f47a-en.pdf?expires=1672387212&id=id&accname=guest&checksum=1CFEF2EC9C32070CBBD0C1662D0AE73F>.

Pham, V. D. & Barkhatov, V. (2020). "The policy on agricultural land and its impact on agricultural production and peasant's life in Vietnam". E3S Web of Conferences 175, 06010 (2020), Interagromash 2020, <https://doi.org/10.1051/e3sconf/202017506010>.

Phuc, V. P. & Martin, O.'Brie (2022). "Is small beautiful? An empirical analysis of land characteristics and rural household income in Vietnam". *Australian Journal of Agricultural and Resource Economics*, 66, pp. 561–580, doi: 10.1111/1467-8489.12476.

Quang, N. & Doo, C. K. (2020). "Reconsidering rural land use and livelihood transition under the pressure of urbanization in Vietnam: A case study of Hanoi". *Land Use Policy* 99 (2020) 104896, <https://doi.org/10.1016/j.landusepol.2020.104896>.

The Constitutions of Vietnam, 1946-1959-1980-1992-2013 (2015). The Gioi publishing house, Ha Noi.

Tram, V.N.Q., Somura, H., Moroizumi, T. (2021). "The impacts of land-use input conditions on flow and sediment discharge in the Dakbla watershed, Central highlands of Vietnam". *Water* 13 (5), 627. <https://doi.org/10.3390/w13050627>.

Tram, V.N.Q., Somura, H., Moroizumi, T., Maeda. M. (2022), "Effects of local land-use policies and anthropogenic activities on water quality in the upstream Sesan River Basin, Vietnam". *Journal of Hydrology: Regional Studies*, 44 (2022) 101225, <https://doi.org/10.1016/j.ejrh.2022.101225>.

Tran, T. Q., Van Vu, H. (2019). "Land fragmentation and household income: First evidence from rural Vietnam". *Land Use Policy*, 89, 104247. <https://doi.org/10.1016/j.landusepol.2019.104247>.

Tran, T. Q., Van Vu, H. (2021). "The impact of land fragmentation on food security in the North Central Coast, Vietnam". *Asia and the Pacific Policy Studies*, 1–19. <https://doi.org/10.1002/app5.330>.

Tran, T.Q., Lim, S., Cameron, M. and Vu, H.V. (2014). "Farmland loss, nonfarm diversification and inequality among households in Hanoi's peri-urban areas, Vietnam". *International Development Planning Review*, vol. 36, no. 3, p. 357-379.

Tuyen, N. Q. (2010). "Land Law Reforms in Vietnam - Past & Present". ASLI Working Paper, No. 015, 2010, <https://law1.nus.edu.sg/asli/pdf/WPS015.pdf>.

World Bank (2007). "Accelerating rural development in Vietnam". Hanoi, Vietnam.

World Bank (2016). "Vietnam 2035: Toward Prosperity, Creativity, Equity, and Democracy". The World Bank, <https://doi.org/10.1596/978-1-4648-0824-1>.

World Bank (2020). "Vietnam's Urbanization at a Crossroads: Embarking on an Efficient, Inclusive, and Resilient Pathway". The World Bank: Washington, DC, USA, 2020.