

Land Management in Some Countries and Recommendations for Vietnam

Dr. Vu Tuan Hung, Associate Professor
Southern Institute of Social Sciences, Vietnam

ABSTRACT

Land is an extremely valuable resource and also a special means of production, creating a living space for the whole society and humanity. Reality has shown that land is closely linked to all human activities, and is an irreplaceable means of production for the agricultural and forestry sectors. As society develops, the demand for land is increasing, while land resources are limited. For Vietnam – an emerging economy, learning from the experiences of previous countries can help draw valuable lessons for the land management process in Vietnam in the new context. The purpose of the article is to analyze the land management experiences of France, Korea, China, etc. to draw some reference values for Vietnam in the current context.

Keywords: land, land management experience of some countries, land management in Vietnam

INTRODUCTION

Land is a precious resource and a special means of production, creating a living space for society and humanity. Reality has shown that land is closely linked to all human activities, and is an irreplaceable means of production for the agricultural and forestry sectors. As society develops, the demand for land is increasing, while land resources are limited. Especially in the current period, the process of industrialization and modernization of the country is taking place strongly, along with global economic integration and the impact of climate change, making land increasingly scarce. Therefore, land management and use are raising special concerns in all countries, particularly Vietnam.

Vietnam, situated in Southeast Asia, is recognized as one of the fastest-growing developing countries in the region, with an average economic growth rate of 6.8% from 2016 to 2019. It ranks 30th globally in terms of GDP according to the International Monetary Fund (2022). Despite being located in a vibrant economic zone that attracts significant foreign investment, Vietnam covers an area of only about 331,212 km², placing it 65th in the world. At the same time, its population stands at approximately 100.3 million. This combination creates increasing pressure on land resources nationwide, complicating land management. Vietnam's land management has evolved through various legislative changes, including the Land Law of 1987, with amendments in 1998 and 2001, and new laws introduced in 1993, 2003, 2013, and 2024. However, challenges persist in both theory and practice. Issues such as inconsistent land management records, arbitrary land use, unauthorized agricultural land conversion, encroachment, illegal transfers, improper land allocation, and abandonment remain prevalent, leading to serious consequences. Therefore, it is crucial to implement strict land management practices, promote reasonable and effective land use, and take appropriate measures to protect the legitimate rights and interests of all parties involved in land relations. Given that land is currently a highly sensitive topic, enhancing land management's effectiveness in Vietnam is significant and urgent.

The 13th National Party Congress has highlighted a set of tasks and solutions that must be thoroughly understood and effectively implemented to advance Vietnam into a new phase of development. It emphasizes that "strict management and rational, effective use of land" is a crucial task that contributes to achieving sustainable development goals. For Vietnam, as an

emerging economy, learning from the experiences of other countries can provide valuable insights for improving land management in the current context. This article aims to analyze the land management practices of France, Korea, and China to offer relevant reference points for Vietnam today.

OVERVIEW OF LAND MANAGEMENT

According to the International Conference on the Environment in Rio de Janeiro (Brazil, 1993), land is a specific land area of the earth's surface, including all components of the ecological environment immediately above and below that surface including surface climate, soil, terrain, surface water (lakes, rivers, groundwater, vegetation and fauna, human settlement status, results of past and present human activities (leveling, reservoirs or drainage systems, roads, houses ...).

As outlined by the Ministry of Natural Resources and Environment in Clause 2, Article 4 of Circular 14/2012/TT-BTNMT, "land is defined as an area with specific boundaries and locations, characterized by stable or cyclically changing properties. These properties are influenced by various natural, economic, and social factors, including soil, climate, topography, geomorphology, geology, hydrology, flora, fauna, and human production activities, which impact both current and future land use."

Land management involves the systematic recording and updating of information regarding land ownership, value, usage, and other related aspects. It ensures compliance with legal requirements for land use and development, oversees the generation of revenue from the land through taxes, leases, and sales, and addresses disputes related to land (Nguyen Dinh Bong, 2014). Furthermore, land management encompasses the formulation and execution of land policies tailored to various land uses, as well as the oversight of organizations involved in land management. This process includes establishing mechanisms for managing land rights, usage, and valuation under government authority, all aimed at promoting effective and sustainable land management while safeguarding property rights.

This study was carried out in Vietnam, where land is collectively owned by the people but managed by the State. Therefore, land management is examined from the viewpoint of state oversight to clarify how the State administers land and regulates its use.

LAND MANAGEMENT EXPERIENCE IN DIFFERENT COUNTRIES

Countries worldwide have varying perspectives on the roles of land management systems. These perspectives guide nations in crafting land policies tailored to their specific socio-economic and cultural development needs, especially in today's changing environment.

Land Management Experience in France

France, a developed country in Europe, covers a total land area of 547,571 km² and has a population of 64,844,129 as of March 13, 2024. The land management system in France has several key features:

- Land Ownership Regime: France operates under two parallel forms of land ownership: private ownership and state ownership, which includes public construction works. Public property, including public land, is non-transferable. If land is needed for public purposes, the state can request private landowners to relinquish ownership, ensuring fair compensation.

- Urban Planning: With most land privately owned, France has prioritized urban planning early on, implementing it rigorously. The Urban Planning Act was introduced in 1919 for cities with populations over 10,000. Between 1973 and 1977, France issued decrees outlining urban development regulations, laying the groundwork for the Urban Policy Code. Notably, the 1992 law on decentralization introduced a significant new role for local

communes in planning management. Today, urban law in France continues to evolve, balancing private ownership rights with increasing state and community involvement in land management and urban planning.

- State management of land: Although France maintains a private land ownership regime, state management of land in France is carried out very strictly through the construction of a cadastral system. The cadastral records system is very developed, systematic scientific, and timely in managing land resources and territorial information, in which information about each land plot is fully described in terms of size, geographical location, information about resources and benefits related to the land plot, and the legal status of the land plot. This system provides complete information on the current status of land use, serving the tasks of planning, managing, and using land effectively, meeting the needs of the community, ensuring the provision of information for banking operations, and creating the basis for building a fair land and real estate tax system.

- Land Use Management: In France, land use management policies are stringent to promote sustainable agricultural practices and adherence to zoning regulations. The law outlines several key points regarding agricultural land use:

+ Any conversion of cultivated land for other purposes, including residential development, requires approval from local authorities. Constructing homes on cultivated land for resale is strictly prohibited.

+ Tax exemptions and reductions are available, offering preferential treatment for land designated for seeding, reforestation, and new nursery cultivation.

+ The accumulation of agricultural land is encouraged by facilitating negotiations among landowners with multiple plots across different regions, thereby enabling the consolidation of smaller parcels into larger ones.

+ Land transactions between buyers and sellers are restricted. To sell land, permission must be obtained from the overseeing agency. The sale of agricultural land is subject to land tax and registration fees, with a preference for selling to neighboring landowners to facilitate larger plots.

Currently, land in France is increasingly regulated by laws from relevant agencies, including those focused on land management, environmental protection, urban planning, territorial organization, and development investment.

Land Management Experience in China

China has a total land area of 9,682,796 km², with around 13.8% or approximately 132 million hectares classified as cultivated land, representing 7% of the global cultivated land. Since the beginning of industrialization in 1978, China has seen rapid economic growth and urbanization. Currently, the country is focused on an economic transformation strategy aimed at sustainable growth, emphasizing efficiency and cost-effectiveness compared to the earlier reform and opening-up period from 1978 to 2011. The previous model of extensive and inefficient land use is no longer suitable for the needs of China's evolving economy. With a population of approximately 1.412 billion in 2021, nearly 80% of whom live in rural areas, rural and land development remains a critical focus for the nation's economic strategy. Furthermore, climate change has significantly affected northern China, which is the primary food production area, creating an urgent need for an ecological civilization to optimize land management and reorganize living and production spaces. In response, the Chinese Government has enacted land management policies that reflect the country's strategic transformation, including the following key aspects:

- Land Ownership Structure: The Chinese Land Management Law defines land ownership as either State or collective. All urban land is owned by the State, while rural and suburban land is collectively owned, except for land legally designated as State-owned.

Under Article 2 of the 1988 Constitution, the State allocates land to organizations and individuals through land use rights for periods ranging from 40 to 70 years (40 years for commercial, tourism, and public projects; 59 years for industrial, educational, scientific, technological, cultural, medical, or sports purposes; and 70 years for residential land). To transfer land after allocation, users must pay the full land use fee to the State, obtain a land use right certificate, and adhere to the designated purpose of the land (Interim Law on the Sale and Transfer of State Land Use Rights in Cities and Towns, 1990). Failure to comply with these regulations may result in the revocation of land rights.

- Land use planning: Chinese law stipulates that the State has the right and responsibility to develop land use planning nationwide and at each level of government according to administrative-territorial units. For urban land, the State conducts management through planning. The city's master plan is a comprehensive, long-term, strategic plan for socio-economic development with the city's construction works. The law also specifically stipulates that the planning of lower levels must comply with the planning of higher levels and must be approved by competent authorities before being implemented.

China's land use planning in the new period must adhere to the following principles: (a) Protect 132 million hectares of cultivated land rigorously; (b) Utilize land efficiently to achieve optimal outcomes; (c) Maintain a balance between the needs and benefits of land use across economic and social sectors as well as local areas; (d) Enhance environmental protection and promote natural ecology to sustain and improve the quality of life for all citizens; (e) Reinforce state oversight of land use.

- Land classification for management: To achieve high efficiency in land management, China has divided land into 3 types: (a) agricultural land - direct production materials of the agricultural sector including cultivated land, aquaculture land, and grasslands; (b) construction land - used to build architectural works, urban houses, national defense, and security works, for public purposes, mineral exploitation; (c) unused land - land not used for the above 2 land groups.

- Inspection and supervision of land use: In accordance with the 1999 Land Law, land use planning is set for 10 years at all levels. Currently, China mandates a general land inventory every 5 years, along with annual land statistics, which are conducted across all management levels from central to local authorities. Land records are maintained for each land user, documenting any changes related to both the user and the specific parcel of land. The findings regarding the current land use status will be publicly announced after verification by local authorities and approval from higher-level local authorities. For national investigation results, these will also be publicly disclosed following approval from the State Council. The Land Administration Department under the State Council will develop regulations on land investigation in collaboration with the Ministry of Land and Resources of China and other relevant ministries and branches.

- Land finance: China lacks a stable, long-term, and indefinite system for land allocation. Consequently, the law requires that the State collects fees during the land allocation process, and land users must pay the full land use fee to the State before exercising their rights. China views land allocation and fee collection as crucial measures to generate budget revenue, which is essential for meeting the capital requirements for sustainable national development.

Land Management Experience in Korea

Korea, a developed country in East Asia, covers an area of 100,210 km² and had a population of 51.74 million in 2021. Land management in Korea is intricately linked to the establishment of a modern state. The land management framework is organized into three tiers: central, provincial, and district levels. The key agencies involved are the Ministry of the

Interior at the central level, the Land Administration at the provincial level, and the local tax office at the district level. Korea is recognized as having one of the most advanced and effective land management systems globally, with significant expertise in digital transformation and the integration of cutting-edge technologies such as big data, artificial intelligence, cloud computing, and blockchain into its land management practices.

- Land ownership: The Korean Land Management Law regulates land ownership between private and state ownership. Nearly two decades ago, Korea allowed individuals and foreign investors to own land under reciprocal international treaties. Real estate can be owned by a single entity or jointly. In Korea, there are three types of co-ownership: Gongyu (co-owners with independent ownership relationships), Hapyu (co-owners jointly own real estate as a partnership), and Chongyu (real estate owned by an unincorporated association whose disposal requires the consent of the requisite percentage of members).

- Land use planning: In Korea, land use planning is carried out at the central and local levels. At the central level, the national comprehensive plan provides the basic legal framework for land use. At the provincial level, the metropolitan area plan and the provincial comprehensive plan provide the regional framework. These plans have a term of approximately 20 years, which are reviewed and adjusted every 10 years, each time prepared in consultation with the public and independent experts.

- Land classification for management: Land in Korea is divided into 24 types. The classification of various land types helps to quickly identify the category a piece of land belongs to among the 24 types mentioned. This makes management more straightforward and allows for more accurate land pricing. To develop the real estate market, the Korean Government has implemented measures such as anti-land speculation and regulating land supply and prices to create positive impacts on the market.

- Land information system: In Korea, although land is privately owned, in many cases the State has the right to reclaim land from the people. In 2013, the Ministry of Land, Infrastructure and Transport of Korea implemented the Korea Land Information System (KLIS) to enhance transparency in land management procedures and eliminate land-related injustice and corruption. The KLIS system helps people to look up and receive land use planning confirmations online and refer to public, transparent announcements on land prices anytime, anywhere via the website. The quality of public administrative services has been improved, significantly reducing communication time and costs. Shortly after the establishment of the KLIS, the timeframe for expressing objections to publicly announced land prices were reduced from 10 days to just 3 minutes. The procedure for granting land transaction permits was shortened from 10 days to 1 day. The time for issuing land use planning confirmation and publicized individual land price estimates has been shortened from 15 minutes to a few minutes. The previous 5-day compilation work of real estate agents has been shortened to 1 day.

SOME RECOMMENDATIONS FOR VIETNAM

Land Law in Vietnam

In 1987, the first Land Law was issued, opening a new turning point for land management and use in our country. This was followed by Circulars and Decrees issued by the Ministries to adjust and guide the State's land policies. By 1992, the Land Law continued to be supplemented and amended to meet the needs of land use in the renovation period. At the 9th National Assembly session on July 14, 1993, the Land Law and the Law on Agricultural Land Use Tax were passed to suit the economic requirements in the new period, marking an important milestone in the land development process of our country. However,

due to the limited management capacity of officials and the constant change of legal documents, there are still many difficulties for land management.

To address these challenges and requirements, the Land Law was revised, enhanced, and adopted by the National Assembly on November 26, 2003, accompanied by a set of related guiding documents. The 2003 Land Law has great significance for the management and use of land in the whole country, reflecting the Party's policies and guidelines, at the same time expressing the will and aspirations of the people in the renovation period as well as helping the State to manage the entire national land fund in a synchronous, unified and stable manner from the Central to the local levels. With a fairly complete and detailed system of legal documents, the 2003 Land Law has addressed all land relations and has expressed innovative viewpoints in line with the market mechanism and the process of industrialization and modernization of the country. Continuing on November 26, 2013, the 11th National Assembly-4th session passed the full text of the new Land Law with 7 chapters and 146 articles after a very elaborate process of drafting with many revisions and extensive public consultation, aligning with the needs of the country's new development phase, which is the period of promoting industrialization and modernization of the country. Most recently, on January 18, 2024, the National Assembly passed the Land Law (amended) 2024, which will create conditions for more effective use of agricultural land so that the agricultural sector can develop more and more, farmers can become richer and the face of the countryside can become more and more renewed, positively affecting both the economy and the real estate market in the context of urbanization and development of rural residential areas.

As a result, the 1987, 1993, 2003, and 2013 Land Laws have contributed greatly to the exploitation of land funds, the management of land has become orderly, creating stable growth of the economy and improving the material and spiritual life of the people. However, the construction of the land law system in recent times as well as the many amendments and supplements have shown that Vietnam's legal system still has many limitations, is patchy, not synchronous, and many regulations have not kept up with the new context and caused difficulties in the application process. More importantly, today, the trend of large cities "springing up like mushrooms" has revealed limitations in planning, registration procedures, land declaration, or dispute resolution mechanisms. In addition, short-term strategies have caused the planning of residential areas, business areas or industrial zones to not be allocated reasonably. Finally, the land administrative management system has not been fully digitalized, causing delays in recording, storing and processing information.

Recommendations for Land Management in Vietnam

From the land management practices in France, China, and Korea, several reference values for Vietnam can be derived as follows:

First, state agencies exercise the power and responsibility of representing the entire people's ownership of land, performing the task of unified state management of land. Land users ensure the principle of using land in accordance with planning, land use plans, and land use purposes. Economical, effective, protecting the environment and not harming the legitimate interests of surrounding land users. Land users exercise their rights and obligations within the land use term following the provisions of the Law and other relevant legal provisions.

Second, issue a system of legal documents on land in a synchronous and timely manner, and ensure continuity even when legal regulations are adjusted. Develop regulations and rules for the implementation of land policies and laws to ensure publicity, transparency and efficiency; strengthen state management and public services on land; have a mechanism for close coordination between sectors, fields and localities; fully collect public opinions on the

establishment and adjustment of land use planning and plans, compensation and resettlement support to ensure the legitimate and legal interests of the people.

Third, the State has a policy to protect agricultural land, especially cultivated land, and limit the conversion of rice-growing land to other purposes. If conversion to other uses is required, it is essential to implement measures that either expand the land area or enhance cultivation efficiency.

Fourth, raise the legal awareness of state land management officials and land users to create a favorable legal environment, ensuring that land laws are better implemented from the stage of promulgating land laws to the time of applying these laws.

Fifth, the State must build a unified and synchronous land information data system based on modern science and technology from the central to local levels. To build such a system, the State needs to invest comprehensively in a highly reliable basic land records system in all localities nationwide. Unify the method of land classification, and land records management and publicize it from the central to local levels.

Sixth, strengthen inspection and examination of state management of land for managers and land users, to minimize violations of land laws. If violations are detected, promptly correct them so that land management gradually becomes more orderly.

CONCLUSION

Land management is a typical activity of the State and competent agencies, individuals and organizations. In the context of research in Vietnam - an emerging economy in Southeast Asia, effective land management plays a crucial role in the country's socio-economic development in the new period. France, China and South Korea are all developed countries that have had land management policies very early and have achieved outstanding achievements. In particular, China and South Korea have many similarities with Vietnam in terms of state administration characteristics as well as land ownership regimes. Therefore, the experiences of the above countries are useful lessons for Vietnam in this field.

REFERENCES

- Bach Thi Thanh Ha, & Nguyen Thi Ha (2019). Experience of China and Korea in exploiting financial resources from land and lessons learned for Vietnam. *Journal of Financial and Accounting Research*, 7(192), 65-68.
- Do Kim Chung, Luu Van Duy, & Le Thi Thu Huong (2022). Land ownership: Overview of international experience and policy implications for Vietnam. *Vietnam Agricultural Science Journal*, 20(1), 113-122.
- Ngo Kim Hoang Nguyen, Phan Phuong Ngan, & Nguyen Thi Thu Uyen (2022). Experience in land management in some countries around the world. *Industry and Trade Journal*, 24, 18-23.
- Nguyen Dinh Bong (2014). *Modern land management models in some countries and experiences for Vietnam*. National Political Publishing House.
- Tran Dinh Nuoi, & Nguyen Phuong Thao (2021). Land information system: International experience and lessons for Vietnam. *Journal of Social Science Information*, 12, 23-29.