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**Cao Thanh Son**  
Ph.D., Candidate, University  
of Economics and Law, Ho Chi  
Minh City, Vietnam and  
Vietnam National University,  
Ho Chi Minh, Vietnam

## Case studies and legal recommendations on the current state of compensation, support, and resettlement in land acquisition in Vietnam

**Cao Thanh Son**

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### Abstract

The 2013 Land Law outlines a framework for compensating, supporting, and resettling individuals affected by state-mandated land acquisitions for socio-economic development. While intended to balance competing interests, the law's practical application has revealed shortcomings. A 2018 government report highlighted discrepancies between legal provisions and on-the-ground realities, leading to implementation challenges. The state's authority to acquire land is indisputable, but the valuation and compensation of assets on that land remain contentious. The current system grants the state broad discretion in determining land value, often resulting in inconsistencies and undervaluation. Moreover, while the stated goal is economic development, the law's emphasis on state valuation undermines market principles. To rectify these issues, a comprehensive assessment of losses incurred during land acquisition is necessary. This evaluation should encompass both tangible and intangible impacts. Ideally, robust compensation should eliminate the need for supplementary support programs. By examining diverse case studies and proposing policy refinements, this research aims to illuminate the complexities of land acquisition in Vietnam and advocate for improved practices.

**Keywords:** Property rights, socio-economic development, asset valuation, support policies, and resettlement mechanisms

### Introduction

Universally, land tenure refers to the relationship between people and land, focusing on the rights and responsibilities associated with land ownership and use. According to Tuan (2023)<sup>[40]</sup>, land tenure encompasses the rules and regulations governing how land is allocated, used, managed, and transferred within a society. In contrast to many countries, Vietnam adopts a unique approach to land tenure, where land is collectively owned by the people but represented by the State. Critiques this model, highlighting its role in increasing conflicts between the public and the State regarding land acquisition decisions and land use. Moreover, while the State represents the people in land ownership, individuals in Vietnam are granted the right to use the land, whereas the right to dispose of the land remains with the government.

Article 54 of Vietnam's 2013 Constitution mandates that state-led land acquisition for socio-economic advancement is justifiable only in circumstances of extreme necessity and when aligned with broader national and public interests. However, a study conducted by Nguyen *et al.* (2016)<sup>[25]</sup> highlighted the prevalent conversion of Vietnam's agricultural land for urban expansion, underscoring the critical need for robust compensation policies within the current legislative framework. It is imperative that when land acquisition is unavoidable, meticulous attention is given to implementation procedures and the evaluation of damages, while categorically preventing the misuse of power to deprive individuals of their lawful property rights.

To ensure alignment between legal justifications and practical realities, the current legal framework governing compensation, support, and resettlement following land acquisition for socio-economic development necessitates improvement. Research conducted by Nguyen *et al.* (2016)<sup>[25]</sup> on agricultural land acquisition projects in Hanoi highlighted an inequitable distribution of benefits, with farmers disproportionately disadvantaged. This study aims to illuminate similar shortcomings in compensation, support, and resettlement practices across Vietnam's land acquisition projects and to propose policy solutions to address these deficiencies.

**Correspondence**  
**Cao Thanh Son**  
Ph.D., Candidate, University  
of Economics and Law, Ho Chi  
Minh City, Vietnam and  
Vietnam National University,  
Ho Chi Minh, Vietnam

### Methodology

To illuminate the research problem, this study employs a dialectical and historical materialist framework rooted in Marxist-Leninist thought. This approach facilitates an examination of the research subject within a dynamic context, considering its interconnectedness with broader societal forces and its evolution over time. According to Świderski (2021) <sup>[35]</sup>, the philosophical approach of dialectical materialism emphasizes the interconnectivity of elements and how contradictions drive change. Although conflicts over the unfair distribution of benefits in land acquisition projects have been evident and criticized over the past decades, this perspective allows for an understanding of the positive role these conflicts can play in driving change. By employing historical materialism, the author applies dialectical materialism to history, exploring how economic factors such as modes of production have driven historical change. Furthermore, by embracing Marxist-Leninist thought, the study integrates political dynamics influencing compensation and support in land acquisition projects in Vietnam. Analyzing the phenomenon as part of a continually changing system, the research aims to develop a comprehensive and nuanced understanding, incorporating both historical and contemporary perspectives.

Additionally, the author employs the following research methodologies:

**Doctrinal Legal Research Methodology:** This approach is utilized to explore legal doctrines and theories directly pertinent to the research topic, thereby establishing a robust theoretical framework for addressing the research problem. As Taekema (2021) <sup>[36]</sup> explains, this methodology primarily involves analyzing primary legal sources such as statutes, case law, and regulations. The focus is on critically examining these legal texts to uncover inconsistencies, gaps, and potential areas for reform. This method supports the development of legal theories based on the analysis of these texts, which not only rationalizes established policies but also allows for predictions about how courts may interpret existing laws in new contexts or how legislative changes might affect the public. The study aims to harness the strengths of doctrinal legal research to gain a comprehensive understanding of the current legal frameworks governing compensation and support in land acquisition projects by the State of Vietnam.

**Analytical Legal Research Methodology:** This method is employed to clarify regulations related to land acquisition by scrutinizing legal provisions, understanding the objectives of land acquisition, and balancing the interests of various stakeholders involved. According to Matviichuk *et al.* (2022) <sup>[19]</sup>, this approach helps reveal deficiencies and limitations from a legislative standpoint within the research scope. By using this methodology, the author seeks to critically assess existing legal principles, statutes, and court decisions related to land acquisition projects, thereby identifying patterns, inconsistencies, and potential areas for improvement.

**Statistical methodology:** According to Dastile *et al.* (2020) <sup>[4]</sup>, the statistical methodology involves a systematic literature review of statistics published in secondary databases to provide informed insights into significant

public issues, such as policies. The author applies this method to collect and synthesize essential data directly related to the research topic. This includes statistics on the satisfaction levels of people whose land has been acquired, focusing on compensation land prices, life and production support mechanisms, and data on complaints and lawsuits related to the compensation, support, and resettlement mechanisms.

**Comparative legal research methodology:** According to Siems (2022) <sup>[32]</sup>, the comparative legal research methodology is distinguished by its capacity to enhance understanding of the legal landscape across various jurisdictions. This approach helps learners draw insights for potential legal reforms and enrich their theoretical understanding. The author utilizes this methodology to compare the advantages and disadvantages of legal provisions between the laws of Vietnam and those of other countries. This comparative analysis offers an objective perspective, enabling the author to propose timely solutions to the issues addressed within the scope of the research topic.

### Findings and Discussion

In the legal aspect, based on the concept of land acquisition, the interpretation of the concept of land acquisition for socio-economic development in the national and public interests is as follows: “Land acquisition for socio-economic development in the national and public interests is the State’s decision to acquire the land use rights of persons who are granted land use rights by the State or acquire land of land users who violate the land law to serve the needs of socio-economic development based on maintaining a peaceful and stable environment for the implementation of national industrialization and modernization along the socialist orientation, ensuring that all people and society enjoy the land values brought about after the acquisition.”<sup>1</sup> In a separate study by Hien (2022) <sup>[15]</sup>, it is evident that in Vietnam, “land acquisition” refers to the “involuntary conversion of land for public purposes.” This implies that Vietnamese landowners lack the right to dispose of their land, making it susceptible to state interventions regardless of the perceived benefits of land acquisition. Consequently, this vulnerability highlights the need for significant policy reforms in the land law to ensure fairness whenever the state acquires land from individuals for socio-economic development.

Many scholarly perspectives argue that the concept of “Land acquisition for socio-economic development for national and public benefits” requires clearer intent. In the long term, it is proposed that the term “The State acquires land for socio-economic development” be replaced with “The State acquires land use rights.” This change is seen as a step toward fostering a more progressive societal outlook. According to Vo (2013, p. 11) <sup>[43]</sup>, to achieve alignment between the Constitution and the Land Law, it is essential to restrict the State’s authority to acquire land to instances where it is necessary for national interests, public benefits, or national defense and security.

Additionally, Son (2018) <sup>[33]</sup> argues that certain projects,

<sup>1</sup> <https://vietanlaw.com/vietnam-land-law-2013/#:~:text=This%20Law%20prescribes%20the%20land,the%20Socialist%20Republic%20of%20Vietnam.>

while advantageous to businesses, often exploit regulatory loopholes to minimize compensation costs through state land acquisition mechanisms. This exploitation results in a misalignment of interests among the state, investors, and affected landowners. The lack of transparency in these processes can facilitate potential abuses by state management agencies in land acquisition matters. Similarly, Hien (2020) notes that while recent amendments to Vietnam's land law have been significant and commendable in theory, the challenge remains in their effective enforcement.

### **Compensation, support, and resettlement when the State acquires land for socio-economic development purposes**

#### **Compensation when the State acquires land for socio-economic development purposes**

According to nationwide statistics, 63/63 provinces and centrally-run cities have issued specific regulations on compensation, support, and resettlement levels according to the decentralization of the Land Law and Government Decrees to be applied locally. In particular, regulations clearly define the responsibilities of departments, agencies, units, and organizations involved in implementing compensation, support, and resettlement. However, when considering the compensation mechanism, many things could be more consistent. Specifically, regarding compensation for moving costs when the State acquires land for socio-economic development purposes, in different localities, there is no uniformity in regulations e.g. there are 7/63 regulated provinces and cities compensated for travel expenses divided by distance; 6/63 provinces and cities compensated according to actual costs; by house type or house construction area acquired (8/63 provinces); according to administrative units at commune, district, and province levels from 2,000,000 VND to 15,000,000 VND (32/63 provinces); There is no regulation on compensation for travel expenses (10/63 provinces) (Nhan, 2022)<sup>[23]</sup>.

In general, Hien and Thang (2021)<sup>[8-9]</sup> reveals that the current mechanisms for land valuation hence compensation calculations are prone to susceptibility because conflicts of interest are bound to arise. Based on clause 3, Article 112 of the 2013 Land Law, the State acquires land for socio-economic development, and the land price calculated for compensation "must be consistent with the prevailing land price on the market." It is also imposing, as determining specific land prices tends to be lower than the market price (Thai, 2016, p.11)<sup>[37]</sup>. "Maybe it is only relative because the market price has many fluctuations" (Hien, 2017, p.98-99)<sup>[12]</sup>. The determination of compensation value is based only on the current land use status, not considering the increase in land value after the State acquires land from people and investors implementing the project.

In a recent study by Tuan (2023)<sup>[40]</sup>, it is evident that land acquisition in Vietnam does not ensure fairness for families who lose their land. The study found that compensation rates for agricultural land are six to eight times lower than the market value. This contradicts the principle that land, as an appreciating asset, should be valued higher than its market price (Sardaro *et al.*, 2020)<sup>[30]</sup>. Moreover, Tuan (2023)<sup>[40]</sup> argues that the right to access land information during the acquisition process is often neglected, leaving people unaware of their household compensation details. It is the State's responsibility to provide crucial information about agricultural land to its owners, not just during the land

acquisition process but as an ongoing obligation. A better understanding of agricultural land dynamics by individual owners would help reduce complaints about land valuation and compensation during acquisition for socio-economic development. Additionally, Tuan (2023)<sup>[40]</sup> highlighted that inequity exists between households that lose land and those living near the land acquisition project. This inequality could be mitigated if individuals had prior information about the value of their land.

The State's land price frame is only about 20% - 30% of the market land price frame. The provincial land price range is only 30% - 60% of the local market land price. It leads to a situation where when land is acquired, the compensation land price is far lower than the market price (Huyen & Ha, 2022, p.165)<sup>[17-18]</sup>. Recognizing the process of land allocation to implement investment projects in Da Nang, with land areas A2 and A3 belonging to the Son Tra-Dien Ngoc Resettlement Area project in Da Nang City decided the compensation unit price of 2,570,000 VND/m<sup>2</sup> for affected households, the total compensation amount for parcel A2 is 25 billion VND and area A3 is 63 billion VND, respectively (Than, 2020)<sup>[39]</sup>. After one month from the date the Da Nang People's Committee allocated the land, the enterprise transferred the project to the new investor. Accordingly, the value of parcel A2 is 133 billion VND, a difference of 107 billion VND compared to the original unit price.<sup>2</sup>

Through consultation, the research sample included 540 households whose land was acquired for socio-economic development purposes in 2020, of which 188 households in Ha Noi and Ho Chi Minh City 177 households, City. Da Nang 175 households. The questionnaire uses a Likert scale (5-point scale). Research results show that the level of people's satisfaction with compensation and support when the State acquires land for economic development and community service purposes is generally low at 2.54 points; People's perception of land compensation price is 2.32 points; The change in life after the State acquired land compared to expectations, was not rated highly with 2.45 points (Phuong, 2021)<sup>[26]</sup>. In a situation of economic development, the exercise of the right to reclaim land has the potential to create surplus value that only profits belong to the final owner of the property, not the original owner. Suppose the surplus is greater than the cost of land acquisition. In that case, it means that the organization that is transferred land use rights will gain a surplus, which gives them an incentive to persuade the government to carry out land acquisition on their behalf even when the land area acquired is only for personal gain. Therefore, laws in developed countries such as the UK and the US will require courts to carefully consider when using the right to compulsory land requisition to serve the public interest when "one or a few people will capture the surplus value" (Gallagher, 2005, p.77).

Explaining the reason why compensation land prices have not approached market prices some scholars give many reasons. In their study on non-agricultural land in Quang Ninh province, Vietnam, Son *et al.* (2020)<sup>[34]</sup> employed theories of value and literature review to identify the factors

<sup>2</sup> Notice of Inspection Conclusion No. 160/TBKL-TTCP dated January 17, 2013, of the Government Inspectorate on the responsibilities of Da Nang City People's Committee in complying with the law on inspection, complaints, and denunciations of corruption, inspection of some investment projects using land, p. 5

influencing land price formation, including distance, environmental conditions, and socio-economic dynamics. Their research further utilized SPSS and ArcGIS tools to develop maps that analyze and train data, providing the government with up-to-date information on the value of various land parcels.

While studies like Son *et al.* (2020) <sup>[34]</sup> aim to inform policy interventions regarding land price formation, government agencies and departments often maintain a bureaucratic stance. For instance, the timeline for determining specific land prices remains unclear. According to Clause 2, Article 74 of the 2013 Land Law, the Provincial People's Committee is responsible for deciding the specific land price at the time of the land acquisition decision. However, there is no guiding national document on precisely when to make this decision (Hien, 2017, p.98-99) <sup>[12]</sup>. As a result, such gaps in policy have been identified as the reason for major conflicts of interest whenever a land acquisition project is being implemented in Vietnam as explained by Hien (2022) <sup>[15]</sup>.

In India, under Article 22, Part 3 of the Land Acquisition Act, if land is needed for economic development, compensation is calculated based on the market value of the land, taking into account land damage to determine the compensation level at the time of the acquisition notification. Additionally, the Court may add 30% to the compensation value due to the compulsory nature of the acquisition (Ministry of Natural Resources and Environment, 2012, p.19) <sup>[21]</sup>. A well-outlined legal framework across administrative structures in India significantly reduces public complaints regarding land acquisition processes (Ho *et al.*, 2021) <sup>[16]</sup>. Conversely, in Vietnam, legislative dynamics at the provincial administrative units often conflict with those at the national level, creating disparities in land compensation practices across different regions of the country, as explained by Tuan (2023) <sup>[40]</sup>.

In Australia, Article 55 of the WA Land Management Act 1997 determines land compensation based on the "value to the owner" principle, which often results in compensation levels higher than the market value. This principle includes the market value of the affected interest, exceptional value due to ownership or use, damage from land parcel division, noise damage, and other types of harm. The compensation price is set at the current market value, decided with the management agency in consultation with the head of the valuation agency.

According to the Ministry of Natural Resources and Environment (2012, p.19-20) <sup>[21]</sup>, market value is determined as the amount of money that the asset can be sold voluntarily and readily at a specific time. In addition, Hien (2017, p.98-99) <sup>[12]</sup> citing Section 5 (2) <sup>[31]</sup> Land Compensation Act 1961 Clause 2 Article 5 Law on Compensation for Land Damage 1961 of the United Kingdom avers that in some developed countries, the Valuation date is the "legally fixed date" to determine all assets according to the market return on that date.

Referring to the problem and experience in Taiwan under Taiwan's Land Occupation Law in 2000, real estate valuation needs to distinguish between the value of land and assets created on land. The compensation price for land is the value at the time of land allocation; the compensation value for construction works on land is calculated according to the price of replacement works with equivalent

conditions. Thereby, the compensation price for land is for public benefit purposes, and some countries have compensation calculations higher than the market price. Because, after all, this is a compulsory land-acquiring mechanism, which may be contrary to the wishes of land users. Unlike British law and some developed countries, Vietnam's law does not widely recognize cases of compensation for damages that occur even though land is not acquired (Hien, 2018) <sup>[13-14]</sup>. When determining compensation, Vietnam adheres to a scope defined strictly "according to the law." As a result, unforeseen damages fall outside this scope. Additionally, Vietnam's prediction mechanism only accounts for damages incurred during the land acquisition process. It does not consider invisible damages, damages arising from the time of the land acquisition notice (prior to the actual acquisition), or damages occurring after the land acquisition process is complete.

Regulations on the mechanism for seizing land for public purposes, annual land valuation, and adjusting land prices to calculate compensation in Taiwan have many similarities with Vietnam. The fundamental difference is that the agency with authority to decide land prices and compensation values belongs to the valuation committee, consisting of many members, and is not decided by an administrative agency like in Vietnam. Notably, at the provincial level, there is a specialized management agency for land prices, assisting local leaders independent of the financial management agency and land management agency. Vietnam can consider Taiwan's experience to apply a mechanism that assigns responsibility for deciding land prices according to the market and compensation levels to a land valuation committee. The law can assign many different tasks related to land prices to this committee, such as resolving land price disputes and resolving land price complaints.

### **Support when the State acquires land for socio-economic development purposes**

The 2013 Vietnamese Land Law in Clause 14, Article 3 states: "Support when the State acquires land is the State's assistance to people whose land is acquired, to stabilize their lives, production and development." Support amounts are understood as the added value when the State reviews compensation payments; this is a regulation from the added value of land, not brought by the investment of the land user.

There are three primary forms of support when the State acquires land for socio-economic development purposes:

- Regarding support for training, career change, and job search when the State acquires land for socio-economic development purposes

Support policies represent the vision of the State because the land acquisition process can disrupt people's lives, and providing support helps minimize the social problems that arise. Accordingly, the Prime Minister issued Decision 63/2015/QD-TTg related to vocational training policies and job creation for workers after the land acquisition process took place, institutionalizing regulations in localities have also issued documents guiding relevant content such as Decision 24/2017/QD-UBND of the Ha Noi People's Committee on supporting vocational training and job search, or implementation plans. Decision 63/2015/QD-TTg in Ho Chi Minh City (Huyen, 2022, p.38) <sup>[17-18]</sup>, or Decision No. 08/2015/QD-UBND dated March 24, 2015, of Nam Dinh

Provincial People's Committee regulating unit prices for vocational training and job search support. However, the support mechanism when the State acquires land for socio-economic development purposes needs to clarify the following issues:

*Firstly*, the form of support for training, career change, and job search does not stipulate the minimum land area to be acquired. It leads to acquiring only a few square meters of Agricultural land, still enjoying the policy. Logically, it is necessary to reconsider because, in reality, people will not lose their jobs at all.

*Secondly*, Point a, Clause 1, Article 20 of Decree 47/2014/ND-CP stipulates: "Monetary support is not more than 05 times the price of agricultural land of the same type in the local land price list for the entire area of agricultural land acquired, the supported area does not exceed the local agricultural land allocation limit." Agricultural land is acquired, the supported area does not exceed the local agricultural land allocation limit. The law only specifies a maximum support limit of no more than five times the price of agricultural land but does not indicate a minimum limit. It may lead to differential support between localities (Hien & Thang, 2014, p.389-390) <sup>[11]</sup>.

*Thirdly*, according to Hien (2019) <sup>[7]</sup> land is a means of production, but the nature of the support sometimes does not help people whose land is acquired to reestablish their livelihoods. Because there is no data to orient the use of compensation and support accordingly, statistics in the southern provinces have about 57.5% of people using the amount of compensation and support for the construction of new houses, 8.72% buying utensils and living. At that time, only 2.55% of people used the compensation money to support career change and finding new jobs. Therefore, after only a few years of spending all the supported money, with no means of production left, the people whose land was acquired fell into poverty (Minh, 2010, p.g5) <sup>[20]</sup>.

### **Support to stabilize life and production when the State acquires land for socio-economic development purposes**

Compared to the past, the 2013 Land Law has clearly defined the conditions and beneficiaries of policies related to support when the State recovers land as households and individuals directly engaged in agricultural production. Accordingly, in Clause 3, Article 19 of Decree 47/2014 / ND-CP, the support for life stabilization is as follows:

a) Acquire from 30% to 70% of the currently used agricultural land area, receive support for six months in case of not relocating, and 12 months in case of having to relocate. If moving to areas with challenging socio-economic conditions, the maximum support period is 24 months.

In cases where more than 70% of the agricultural land area in use is acquired, support will be provided for 12 months if there is no need to relocate and for 24 months if there is a period of relocation; in cases of having to move to areas with difficult socio-economic conditions or poor socio-economic conditions.

b) The prescribed land acquisition area is determined according to each land acquisition decision of the competent People's Committee. For challenging situations, the maximum support period is 36 months;

From the regulations on conditions to determine the amount of life support when the State acquires agricultural land, the

following observations can be drawn:

Firstly, Decree 47/2014/ND-CP introduced limitations on land acquisition to safeguard the rights of landholders. While a step forward, these measures are insufficient to fully address the complexities of land displacement. The current policy presents inconsistencies in support mechanisms. For instance, households experiencing minor land loss may qualify for support programs, such as converting a small land acquisition to a proportional reduction in agricultural land. Conversely, individuals with substantial land loss might be ineligible for such benefits, despite the significant impact on their livelihoods. This disparity underscores the need for a more equitable and comprehensive approach to compensation and support for those affected by land acquisition.

Secondly, as Hien (2021) <sup>[8-9]</sup> observed, support measures for livelihood stabilization are tailored to individual land acquisition cases, resulting in a disparate treatment of affected populations. While the cumulative impact of multiple small-scale land acquisitions can be substantial, each case is evaluated independently, potentially leading to insufficient support for those experiencing significant land loss.

Thirdly, The initial support mechanism, based on rice prices converted to monetary value, proved to be an irrational approach. A more equitable solution would involve calculating assistance based on regional minimum wages, which would account for variations in rice prices across different areas. As Phuong (2019) <sup>[28]</sup> emphasizes, the concept of a "stable life" encompasses a broader range of needs beyond mere sustenance, such as housing, transportation, and leisure. Consequently, the valuation of support based solely on rice fails to adequately address the full spectrum of requirements for displaced populations.

### **Resettlement when the State acquires land for socio-economic development purposes**

Land acquisition/expropriation, forcible evictions, forcible displacement of people from their homes for development projects, and business projects (roads, plants, hydropower, industrial parks, urban areas, and others) occur in many countries. Eviction risks harming the right to housing and many other social rights (education, health care, employment) of the population.<sup>3</sup> The global community has long recognized the severe consequences of forced evictions. The United Nations Conference on Human Settlements in 1976 underscored the importance of carefully considering such actions. It stipulated that evictions should only be undertaken as a last resort, when conservation and restoration efforts are exhausted, and adequate resettlement plans are in place.

The implementation of resettlement support in Vietnam exhibits considerable variation across provinces. While a majority (45 out of 63) offer financial assistance or infrastructure investments in concentrated resettlement areas, other regions employ different approaches. Approximately 11% of provinces provide support

<sup>3</sup> Office of the United Nations High Commissioner for Human Rights, Forced evictions and human rights: <https://www.ohchr.org/EN/Issues/LandAndHR/Pages/ForcedEvictions.aspx>, excerpted from La La Khanh Tung, "Land acquisition: international human rights standards and some issues in Vietnam," Conference proceedings: Theoretical and practical basis of amending the Land Law in 2013, National University Ha Noi, November 24, 2021, page 221.

equivalent to a percentage of the land compensation value, while another 9.5% base support on a percentage of the minimum resettlement rate. Notably, three provinces (Nghe An, Da Nang, and Long An) have yet to establish specific support mechanisms. In terms of defining the minimum resettlement rate, policies diverge between providing residential land, housing, or direct cash payments. A significant majority of Vietnamese provinces (53 out of 63) mandate a minimum resettlement rate equivalent to residential land allocation. However, the specific land area provided varies based on local conditions. Conversely, ten provinces have yet to establish such regulations. In terms of alternative resettlement options, 27 provinces offer apartment units as a minimum standard, with unit sizes determined by factors such as project specifications. Notably, 36 provinces lack explicit provisions for minimum housing standards within resettlement programs (Nhan, 2022)<sup>[23]</sup>.

The monetary value of minimum resettlement rates varies significantly across Vietnam, with different amounts specified for communes, wards, and towns (ranging from 25 to 300 million VND). Alternatively, some localities calculate this value by multiplying the minimum resettlement area by local land prices. Notably, sixteen provinces have yet to establish a fixed monetary amount for minimum resettlement rates, leaving room for potential inconsistencies and inequities. In Quang Ninh province, resettlement strategies primarily involve the allocation of residential land or housing units. A total of 567.40 hectares of land has been designated for resettlement purposes, accommodating 25,770 households and individuals, with an average land allotment of 220.18 square meters per household. Additionally, 29,745 square meters of housing have been provided for 347 households. For those opting for independent housing arrangements, the state offers financial assistance of 1,218 million VND. While residential land-based resettlement is the predominant approach, resettlement housing is more commonly implemented in urban areas characterized by land scarcity (Nhan, 2022)<sup>[23]</sup>. Article 86 of the 2013 Land Law outlines principles for resettlement in cases of land acquisition requiring relocation. These principles include: (i) making the resettlement plan public; (ii) prioritizing on-site resettlement for those whose land is acquired if a resettlement project or conditions exist in the area; (iii) prioritizing convenient locations for early site handover; (iv) giving priority to those who contributed to the revolution; and (v) providing sufficient financial support from the State to ensure a minimum resettlement rate if compensation is inadequate. The land use fee will be based on the specific land price at the resettlement location, with the Provincial People's Committee deciding the house selling price at the resettlement site.

However, central legal documents lack guidance on determining land prices and land use fees that resettled individuals must pay. According to Clause 4, Article 86 of the 2013 Land Law, if compensation and support funds are insufficient to buy a minimum resettlement rate, the State will provide the necessary financial support. In contrast, Clause 1, Article 22 of Decree 47/2014/ND-CP states that Vietnamese households and individuals residing abroad will receive residential land and houses for resettlement, and any shortfall between compensation for land and the minimum resettlement rate will be subsidized.

These regulations contain contradictions. The Land Law bases support on total compensation and support (including land, assets, and other support), while the Decree focuses only on compensation related to land (Hien & Trang, 2013)<sup>[10]</sup>. Additionally, Clause 3, Article 85 of the 2013 Land Law states that residential land acquisition will only proceed after completing the construction of housing or infrastructure in the resettlement area. However, there is still a need for clear documentation specifying when land and resettlement houses will be handed over to resettled individuals (Than, 2017)<sup>[38]</sup>. Besides, there is still no close attention related to the post-resettlement process; the case of resettlement in Ha Noi is a typical example when 173 resettlement apartment buildings were handed over. At that time, there were 103 buildings without community houses, only 119 buildings with service business areas, and 54 buildings without parking spaces; the number of established management boards needed to be more significant. According to the data reported by Ha Noi Housing Management and Development Company, by the end of 2018, out of more than 100 resettlement apartment projects, there were over 700 resettlement apartments for ground clearance. However, people have yet to come to carry out procedures for handover, and the number of vacant apartments accounts for a relatively large proportion, with more than 370 apartments<sup>4</sup>. Therefore, it is necessary to set up management boards in resettlement areas to receive and handle relevant issues in the resettlement area.

The 2013 Land Law does not explicitly stipulate a policy for dealing with temporary accommodation (temporary residence). However, this ambiguity has led to some localities not regulating such a policy. Clause 3, Article 6 of the 2014 Housing Law on resettlement housing arrangements states: "In cases where the State invests in renovating or rebuilding an apartment building, the project investor must provide temporary accommodation or pay for resettled people to manage their accommodation during the renovation and reconstruction period. If a real estate business and the owner agree to invest in renovating and rebuilding an apartment building, the parties must agree on the temporary accommodation for the owner during the renovation and rebuilding period."

To ensure the legal system's consistency and address the temporary residence needs of affected individuals, it is proposed to amend and supplement Clause 2, Article 83 of the Land Law with the content: "Support for temporary accommodation (temporary residence) for households, individuals, and Vietnamese residing abroad who must relocate." This amendment would facilitate implementation by localities and satisfactorily address people's temporary residence needs while waiting for resettlement (Dang, 2021)<sup>[3]</sup>.

## Conclusion

In the context of national economic development, land acquisition is an inevitable and necessary process, aimed at advancing socio-economic goals. Despite numerous revisions to land acquisition laws to adapt to changing social contexts, there remain significant "gaps" in the legal framework. Specifically, there is a lack of effective

<sup>4</sup> Central Management Board of Irrigation Projects (CPO): Resettlement Policy Framework (RPF), Ha Noi, June 2013 [http://agrovi-et.gov.vn/Lists/appsp01\\_Jawdocumenlist/Attachments/111/KhungCS\\_Tai DC.pdf](http://agrovi-et.gov.vn/Lists/appsp01_Jawdocumenlist/Attachments/111/KhungCS_Tai DC.pdf), dated February 26, 2019

regulation addressing the balance between the interests of various stakeholders, including the State, investors, and individuals whose land is acquired for socio-economic purposes. To address these issues, the theoretical foundations for compensation, support, and resettlement during land acquisition should focus on the following principles: (i) managing and coordinating land use in a scientifically informed manner that benefits society and individuals, (ii) ensuring fairness and equality in the compensation, support, and resettlement processes, and (iii) enhancing the accountability of the State and relevant stakeholders in land recovery, with a view towards achieving sustainable development.

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