



LAND TRANSPARENCY STUDY SYNTHESIS REPORT



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LAND TRANSPARENCY STUDY

SYNTHESIS REPORT

ABBREVIATIONS

LURC Land Use Rights Certificate

PAPI Provincial Governance and Public Administration Performance Index

PCI Provincial Competitiveness Index

PPC Province People's Committee

VTP Vietnam Transparency Project

Acknowledgements

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EXECUTIVE SUMMARY

If a country's political, economic, and social system was a human body, access to information would be the nervous system. Just as the nervous system tells the brain where we are, where we are going, whether we are tired or injured or hungry or thirsty, flows of information help ensure that decisions are made efficiently and that resources are used productively and fairly. Information helps ensure that the organizations that make up the body politic are performing as instructed, that decisions reflect the pains and pleasures of the people whom the state serves.

Coupling with economic strides, Vietnam has made impressive progress in opening up flows of information over recent decades. Internet penetration has grown rapidly, and citizens have more access to global and national news than ever before. Transparency of decision making by the state has also expanded. From the publishing of budgets and fiscal information, to draft laws, to televised sessions of the National Assembly, there is no doubt that Vietnam is a more transparent place than in decades past. The same holds true for land management, with successive legal changes gradually expanding the scope of information that is declared to be "public information."

At the same time, citizens and firms continue to report having difficulty finding the information they need, and problems such as corruption and the misuse and waste of resources continue to constrain Vietnam's progress. In the area of land management, surveys of the perceptions of citizens and firms point to limited implementation of the land transparency rules that do exist. Many experts have highlighted the need for Vietnam to greatly expand transparency in the next phase of modernizing its institutions.

This report presents the results of a novel study on land transparency in Vietnam; a study that focuses on the actual provision of information related to land.

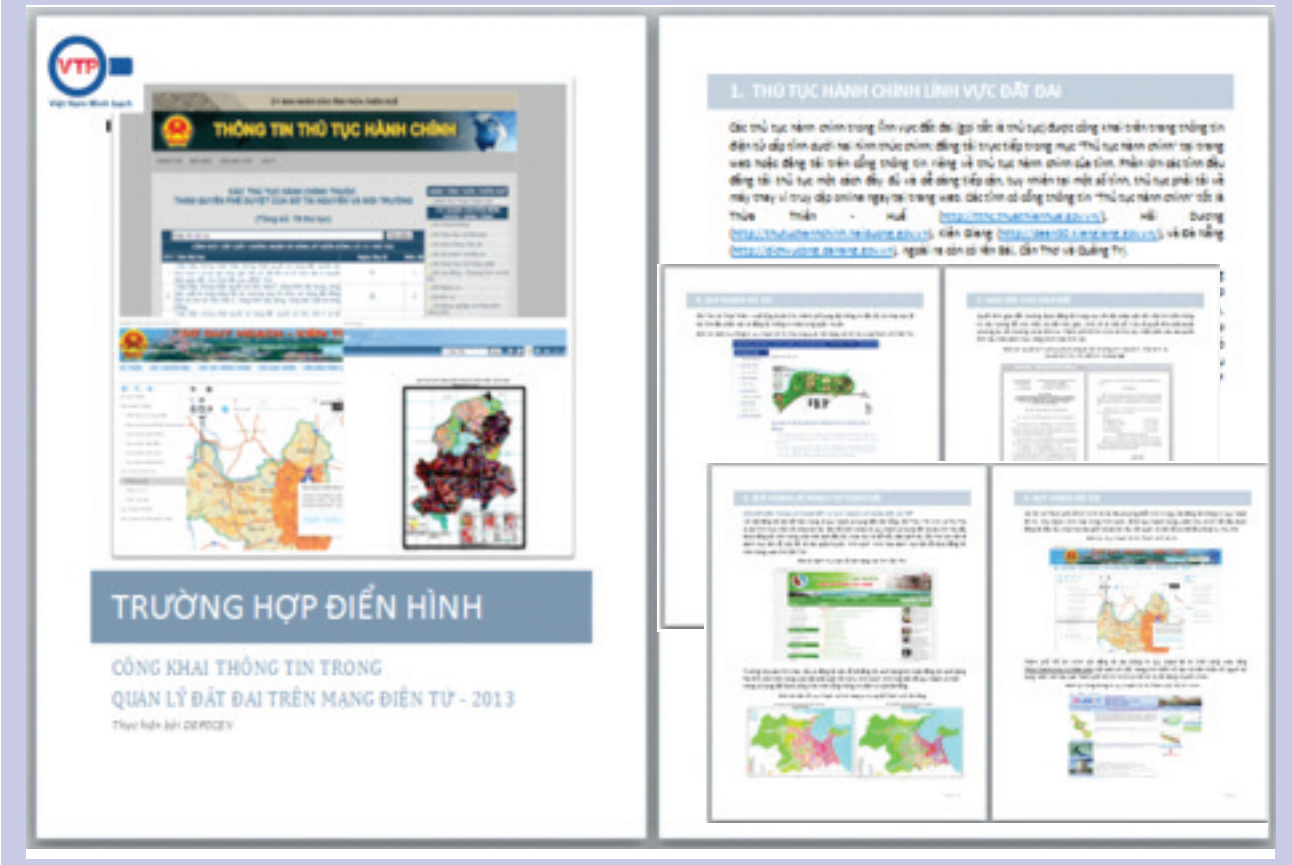
How do we measure “transparency”?

The methodology used in this study is simple. Rather than relying on surveys of the general population of citizens and firms, the methodology of the Land Transparency study employs direct observation. After a detailed review of legal documents highlighted which land-related information must be made public and in which form, teams of researchers attempted to find that information, recording their experiences along the way. The researchers covered four levels of provision of land-related information: on provincial websites, and at offices at the province, district, and commune levels. In all, the study involved detailed exploration of the websites of all 63 provinces, plus physical site visits to 63 provinces, 126 districts, and 321 communes. With more than 500 places visited, the information that was collected provides the hard data on which to assess how well the transparency-related laws and regulations are being implemented, and whether there has been improvement since 2010.

What does it mean to be “actionable”?

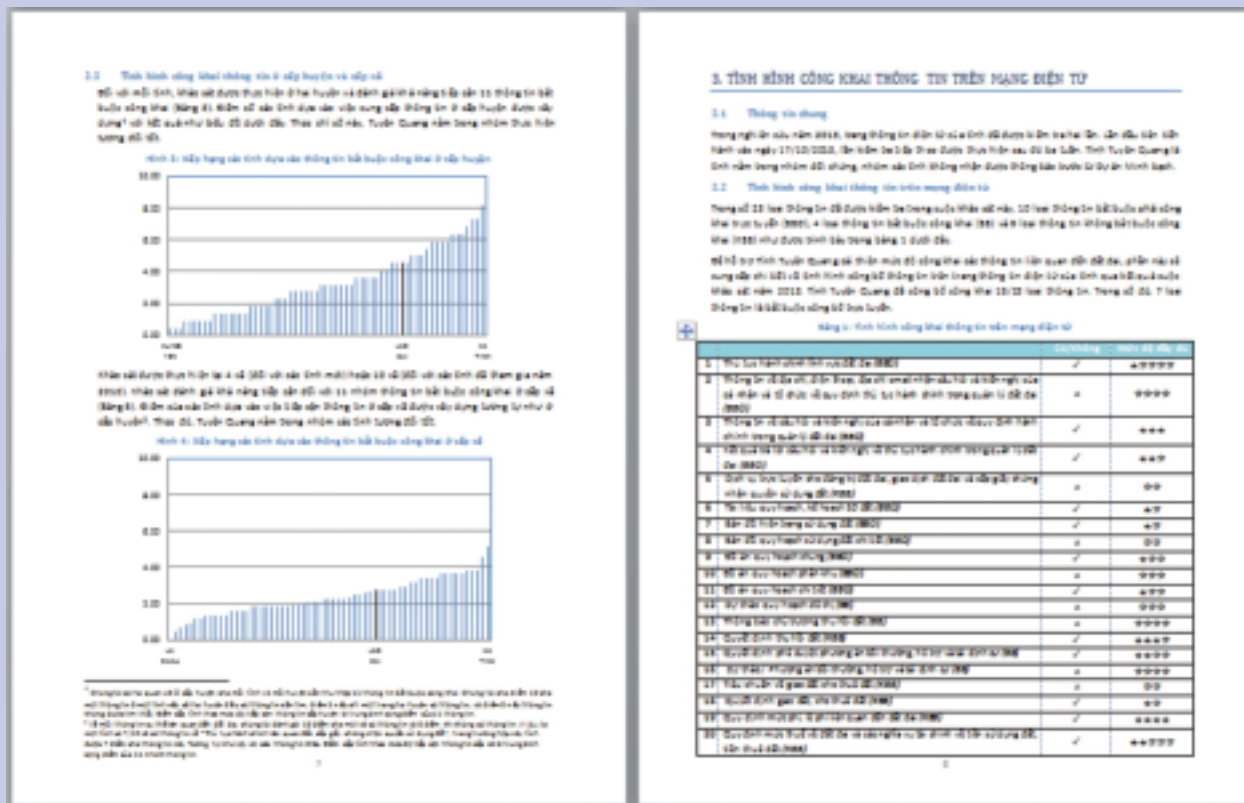
While any cross-province assessment in Vietnam draws attention as a means of ranking provinces, the methodology of this Land Transparency study has a different objective, that of providing constructive and practical advice. The philosophy is simple: It is not enough to tell a province they are doing badly; we owe it to them to explain how to improve. The research teams, therefore, literally recorded their experiences. At every site visit, and for every web site, the teams took photographs and screenshots. With more than 16 gigabytes of data to back up the assessments, this report of the results of the Land Transparency study is only one element of a larger effort to improve implementation of land transparency provisions. The photographs and screenshots are being used to develop Good Practice Notes which are being disseminated to the provinces, so that they can learn from each other.

Summary Figure 1. Feedback Provided by the VTP Land Transparency Study -- Good Practice Notes



And herein lays the beauty of the methodology of the Land Transparency study. All of the indicators are 100 percent “actionable.” This means that it is clear exactly what a province or district or commune needs to do to improve transparency and to improve their scores. In all, the web checks covered more than 300 discrete pieces of information, and the spot checks more than 30 for each level of information disclosure. These objective measures are then aggregated up to arrive at the assessments of the adequacy of land-related information available at each level. To maximize the constructive potential of the Land Transparency study, each province has received a custom report describing how they were assessed, and how to improve their ratings.

Summary Figure 2. Example Province-Level Report: What was found and how easily?

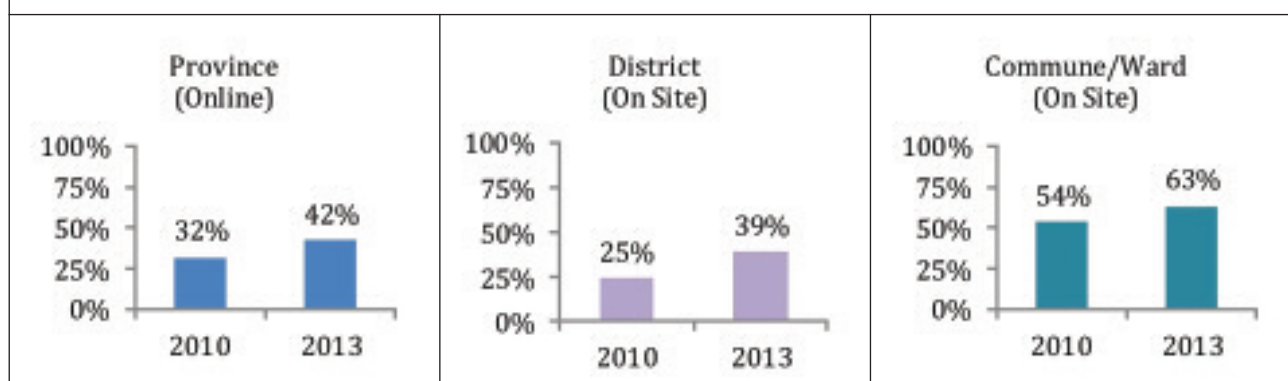


Is the transparency of information related to land getting better?

The study, which was conducted in late 2013 and early 2014, updates an earlier study in 2010 allowing us to determine whether there have been improvements over time in implementation of land transparency regulations. The short answer to the question is “yes”, there have been improvements in many respects in the transparency of land related information in Vietnam. (Summary Figure 3.)

At the province level, provision of land related information online improved. This is especially true for information on land use planning, which is defined by law to be public information. Some provinces go beyond the requirements of the law and publish information related to compensation, support and resettlement, and information on land allocation online, both of which also improved between 2010 and 2013. Districts were more likely than three years earlier to provide land use maps and land use planning maps on site. Documents related to decisional processes, such as drafts of compensation, support and resettlement plans, and minutes of discussions, are also more available than in the past, although still only for a minority of districts. At the commune level, the improvements mostly centered on documents and maps surrounding land use planning, and the list of households eligible to receive Land Use Rights Certificates (LURCs).

Summary Figure 3. Improvements in Land Transparency at All Levels



Notes: Based on indices of availability of land related information, focusing on the types of information that are comparable between the two periods. The scales for the three charts are not the same, as the information examined was not the same for all levels. Sample sizes are 63 provinces, 24 districts, and 117 communes/wards. The changes are statistically significant at the 1% level for province web checks, and 5% level for both district and commune spot checks.

Although these improvements are impressive, the data from the Land Transparency study also make clear that actual provision of land related information still falls short of the legal requirements, and even farther short of full access to information. Consider the trends implicit in Summary Figure 3. If the provision of information expands by 10 -15 percent every three years, it would be many decades before Vietnam's administrative offices came close to full compliance with even the modest transparency provisions in the current laws. As Vietnam aspires to develop the modern institutions expected of a middle income country, accelerating this process is an imperative.

Why is information still so hard to get?

When the researchers were not able to obtain the information, they noted the reasons. In essence, the problems with transparency came down to attitude, capacity, and leadership, three factors which often feed on each other.

At the province, district, and commune site visits, officials often simply refused to provide the information. Citing “confidentiality,” or the need for approvals from Chairmen of the People’s Committees, or the need for letters explaining the reason the information is needed, or even the need to meet in a private meeting over a coffee, many officials just don’t “get it”. In two places the researchers were detained by police for taking photographs of publicly displayed information such as land use map. These experiences speak clearly to the lack of an understanding that providing that information is the officials’ legal duty, and that citizens, even those without letters of introduction, have a right to the information.

The problem of capacity was also evident, particularly at the commune level. The most common reason for not being able to obtain the information was that the responsible official was not in the office or was on leave. Regardless of whether or not a commune has the information, a citizen who has traveled to the office may be frustrated to find the office closed during working hours or that the responsible official is unavailable. This is the reality that many citizens face. In other cases the officials could not find the information, echoing a finding from the earlier study that poor record-keeping often contributed to the lack of transparency.

We also found strong evidence that leadership matters. When we sent a letter to some of the provinces alerting them to the results of the 2010 study, explaining how the province ranked, and providing examples of good practices from provinces that scored well, we also provided a telephone number they could call for more information. Interestingly, the provinces that called to seek more information were the same ones that had been improving the most *before* the letter was sent. Those that were improving were, not coincidentally, the ones that cared enough to follow up upon the letter.

Table A. Reasons Information Was Not Provided

Province Spot Checks					
	Administrative Procedures	Land Use Plans and Planning	Urban Planning	Compensation, Support and Resettlement	
Number of provinces not providing the information (out of 63)	6	13	17	36	
<i>Most commonly cited reasons:</i>	The provincial officials refuse to provide information (3)	The provincial officials refuse to provide information (9)	The provincial officials refuse to provide information (10)	The provincial officials refuse to provide information (21) The responsible official is not in the office/on leave (13)	
Commune Spot Checks					
	Administrative Procedures	List of House-holds Eligible for LURC	Land Use Plans and Planning	Urban Planning	Compensation, Support and Resettlement
Number of communes not providing the information (out of 321)	58	166	132 (excl NA)	70 (excl NA)	152
<i>Most commonly cited reasons:</i>	The responsible official is not in the office/on leave (28)	The responsible official is not in the office/on leave (63) The commune does not have such procedure (44) The communal officials refuse to provide information (37)	The responsible official is not in the office/on leave (62) The communal officials refuse to provide information (27)	The commune does not have such procedure (27) The responsible official is not in the office/on leave (24) The communal officials refuse to provide information (15)	The responsible official is not in the office/on leave (62) The commune does not have such procedure (53) The communal officials refuse to provide information (31)

Why worry about transparency?

The data from the Land Transparency study can be used to explore what factors are correlated with transparency and why transparency matters. The data suggest that richer provinces tend to favor online provision of information and this comes at the cost of onsite access to information. Places with higher poverty tend to have less access to information at the commune level. Importantly, several assessments of corruption at the province level are negatively correlated with the level of transparency of land related documents. These correlations suggest that the primacy placed on transparency as a means of controlling corruption is not misplaced.

At the same time, the data on land transparency beg the question of how the land related information is used. There is only very limited correlation between the actual levels of information provision evidenced by the VTP Land Transparency study and the assessments of citizens and firms. While the reasons are debatable, the existence of such a disconnect serves as a reminder of the importance of active citizen engagement, raising awareness of the existence of the information and their right to access it.

What can Vietnam do to improve transparency of land related information?

The VTP Land Transparency study provides some concrete directions for improving the real access to information related to land in Vietnam. As the indicators are 100 percent actionable, they can serve as a checklist for better implementation of existing legal provisions. Such a checklist would be useful to the extent that officials know and understand that it is their duty to provide such information. Improving understanding and awareness of this duty must come from strong leadership at all levels. After all, the new Land Law explicitly provides citizens the right to monitor land management and use—but there must be greater awareness of this right.

Unfortunately, the legal provisions that do exist do little to support such an understanding. The present approach to access to information is one of making a “positive” list of things that should be public. Countries around the world have taken a stronger approach, one of passing access to information laws that establish a *right* to information, one based on the principle that everything should be public except that which is on a “negative” list of exceptions. Such laws also establish oversight, monitoring, enforcement and appeals procedures, all of which are lacking in Vietnam’s approach to access to information. The idea of an access to information law is not new, having been discussed for at least six years, and the agenda for the current National Assembly includes the Law on Access to Information. It remains to be seen whether a culture of openness and transparency can be cultivated and nurtured by institutionalizing the right to information.

1. INTRODUCTION

Vietnam has set institutional reform as a top priority for the coming decade. Such a focus is well placed—the development of modern institutions is indeed the fundamental challenge facing Vietnam. A considerable body of research has established that institutions—the rules that govern how the state, citizens, firms, and civil society interact with each other—are fundamental for long-term social and economic progress¹. Strong property rights that provide incentive for firms to invest and grow; an efficient state apparatus that provides basic services and public goods and addresses market failures; a system that guarantees rights, does not play favorites and is responsive to the people—all of these contribute to long-run prosperity. Information is integral to any system of institutions; information to enable oversight of the system of property rights, service delivery, and state efficiency; information to enable citizens and firms to defend their rights and obtain services—in short: information for development.

These ideas are not new for Vietnam—neither the institutional landscape nor the state of transparency is static. For decades, a process of incremental reforms has brought institutions more in line with free and open exchange, stronger property rights, and deeper integration of the people into the Vietnam’s system of governance. Recognizing the roots of past achievements allows one to see more clearly how the next phase of development should proceed. Shifting the institutional orientation from “state management”, which evokes a top-down approach to governance, to a more inclusive system of “governance” means strengthening the rights and position of citizens, firms and civil society—a bottom-up approach to governance.

While progress on institutional reform is unmistakable, it has also been incremental and slow. Even when the legal framework has been revised to strengthen institutions of accountability, implementation notoriously lags behind. This is as true with information disclosure as with other aspects of institutions. In 2009, one major study² catalogued more than 30 laws, ordinances, decrees and circulars guaranteeing access to information of some form or another, yet Vietnamese

1. Such a view is often associated with Douglass North, who won the Nobel Prize in 1993. More recently, Daron Acemoglu and James Robinson’s view of the historical importance of “inclusive institutions” has gained prominence.

2. World Bank and others (2009). *Vietnam Development Report 2010-Modern Institutions*. Joint donor report to the Vietnam Consultative Group Meeting, Hanoi, December 3-4, 2009. <http://www.worldbank.org/vn/vdr2010>.

citizens, firms, the media, and even public officials find it difficult to access information in practice. The same study, drawing on a survey of more than 9,600 Vietnamese citizens, found that most citizens said they do not have access to the information that they need. (See Box 1.) While this implementation gap is widely recognized, the underlying reasons for the gap and, hence solutions, are not obvious, nor is there a system for actively monitoring compliance with existing transparency provisions³.

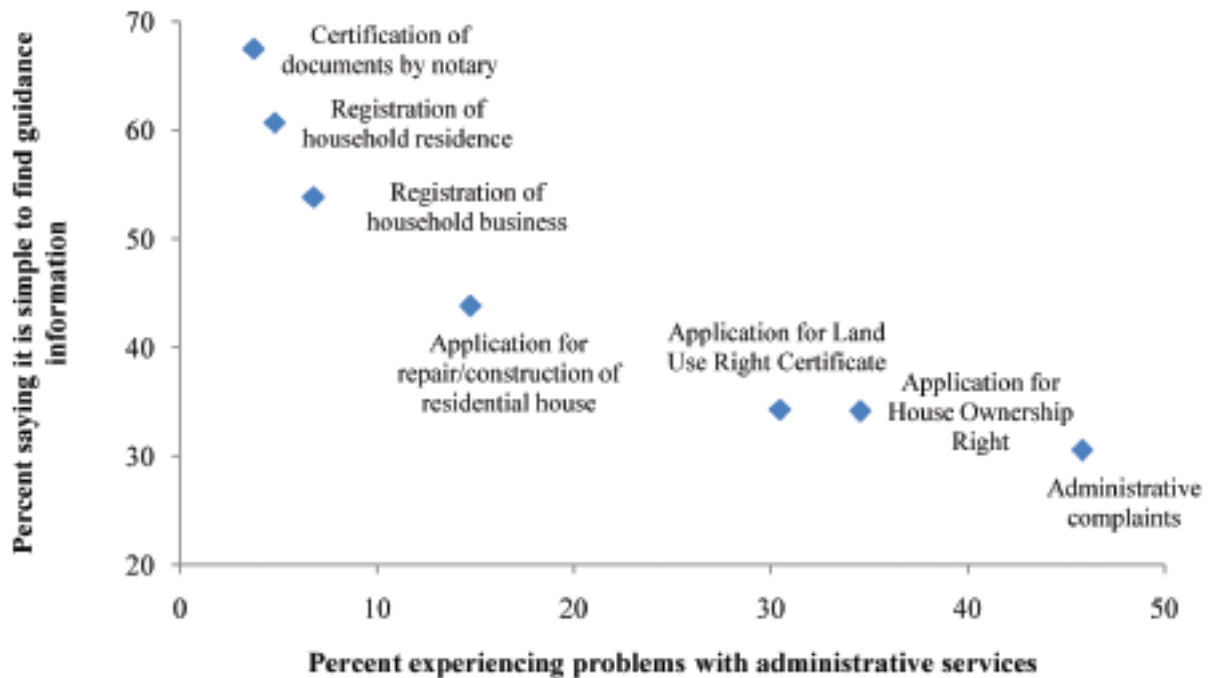
Box 1. Why Focus on Transparency of Land Related Documents?

Transparency and access to information have long been recognized as obstacles to Vietnam's progress in modernizing its institutional and governance framework. This Box summarizes a subset of the many earlier research studies suggesting the importance of access to information, including access to information about land-related documents.

Vietnam Development Report (VDR) series. Access to information has been a perennial theme in these joint donor reports led by the World Bank. [VDR 2010-Modern Institutions](#) analyzed a national survey of more than 9,600 citizens, one that enquired of respondents whether it was easy or difficult to find guidance information for a range of services. Among the worst assessments were those for LURCs and information related to house ownership rights. Not coincidentally, these were also the services for which citizens encountered the most problems. The same VDR drew on the most prominent national survey of firms, the Provincial Competitiveness Survey (PCI) to show that although the trend was improving, the percentage of firms saying they need a relationship with provincial officials in order to get information was still very high. In summarizing priority actions for improving efficiency and equity and for reducing conflicts related to land, [VDR 2011—Natural Resources Management](#) recommended public transparency of land markets. [VDR 2012—Market Economy for a Middle Income Vietnam](#) argues that free access to information is a prerequisite for an efficient market economy and concludes that “improving transparency is one of the ‘low-hanging fruit of transition’ that has yet to be fully harvested in Vietnam.”

3. For a broader overview and international comparisons of the legal framework for land governance, see Dang Hung Vo and Nguyen Van Thang (2013) “Improving Land Sector Governance in Vietnam (Draft Report)—Implementation of Land Governance Assessment Framework (LGAF)”. World Bank. December, 2013. On the lack of monitoring more generally, see Jairo Acuna-Alfaro (2009) “Heightening access to information in Vietnam—the challenge of monitoring implementation.” *Vietnam Law & Legal Forum*, August 2009.

Dealing with administrative services and the ease of accessing information



Source: World Bank and others (2009). *Vietnam Development Report 2010-Modern Institutions*, based on 2008 Vietnam Household Living Standards Survey (VHLSS) Governance Module.

Surveys of citizens and firms. The *Provincial Competitiveness Index* (PCI) survey, managed by the Vietnam Chamber of Commerce and Industry and supported by USAID, has been tracking the perceptions and reported experiences of the Vietnamese business community for ten years, and transparency has been a consistent theme. As noted above, most firms believe that they cannot get access to information without a relationship with the provincial authorities. The *Vietnam Provincial Governance and Public Administration Performance Index* (PAPI) is a survey of citizens in all provinces run by UNDP and the Centre for Community Support Development Studies (CECODES), in collaboration with the Vietnam Fatherland Front. The PAPI similarly finds that people report having weak access to information, albeit at varying levels across provinces. Nationally, only 21 percent of respondents reported being aware of commune land use plans. *Corruption from the Perspective of Citizens, Firms, and Public Officials*, produced in 2012 by the World Bank and the Government Inspectorate in cooperation with UK-Aid, UNDP, and T&C Consulting, reported on the results of surveys of citizens, firms, and public officials. All groups report land management to be among the most corrupt sectors in Vietnam. The same study found that across provinces and districts, openness and transparency was the set of policies that were most consistently correlated with low levels of corruption.

Studies focusing on land management. The 2011 World Bank study *Compulsory Land Acquisition and Voluntary Land Conversion in Vietnam* argues that problems in land management are the source of conflicts, and also of a generalized loss of trust between citizens and the state. *Recognizing and Reducing Corruption Risks in Land Management in Vietnam*, prepared by the Embassy of Denmark, the World Bank, and the Embassy of Sweden in 2011, argued that lack of transparency is a core building block of corruption and that enhancing the transparency of the process and results of land allocation decisions, including land allocation prices could be undertaken fairly quickly, and with good effect, greatly reducing the chances of hiding corruption. The World Bank's 2012 study *Revising the Land Law to Enable Sustainable Development in Vietnam* recommended provisions to ensure "greater access of all stakeholders to land information and their active participation in land administration and management, with priority given to the functions that affect people's rights and benefits such as the first-time land registration; preparation, appraisal and approval of land use planning; the State's decision-making on land; supervision and inspection of land legislation enforcement; and resolution of land-related disputes, complaints and denunciations; and to provide legal provisions to formalize and regulate the access of land information through electronic media; and establish objectives and institutional arrangements for the development of the land information system and the national spatial data infrastructure of Vietnam based on this."

Indeed, governance reforms often face the same set of challenges: the difficulty in establishing objective metrics for tracking progress leads to a difficulty in knowing how well the governance arrangements are working. With transparency, however, it doesn't have to be that way. The philosophy of the Vietnam Transparency Project (VTP) is that transparency *can* be measured and tracked over time. And by measuring and reporting on actual implementation of existing transparency rules, the VTP can help establish what is working well and having impact, and what is not working well⁴. More importantly, the VTP can collect and disseminate "Good Practice" notes; not from other countries, but from within Vietnam.

The present study is a follow up to a 2010 study⁵ which, like this one, sought to assess the actual level of transparency of land related documents in Vietnam. The approach does not rely on

4. See also Anupama Dokeniya (2013). *Implementing Right to Information-Lessons from Experience*. World Bank.

5. *Survey Report on Information Disclosure of Land Management Regulations* was designed by the World Bank, supported financially by UK-DFID through the GAPAP Trust Fund, and professionally implemented by the Vietnamese think tank DEPOCEN. <http://www.worldbank.org/vn/governance>.

perceptions of users using the familiar survey-based approaches. Rather, it measures actual transparency and is designed to facilitate tracking of progress over time, and provide objective assessments of the degree of transparency across provinces. While the value of understanding the perceptions of the general population should not be underestimated⁶, an objective assessment of the actual provision of information is also needed.

How important is this implementation gap for explaining Vietnam's current set of challenges? In a survey⁷ commissioned by the Government Inspectorate of Vietnam, 76 percent of land officers said the thing they like most about their jobs was that their positions gave them privileged access to information. Information is power, and when closely held, when someone is given a monopoly over information, this creates "rents" and opens up the space for corruption. Even when there is no corruption the monopoly on information generates other inefficiencies, as resources are not put to their best uses, and as transactions costs for firms increase as each firm must discover the information for itself⁸.

The present study on Land Transparency, based on data collected in late 2013 and early 2014, goes beyond the 2010 study, expanding coverage to all provinces and to a larger sample of districts and communes. In all, 510 places were physically visited, and each of the 63 provincial websites was thoroughly explored on two occasions. The picture that emerges is one of gradual improvement in many respects. More information is being made available than three years earlier, and it is more easily accessible – improvements were found at the province, district and commune levels, and on the province websites. At the same time, some information was often hard to obtain. At the province level officials often simply refused to provide the information, despite provisions in the law making disclosure mandatory. The more common problem at the commune level was that the officials were not present, or did not have the information handy. Often the officials required an official letter explaining the reason the information was being requested.

6. The best known such surveys, covering wide ranges of administrative areas, are the Provincial Competitiveness Index (PCI) and the Vietnam Provincial Public Administration and Governance Index (PAPI). These annual surveys of firms and citizens, respectively, generate considerable attention from officials who wish to improve their rankings.

7. The survey, by T&C Consulting, was carried out in Hanoi, Ho Chi Minh City and Vinh Phuc and included 83 land officers in addition to more than 500 households and 73 intermediaries.

8. See especially Denmark, World Bank, and Sweden (2010). *Recognizing and Reducing Corruption Risks in Land Management in Vietnam*. Hanoi: National Political Publishing House. <http://www.worldbank.org/vn/governance>

The results show both the progress and the challenges of expanding true access to information in Vietnam. The data itself also illustrate why improving transparency is a priority, finding that several measures of corruption are correlated with low levels of transparency.

This report is organized as follows: Section 2 describes the evolving legal framework for land transparency in Vietnam, and Section 3 outlines the methodology used for the Land Transparency study. Section 4 presents the main findings on the state of transparency surrounding land management in Vietnam, as well as the changes since 2010. Section 5 presents the findings surrounding the reasons for the lack of transparency in Vietnam and what can be done to improve.

2. THE EVOLVING LEGAL FRAMEWORK FOR LAND TRANSPARENCY

Land in Vietnam is at once a source of productivity and livelihood for millions, and, too often, a source of conflict. In the long transition from an economic system characterized by state ownership over resources and central planning of the economy to one characterized by private property and market exchange, land has commanded particular attention. As a resource fixed in supply and one subject to major reforms in earlier decades, historical concerns over land accumulation and the role of the state as the owner of land have driven policies of land governance. At the same time, the need for land in order to support the ambitions of industrialization, and the countervailing need to safeguard the rights of small holder farmers and other land users, poses a tension that is not easy to balance. Understanding the legal regime for land governance, and especially the recent changes, would provide important context for the Land Transparency study.

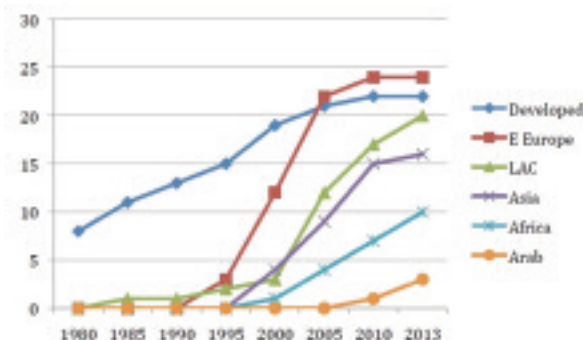
The same is true for transparency generally. Vietnam does not yet have an overarching Law on Access to Information, and this fact is the primary reason for its abysmal international rankings on access to information. The Global Integrity Index, for example, gives Vietnam a score of “0” in its assessment of the legal guarantee to access information, precisely because there is no over-arching Law on Access to Information. To the extent that such rankings focus on whether or not the legal system carries a *presumption* that information is public unless there is a compelling reason not to disclose, then such assessments make sense. Vietnam’s legal system carries no such presumption, making Vietnam among the shrinking minority of large countries that do not have such a law on access to information. (Figure 1)

Figure 1. Right to Information Laws around the world: Growing in number and quality.

Subjective assessments of the quality of right to information laws from best (dark green) to worst (dark orange) to nonexistent (light grey)



Number of countries with right to information laws, by region and time



Source: Access Info Europe and the Centre for Law and Democracy (2013) *RTI Rating Data Analysis Series: Overview of Results and Trends*. 28 September 2013; and <http://www.rti-rating.org>. Please cite this original source.

Notes: The RTI Rating, developed by Access Info Europe (AIE) and the Centre for Law and Democracy (CLD), “is a methodology which provides a numerical assessment or rating for the overall legal framework for the right to information (RTI) in a country, based on how well that framework gives effect to the right to access information held by public authorities.” The map on the left, clipped from the rti-rating website, shows the subjective assessments of the quality of right to information laws in countries that have such laws, from best (dark green), to worst (dark orange), with gradations in between. Countries in light grey, including Vietnam, are those without right to information laws. The chart on the right shows the number of countries in each region and for each five year period, that have right to information laws.

While Vietnam’s legal system may not carry the presumption that information should be public, it does call for information to be public in other ways—the impression that the legal system does not contain *any* guarantees of access to information is simply false. As noted earlier, more than 30 laws, ordinances, decrees, and circulars call for certain types of information to be public information. In the area of legal transparency, Vietnam made important strides with the passing of the Law on Legal Normative Documents in 2007. The Law mandated public disclosure of drafts of all legal normative documents 60 days before being passed, allowing public comment to be taken into consideration, and required Regulatory Impact Assessments (RIA) for all laws. (Whether such assessments are routinely carried out in practice is another matter.) Many other legal changes have made progress in opening government decisions, documents and information to public scrutiny. Of particular concern for the present study is whether changes have taken place since 2010.

In the time since the 2010 study on Land Transparency, the legal framework has seen several notable changes, all of which expand the requirements to make information public. First, the Anticorruption Law of 2005 was amended in late 2012, expanding the scope of information that is considered to be “public.” Second, the Land Law of 2003 was amended in late 2013, also with an expansion of transparency provisions. Other changes centered on administrative procedures and the use of information technology. The sections that follow summarize the key transparency features each of these legal changes.

2.1. The amended Anticorruption Law of 2012

Compared to the 2005 Anticorruption law and its Amendment in 2007, the amended Anticorruption Law adopted in November 2012, and effective since February 2013, sets out stricter transparency guidelines in areas and sectors most vulnerable to corruption. The centerpiece of the Anticorruption Law of 2005, the income and assets declarations, were made somewhat more transparent (or perhaps “less secret”), although stopping well short of full public access. The Anticorruption Law of 2012 requires disclosure at the office of the public officials or in office meetings. It also spells out that public listings should last for 30 consecutive days, and that disclosure must be done in the first quarter of the year.

The Anticorruption Law of 2012 also requires stricter transparency in public administration, mandating disclosure of relevant reports and information in construction projects. It delineates obligations of SOEs to publicize their financial information, equitization plans and processes, appointments and remuneration of leaders, etc. In addition, the revised Anticorruption Law includes regulations on disclosure and transparency in land management, natural resources and environment, culture, education, information and communications, agriculture and rural development. Since the introduction of the amended Anticorruption Law, three new decrees have been promulgated to help implement these transparency provisions.

In June 2013, the Prime Minister signed Decree 59 providing general implementation guidelines. Among other things, Decree 59 provides more detailed guidance on the implementation of the transparency chapters in the revised law. The guidance covers the types of information that must not be listed as state secrets such as land use planning, construction planning, and financial data of state owned enterprises. It also spells out the rights and obligations of organizations and individuals to provide or request information, as well as the responsibility of the heads of organizations to ensure that information is provided upon request by individuals and/or organizations.

The second decree, Decree 78 approved in July 2013, covers implementation of the new transparency provisions with regard to assets and incomes of public officials. Notably, the decree mandates disclosing the declarations, albeit only at the office of the filing officials, either at the

office notice board or at the annual meeting of the public agencies. Limiting public and media access to this sort of information, unfortunately, weakens their usefulness⁹.

The third decree dealing with accountability of public agencies and officials is Decree 90 approved in August 2013. Although the title of the decree might suggest otherwise, the decree is not so much about setting up accountability mechanisms which would reward good performance and punish poor performance. Rather, the decree serves as another important legal document to provide better access to information for citizens.

Decree 90 prescribes good principles for exercising accountability, principles such as transparency, and the rights and benefits of individuals and public organizations. The decree has a detailed process on how individuals or organizations or firms can request information; to be more precise, how public agencies should respond to requests for information on their public duties. The decree also stipulates a clear business standard which includes the timeline and the role of the heads of public agencies in responding to requests. The decree, if properly informed to citizens, firms, and to public agencies, could be a useful step towards better accountability and transparency of public organizations towards citizens and firms.

While the revisions to the Anticorruption Law may still fall short of the presumption that information is public unless there is a compelling reason otherwise, the revisions nevertheless took important strides toward a more open access to information regime in Vietnam. For the purposes of the present study, the key changes are the expansion of the scope of information to be made public. As many of the land-related provisions in the Anticorruption Law were already in the law at the time of the 2010 study, and are fairly general at that, the changes did not have a major impact on the Land Transparency study. Other legal changes, however, are changing the landscape of access to information to land related documents.

2. 2. Administrative Procedures - Government Resolution 56, 2010

Resolution 56/NQ-CP of the Government dated 15 December 2010 aims at simplifying administrative procedures carried out by the Ministry of Natural Resources and Environment (MONRE). Land procedures are among the six groups of procedures to be streamlined by the Resolution. The most important improvement is the inclusion of a deadline of 50 working days (including the time reserved for land surveying but not the time for fulfilling financial obligations) for issuance of LURCs in certain cases. The administrative procedures concerning lost LURCs were also improved as the new regulation specifies the time period for announcement of lost certificates on public media. In addition, an earlier requirement that local police certifying lost LURCs was removed by this Resolution.

9. A recent study showed that there is little correlation between the emphasis on assets declarations in their then-current configuration and levels of corruption. World Bank and Government Inspectorate (2012). *Corruption from the Perspective of Citizens, Firms, and Public Officials-Results of Sociological Surveys*. (With UK-DFID, T&C Consulting, and UNDP). National Political Publishing House, Hanoi.

2.3. Online Public Services - Government Decree Number 32, 2011

Recognizing the potential of the Internet, the Government has also made a great effort in recent years to enhance online information disclosure related to public service delivery¹⁰. Government Decree No. 32 was issued in June 2011 instructing People's Committees at provincial and district levels and ministerial agencies to provide online public services on their portals. According to this decree, the provision of online public services is classified into four "levels", with Level 1 providing the minimum online services and Level 4 enabling the maximum online services.

- Level 1 allows public service users to access all public administrative procedures and related information in the web portals of the concerned public agencies.
- Level 2 is Level 1 plus public service users can download necessary forms and templates for any specific public service.
- Level 3 moves further than Level 2, allowing public service users to fill and submit applications and/or public service dossiers online.
- Level 4 is the highest level of online public service delivery. Level 4 enables service users to pay fees, if applicable, online too. With level 4, public service users can also receive final results of the public services they use by post without having to go in person to the concerned public agencies.

As of 2012, all public agencies governed by Decree 32 have established their websites/portals, enabling varying levels of online public service delivery. According to the Vietnam 2013 White Book on ICT, online public services of Level 1 and Level 2 are still by far the most common with 101,995 services combined nation-wide; compared to 1,662 and 9 services at Level 3 and 4, respectively.

2.4. The amended Land Law 2013

Vietnam's legal framework for land management has been one of periodic policy and legal reforms aimed at strengthening land use rights, at improving the efficiency of management of land resources, while maintaining the state's leading role in managing land¹¹. The changes took place primarily through the Land Laws of 1987, 1993 and 2003 and other legal acts. The most recent set of changes took place with the revisions to the Land Law adopted by the National Assembly on 29 November 2013. As the new Land Law did not take effect until 1 July 2014, it had no effect on the transparency provisions in law at the time of the Land Transparency study. Given the importance of the Land Law, however, a review of the key changes, especially those related to transparency, is in order¹².

Compared with the Land Law 2003, the new one has made improvements in a number of aspects of land governance including rights of agricultural land use, land acquisition and compensation,

10. Vietnam White Book on Information, Communication and Technology 2013.

11. This entire section draws on the presentations of Dang Hung Vo.

12. For a review of the shortcomings of the previous Land Law, see World Bank (2012). *Revising the Land Law to Enable Sustainable Development in Vietnam. Summary of priority policy recommendations drawn from World Bank studies.*

land valuation, the concerns of vulnerable groups, and land use planning and land governance. While many of these changes are notable for strengthening land use rights, the description that follows will focus on those related to land governance.

Tenure

A major reform in the new Land Law, one aimed at increasing the effectiveness and security of rights in agricultural land use, is the extension of duration of agricultural land tenure. Land tenure for annual crops, aquaculture and for land production has now been extended to 50 years (from 20 years under the earlier Land Law), and farmers are allowed to renew without any preset conditions.

Land acquisition

In a move towards more transparent and equitable land acquisition, the new Land Law narrowed the scope of land acquisition¹³. Accordingly, compulsory land conversion no longer applies for projects with a high level of investment funds and wholly foreign invested projects as was the case before the revisions. As the use of compulsory land acquisition was the source of both conflicts and perceived corruption, removing this provision should reduce opportunities for corruption in land recovery, land allocation and land lease. In addition, these changes help create a level playing field between foreign and local investors, and between large and small scale businesses.

Nevertheless, the Land Law 2013 continues to allow for land acquisition for “socio-economic development for national and public interests” to implement nationally important projects. The approvals necessary for such projects, however, are higher than before, calling for approval by the National Assembly, by the Prime Minister, or by provincial People’s Councils. In the view of many land experts, the criterion of “national interest” is ambiguous, and some still call for future reforms to limit land recovery under this category to “public interest” projects only¹⁴.

Compensation, Support and Resettlement

There are no major changes with regard to mechanisms on compensation, support and resettlement. In essence, the new law inherited and inscribed relevant regulations of Decree 69/2009/ND-CP. Recommended practices for reducing complaints and the need for land acquisition, such as benefit sharing, land pooling and land readjustment, were not incorporated into the new law.

Since land compensation pricing in the case of compulsory land acquisition has been a source of persistent complaints, the revised Land Law sought improvements in this regard. The former practice, whereby the PPC established land prices every five years in an official provincial land price table, will no longer be used for land compensation. Instead, the revised law requires that land

13. For a detailed examination of the issues surrounding land acquisition see World Bank (2011) *Compulsory Land Acquisition and Voluntary Land Conversion in Vietnam: The Conceptual Approach, Land Valuation and Grievance Redress Mechanism*.

14. This was also a recommendation of World Bank and others (2009) *Vietnam Development Report 2010-Modern Institutions*.

compensation prices should be identified for specific cases, to be appraised by a provincial land appraisal council before submitting to the PPC for approval. The law also has provisions about land pricing consultancy: province-level land administration agencies are entitled to hire organizations having consultancy functions for advising on the determination of specific land prices to be used for compensation. The requirement of having an independent land valuation agency, different from the one that determines land prices, in the membership of the land appraisal council makes the land pricing process more transparent. At the same time, several features of the new land valuation system could generate future problems. The fact that the PPC Chair serves as the head of the land valuation council generates a potential conflict of interest. In addition, using independent land valuers in land price determination is not yet a requirement in every case, so detailed guiding regulations are needed to make the mechanism operational and effective.

One more improvement relating to transparency is that decisions on land acquisition can only be issued when the plan on compensation, support and resettlement has been discussed and commented upon by the land users whose land is to be acquired. The law requires that the competent People's Committee shall issue the decision on land acquisition and the decision on approval of the plan for compensation, support and resettlement on the same day. After that, the organization in charge of compensation and site clearance has to coordinate with the commune-level People's Committee to publicize and post the decision approving the plans for compensation, support and resettlement at the commune-level People's Committee offices and at common public places of the population areas of which land is recovered. The organization will send the decision on compensation, support and resettlement to each person whose land is recovered, and that decision will clearly show the level of compensation and support, arrangement of the resettlement land or house (if any), time and place of payment for compensation or support, time to arrange resettlement land or house (if any) and time to hand over the recovered land to the organization in charge of compensation and site clearance. These requirements are much clearer compared to the previous land law.

Land rights for special groups

The new Land Law made one important step forward toward ensuring land use rights for women, for communities, and for ethnic minorities. While the old Land Law only required that both spouses names be on LURCs for newly issued LURCs, the new Land Law allows land use rights holders, at their request, to convert previously issued LURCs to the new ones bearing both husband's and wife's names. Community land use is addressed as in the previous Land Law, although the new Land Law makes an improvement by prescribing that community land use rights that are recognized by the State can be eligible for LURCs, and for house and asset ownership certificates. Land use rights for ethnic minorities are similarly improved under the new law. The revised Land Law establishes a principle requiring the State to set out policies for residential land and community land for ethnic minorities in line with their customs, practices, cultural identities and actual situation of each region, as well as to facilitate access to agricultural land for ethnic minority people. How this principle is realized in practice will depend very much on the implementation decrees/circulars.

Land use planning

One of the most substantive reforms can be found in the more flexible and effective planning system, with many positive changes coming into force. Land use planning at the communal level is now integrated into planning at the district level, and district land use planning is now carried out every 10 years, with a detailed plan introduced every year. The land use planning method has been changed from a system which emphasized aggregate land designated for different purposes to a new approach of land use zoning. The relations between land use planning and other planning, such as socio-economic development planning and construction planning (including urban planning) have been better defined to reduce conflicts between them. There are also more detailed regulations about the contents of land use planning at different administrative levels as well as for defense and security.

Transparency of Land Information

The previous Land Law of 2003 had no specific regulations on public provision of land information, meaning that land related information disclosure and transparency were made on the basis of other laws and regulations. These included the Ordinance on Grassroots Democracy of 2007, the Anticorruption Law of 2005, the Law on Information Technology of 2006, the Law on Urban Planning of 2009, and a range of other decrees and decisions.

The new Land Law of 2013 has improved significantly the guarantees of disclosure of land related information by including a number of articles covering transparency and disclosure:

- Article 28 (Responsibilities of the State in the provision of land information) provides a framework for the disclosure of land information, by requesting the establishment of a land information system and ensuring access of individuals and organizations to such a system; requiring information to be promptly and transparently made public; and making it mandatory for government agencies and officials to disclose information.
- Articles 120 and 121 then describe in detail what type of information is to be included in the land information system, and therefore to be made publicly available – the national land database, which includes land laws and regulations, cadastral database, basic land survey database, land use planning database, land price database, land inventory and statistics database, grievance address database, and others. (Implementation decrees and circulars by MONRE will specify in detail contents and structure of the land database to make it operational).
- Article 122 ensures public access and use of such data through the national or local land portals on a fee-for-service basis. Article 123.2 further requests land management agencies to provide land information and data online.
- Article 33 requests MONRE and provincial PPCs to disclose their regular land surveys and assessments every 5 years, as well as any thematic surveys and assessments when available. MONRE is also required under Article 34 to make public their land inventory and stocktaking reports every 5 years.

- Article 48 requests public disclosure of approved land use planning and plans through websites and in the offices of relevant agencies within 30 days from the date of approval, and will be made public for the whole validity.
- Public provision of compensation, support and resettlement plans are required by Article 69, and final decisions by Article 62.3 at the office of communes and in a public place of the community concerned.

Participation

Improvements are also evident when it comes to consultations and dialogue. The previous Land Law only required the participation of the community in land use planning at the commune level, and the participation of the People's Council in land use planning at higher local levels, limiting community participation in land use planning. The new Land Law of 2013 allows for much broader participation by prescribing the right to comment, by listing the issues subject to public consultation, and by defining the format and time frame for comments. Article 43 makes it mandatory for land planning agencies to conduct public consultations for their planning work. It also specifies that comments on national and provincial land use planning and plans will be conducted through MONRE's and provincial websites, while comments for planning at the district level will be made through direct meetings. The community is allowed to comment on land use planning indicators, land use plans, and planned works and projects, and the time for public comment is clearly specified to be 30 days.

Article 69 provides for participation of the community over compensation, support and resettlement plans through direct meetings. Relatedly, under Article 84.3, people subject to land acquisition will have the right to comment over the preparation of relevant training and job changing support programs of provincial or district people's committees.

Monitoring and compliance

A significant improvement lies in the fact that the present Land Law deals with non-compliance of transparency, disclosure and participation provisions. Article 207 reinforces these provisions by making violations subject to sanctions, although these sanctions will be decided by the Government in a sub-law document. If the sanctions are defined well, this could be an important milestone in the development of a guarantee of access to information in Vietnam.

Another reform towards more effective and efficient land administration is in the formation of a monitoring and evaluation system. Under Article 200, a land management and use monitoring and evaluation system will be developed and used to assess implementation of land regulations and their social, economic and environmental impacts. More importantly, the system will be available for public uses. This is an advanced regulation, which promises improved land management and use if it is properly implemented. Further guidance and instructions by the Government on the shape and contents of the system will determine how effective it will be.

Under the new law, citizens are provided with the right to monitor land management and use. According to Article 199, citizens can monitor the preparation, adjustment, disclosure and

implementation of land use planning and plans; land allocation, land lease and land use purpose conversion; land acquisition, compensation, support and resettlement; land registration and grant of LURC; collection, exemption and reduction of land use fee, land rental and other taxes; land valuation; as well as the implementation of administrative procedures relating to rights and obligations of land users. These changes could significantly empower the public, although more detailed guidance in implementation decrees are necessary for effective implementation of this provision.

Implementation provisions

Taken as a whole, the revised Land Law of 2013 includes elements from all pillars of a good land governance system, thereby improving transparency and disclosure of land related information; consultation with citizens; public monitoring over land administration; and better accountability of land related agencies and officials. Accountability is also better covered under the new law, which spells out good principles of accountability by delineating mandates and responsibilities of different government agencies.

The Land Law became effective on July 1st, 2014, and three guiding decrees, introduced on May 15th, all took effect on July 1st, 2014.

- Decree 43/2014/ND-CP dated 15 May 2014 guides the implementation of some articles of the Law. The Decree details a wide range of related issues that require regulations from the Government, with the exception of issues which are regulated by other decrees, such as compensation, support and settlement, land prices, land fees, land rental, and sanctions for administrative violations. The decree better ensures rights of land users by entitling holders of small land parcels (below a minimum threshold), as well as land users who received transferred land use right from the past, to LURCs under certain circumstances. With particular relevance to the Land Transparency study, the Decree details requirements for public disclosure of administrative procedures, as well as their sequences, documents and time frames.
- Decree 44/2014/ND-CP provides guidance on land pricing methodology, establishing and adjusting land price frames, land price table and specific land price and consultancy on land pricing, including involving a land valuation council.
- Decree 47/2014/ND-CP provides more detailed regulations on compensation, support and resettlement mechanisms upon land acquisition by the state.

Although the Land Law 2013 and subsequent decrees have mandated a number of positive changes, how these improvements will take effect depends on the actual implementation of the law and decrees. Regular implementation feedback and monitoring are, therefore, necessary to ensure that positive changes in the revised Land Law are actually translated in real life. Indeed, the VTP Land Transparency study is designed to provide such feedback.

3. METHODOLOGY

The VTP uses a novel methodology of systematically collecting data on the actual extent and nature of publication of information. In the case of the Land Transparency study, the methodology focused on land-related information. In contrast to relying on surveys of user's perceptions, this study measured the actual transparency at a point in time. It is designed to facilitate tracking of progress over time while also providing objective assessments of the degree of transparency across provinces. In essence, the methodology consists of:

1. Establishing the legal basis for provision of land related information, based on a review of laws, ordinances, and other legal normative documents. The legal basis determines which information is defined to be "public" information, and whether the form of disclosure is specified.
2. Collection of data on web-based publication of land-related information to systematically check compliance with existing legal provisions across the websites of all provinces. We refer to these as the "web checks" for provision of information "online".
3. Site visits to all provinces, and to a sample of communes and districts to assess the extent and means of publication of land-related information that is not required to be made publicly available on the Internet. We refer to these as the "spot checks" for information "on site".

In addition to the main web checks and spot checks, an additional randomized experiment was incorporated into the design. The randomization focused on the online provision of information at the province level, and the spot checks at the commune level. The purpose of the randomized experiment was to identify whether and under what circumstances transparency can be enhanced by providing the provinces and communes with advance notice that they will be visited, and an assessment of how that province or commune was assessed in 2010, and some examples of good practices.

The legal review will be presented later in the report along with the results. The remainder of this section will describe the sample selection, the protocols and the quality control procedures for the VTP Land Transparency study.

3.1. Overall sample selection

For both the web checks and for the province-level spot checks, the entire universe of 63 provinces was sampled. For the spot checks, a sample of districts and communes were sampled. The sample selection was somewhat different for the 12 cities and provinces that were also covered in the 2010 study. The sample design ensured the availability of longitudinal data for all places that

were visited in 2010 while at the same time recognizing the costs associated with expanding the sample at the same scale of six communes for each province.

In 2010, the 12 provinces were selected randomly, with exceptions noted below, stratified on geographical criteria and on the PCI Land Access Sub-index. The exception was that three cities (Hanoi, Danang and Ho Chi Minh) were selected with certainty. For each selected province, two districts were randomly selected, one each urban and rural. For each district, five sub-districts were randomly selected. Altogether, we selected 12 provinces, 24 districts and 120 communes/sub-districts. (Three communes turned out to be inaccessible resulting in a total of 117 communes in the study.)

In 2013, all of the places that were visited in 2010 were again included in order to examine how transparency had changed over time. In addition, 51 provinces were added, and for each of those, two units below the province/city level were selected, one urban district or township (urban area) and one rural district (rural area). Then, we select randomly two sub-districts in each urban district and township, and two communes in each rural district. Table 1 shows the final distribution of provinces, districts, and communes.

Table 1. Number of observations at the province, district, and commune level

	Number of cities/provinces	Number of districts/ townships	Number of communes/ sub-districts	Total
In both 2010 and 2013 studies	12	24	117	153
In 2013 study only	51	102	204	357
Total	63	126	321	510

3.2 Randomized experiment

In order to test hypotheses about whether or not certain interventions help improve transparency, a randomized experiment was also incorporated into the design. If a government office is alerted in advance that they will be visited, and are also provided with an assessment of how well they performed in the earlier study, will they take measures to improve their transparency? While the results of this experiment will be presented in a separate paper, the fact of the random design needs to be discussed as it affected the sample strategy.

3.2.1 Province web checks

For the province level web checks, the data collection proceeded in two phases. First, a full baseline assessment was conducted. This assessment, which we will refer to as the “phase 1” assessment, was unaffected by the experiment and can give an indication of how web based disclosure changed between 2010 and 2013. After the phase 1 baseline was established, a random

sample of “treatment” provinces was sent the “best practice” letters and, simultaneously, alerted that an assessment would be conducted. The 63 provinces were stratified by region, and then ranked according to their 2010 score, in ascending order. Every second province was selected to receive the treatment and be sent the “best practice” letters. Roughly two weeks after being alerted, a full assessment was again conducted and we refer to this as the “phase 2” assessment. By comparing the disclosure of information before and after the experiment between the two treatment and control groups we could test our hypothesis regarding the response of provinces to the alert and best practices.

Table 2. Sampling of treatment and control provinces (web checks)

	Region	Number of “treatment” provinces	Number of “control” provinces	Total
In 2010 and 2013 study samples	North	13	12	25
	Central	8	9	17
	South	12	9	21
Total		33	30	63

3.2.2 District spot checks

For the district-level spot checks, districts that were also included in the 2010 study were first stratified by region, and then ranked according to their performance scores in 2010 in ascending order. Every second district was selected to receive the “treatment” of a letter outlining their performance in 2010 and suggesting some best practice examples.

For districts that were not included in the 2010 sample, the districts were first stratified by region, and then selected at random from within that region.

Table 3. Sampling of treatment and control districts

	Region	Number of “treatment” districts	Number of “control” districts	Total
In 2010 and 2013 study samples	North	4	4	8
	Central	5	3	8
	South	4	4	8
In 2013 study sample only	North	21	21	42
	Central	15	15	30
	South	15	15	30
Total		64	62	126

3.2.3 Commune spot checks

From among the 117 communes that were included in the 2010 study, a random sample was selected to serve as the “treatment” group and to receive the “best practice” letter. An additional sampling strategy was necessary in order to select the treatment communes.

First, the sub-districts/ communes were stratified by region, and then they were ranked according to their overall performance score in the 2010 study in ascending order. Every second sub-district/commune was sent the “best practice” letter.

The treatment was also applied to a random sample of communes that were not included in the 2010 study. For these, the “best practice” letter presented best practices, but did not indicate the commune’s score in 2010 as these communes were not included in that study.

Table 4. Sampling of treatment and control communes

	Region	Number of “treatment” sub-districts/ communes	Number of “control” sub-districts/ communes	Total
In 2010 and 2013 study samples	North	20	20	40
	Central	19	19	38
	South	20	19	39
In 2013 study sample only	North	42	42	84
	Central	30	30	60
	South	30	30	60
Total		161	160	321

3.3 Collection of data on web-based publication of land-related information

To collect evidence on the publication of land related information on the current official websites of each province in Vietnam, the research team focused on the publication status of information only, rather than ascertaining the accuracy of the specific land-related information. The websites that were visited include the official websites or portals of 63 provinces and cities in Vietnam. The websites include those of the province Departments of Natural Resources & Environment, Department of Construction and Department of Finance.

The information sought fell into six groups, and the process was carried out in three steps below.

Step 1: Checking information

- Group 1 Land related administrative procedures: The group of information on the administrative procedures (TTHC) normally can be found on the websites of PPC or Provinces’ Departments of Natural Resources and Environment under the following headings:

administrative procedures/ guidance on procedures/ set of administrative procedures. The online publication of land related information for this group is mandatory except for the information about online services for issuing LURCs.

- Group 2 Planning, land-use plans: This group of information could normally be found on the website of the PPC, Provincial Departments of Natural Resources and Environment under the following heading: Planning/planning publication/Planning information. Information on land use planning and plan includes: (i) The specification about the land use plans/planning, land use planning; (ii) The map of current land use; and (iii) The map of detailed land use planning.
- Group 3 Urban planning: This group of information normally could be found on the websites of the PPC of Department of Construction under the following heading: planning/planning publication/planning information. The online publication of this group of information has recently become mandatory since 2011.
- Group 4 Decision on land recovery, plan on compensation, support and resettlement: The publication of this information is mandatory but online publication is not required except that the “decision on land recovery” is not mandatory to be published online nor in other forms. The observer checked the information on the website of PPC and/or the relevant department.
- Group 5 Information on land allocation, land lease: This information is not required to be published online; the observers attempted to locate this information through the electronic portal of all of the provinces and or website of department relevant.
- Group 6 Information on charges, fees and taxes related to land: This type of information is not required to be made publicly available. Observers checked for this information at websites of the Provincial People’s Committees and the website of the relevant provincial departments.

Step 2: Filling and storing information: The observer was required to identify whether the information is available (*yes/no*) and score the adequacy of information. The general principle was that the score was on a scale from 1 (very inadequate) to 5 (very adequate); depending on the content, number of each information item. After searching for 6 groups of information, researchers fill in a summary sheet.

Step3: Screen shots: The observers took screen shots indicating whether the relevant information could be found or not. Pictures of each province are saved in separate folder for easy checking process.

3.4 Collection of data on availability of land-related information on site

The land-related information was checked at three levels: provincial, district and commune.

Province level

- Requirement 1: Information about the order and procedures for granting LURCs.

- Requirement 2: Information about land use plan and planning.
- Requirement 3: Information about urban planning.
- Requirement 4: Information about decision on land recovery and compensation, support and resettlement plans.
- Requirement 5: Information about land allocation and lease.

District level

- Requirement 1: Information about the order and procedures for granting LURCs.
- Requirement 2: Information about land use plan and planning.
- Requirement 3: Information about urban planning.
- Requirement 4: Information about land recovery, compensation, support and resettlement plans.

Commune level

- Requirement 1: The order, procedures and competence when granting LURCs and the list of eligible and ineligible households for granting LURCs.
- Requirement 2: Information about approved land use plan/planning at commune level and information about urban planning.
- Requirement 3: Information about decision on compensation, support and resettlement plans.

Observers visited the state agencies (Commune People's Committee, District People's Committee, the Department of Natural Resources and Environment) to collect relevant land information using the following procedures:

Step 1: Observers look at the outside and inside of the One Stop Shop of the state agency (Commune People's Committee, District People's Committee, the Department of Natural Resources and Environment) to see whether or not any information regarding land is displayed. If the information was found, the observer took a picture to save as evidence. If the observer found only some or none of the required information posted on the message board, they continued to follow step 2.

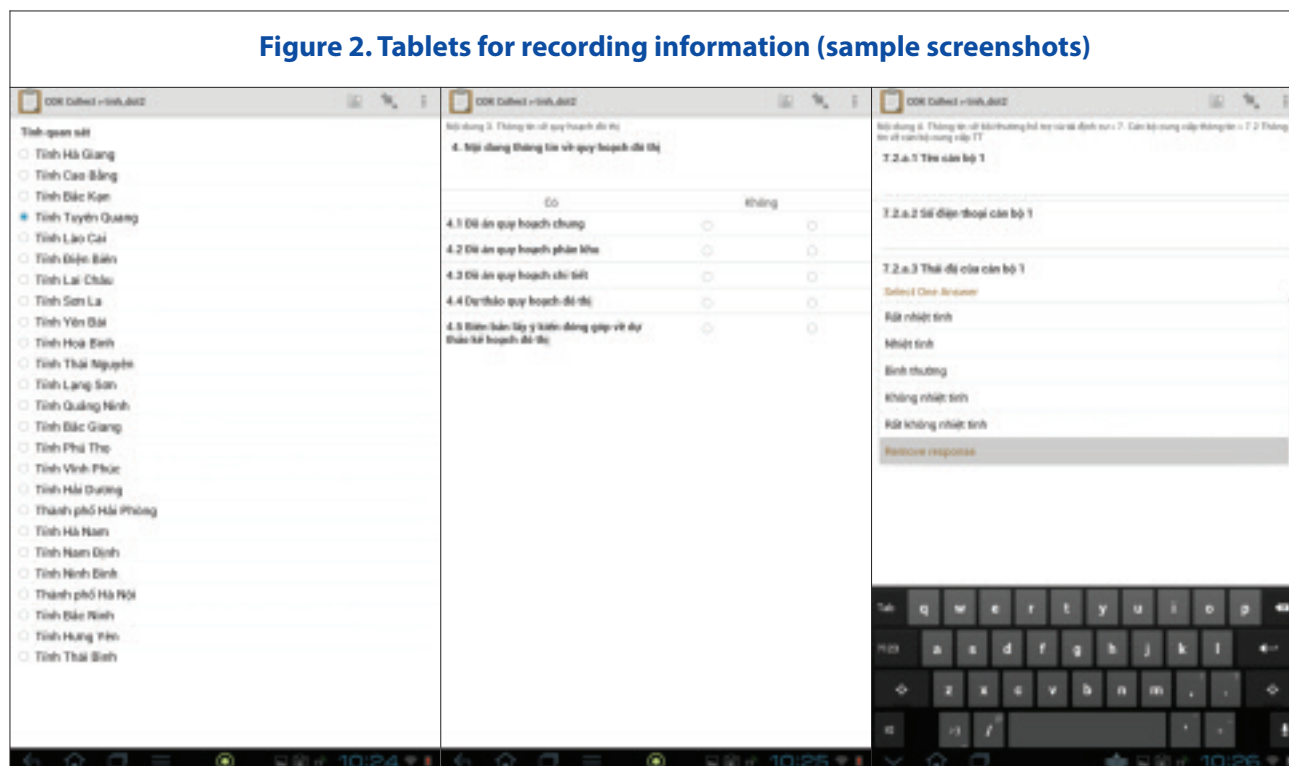
Step 2: The observer asked the officers of the state agencies (Commune People's Committee, District People's Committee, the Department of Natural Resources and Environment) about the missing information. If the officers provided nothing or there were no officers, the observer recorded the information and proceeded to go to step 3. If the officers provided the information, such as allowing the observer to see documents/materials, the observer asked to take photos and record information. If the officer directed the observer to the notice board or other place, the observer recorded the obtained and not yet obtained information. If it is impossible to obtain information in this case, the observer proceeded to go to step 3.

Step 3: In case the observer carried out steps 1 and 2 but remained unsuccessful in obtaining the information, the observer asked the officers whether it is possible to pay for the information. If the

officer reported that the information would be provided upon payment, the observer simply recorded the experience and indicated they would come back to get the information. If the observer asked to pay for information but still could not get the information, the observer recorded on the summary sheet.

The observers used tablets to record the information and were required to take photographs as evidence of information availability. The use of tablets reduced the chance of typos or transcription errors which would add noise to the data, and also facilitated supervision of researchers as the tablets also recorded the GPS coordinates at the time of data entry.

Figure 2. Tablets for recording information (sample screenshots)



3.5 Field test

The observers conducted a pilot survey at Cau Giay and Long Bien districts, Ha Noi before the implementation of the large-scale research effort. During the pilot survey, the observers honed their skills of contacting and working with state agencies and officials, and tested the protocol and the e-form on the tablet. Problems arising in the pilot survey were summarized and the lessons learnt were discussed at the end of each day among all observers. The tablet e-form was also tested prior to the application of the large-scale survey.

3.6 Timing

The survey was divided into two phases. The first phase (the control group) was implemented in 25 provinces in the North which had not received the letter and best practices from the VTP

Secretariat. The second phase was carried out across Vietnam from 26th November to 28th December 2013. The filled-in forms and photos were uploaded to the server daily by the observers. A project officer based in DEPOCEN was responsible for downloading the data and pictures to a local computer for backup purposes.

3.7 Problems encountered

Although the vast majority of the spot check visits were uneventful, there were at two places where researchers were challenged by the authorities and escorted to police stations. All of their photographs were erased. (Tân Hòa Commune, Lai Vung District, Đồng Tháp Province; and Tân Hiệp Commune, Đồng Nai City, Đồng Nai Province.) While these examples suggest a lingering lack of understanding of the right to access to information, the fact that there were only two such cases out of more than 500 site visits speaks well of the vast majority of the country.

4. TRANSPARENCY OF LAND RELATED INFORMATION

This section presents the key findings surrounding the provision of information through provincial websites, and the findings of the spot checks at the offices of 63 provinces, 126 districts, and 321 communes.

4.1 Online Provision of Land-Related Information

Websites offer access to basic information for anyone with an internet connection. Done well, the provincial websites can provide information in an easily accessible format in a cost-effective way. Done poorly, online information systems can be frustrating for users.

Internet penetration continues to grow in Vietnam. The number of Internet subscribers grew at an average rate of over 2 percent annually from 2009-2012, and as of June 2012, there were more than 31 million Internet users in Vietnam¹⁵. For a country of roughly 90 million inhabitants, this represents significant penetration. The number of broadband Internet users has also rapidly increased over the last few years. From just over three million broadband Internet subscribers in 2009, the figure reached close to five million in 2012. And the potential for further Internet penetration in Vietnam in the coming years remains huge.

Table 5 lists the main pieces of land-related information that should be made available on the Provincial websites, and the legal document that establishes this. In some cases, the legal document specifies that the information is mandatory and should be published online, and in other cases the legal document does not specify online provision. The legal framework does not require online access to some types of information, despite the fact that such provision of information would help to improve efficiency, as well as to provide oversight and reduce opportunities for corruption. Table 5 distinguishes between mandatory online, mandatory but not online, and not mandatory.

In the sections that follow, each of the types of information will be described, focusing on what the researchers found. How easy or difficult was it to locate the information on the websites? What makes some websites more user friendly than others?

15. Vietnam White Book on Information, Communication and Technology 2013.

Table 5. Legal Basis for Online Provision of Land-Related Information

Information	Form of disclosure	Regulations related
I. Information on administrative procedures and process implementations of administrative procedures (TTHC)		
1. The administrative procedures in the field of land management (database on administrative procedures)	Mandatory published online	Art 28 - Law on Information Technology (2006) The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.
2. Contact information on the address, phone number, and the email address that organizations and individuals can use to send their feedback and recommendations regarding regulations of administrative procedures in the field of land management.	Mandatory published online	Art 13 - Decree 20/NĐ-CP (14/02/2008) Art 180 – Decree 181/2004/NĐ-CP (19/10/2004 Implementation of the Law on land)
3. Information on feedback and recommendations of individuals and organizations regarding regulations of administrative procedures in land management	Mandatory published online	Art 19 - Decree 20/NĐ-CP (14/02/2008) Term i, Art 10 – Decree 43/NĐ-CP 13/6/2011
4. Solutions that have been adopted to response to feedback and recommendations in land management.	Mandatory published online	Art 19 - Decree 20/NĐ-CP (14/02/2008)
5. Online service for granting Certificates of Land Use Right.	Not mandatory public	Art 1.B.II Decision 48 of Prime Minister (2009)
II. Information on planning, land use plans (QHKH)		
1. Report on planning, and Land Use Plans	Mandatory published online	Art 27- Decree 181/2004/NĐ- CP (19/10/2004 Implementation of the Law on land)
2. Map of current land-use situation	Mandatory published online	Art 28- Law on Land 2003 Art 21 Law on anti-corruption (2005 & amended in 2012)
3. Map of detailed Land-Use Planning in case of approving detailed Land-use Planning	Mandatory published online	Term đ, Art 10 – Decree 43/NĐ-CP (13/6/2011)

III. Information on urban planning (QHDT)

1. Scheme on general planning	Mandatory published online	Art 53-54 Law on Urban planning
2. Scheme on zoning planning	Mandatory published online	Term đ, Art 10- Decree 43/NĐ-CP on 13/6/2011
3. Scheme on detailed planning	Mandatory published online	
4. Draft urban planning	Mandatory published but not online	Art 21- Law on Urban planning.

IV. Content-related compensation, support and resettlement (TDC)

1. The announcement on land acquisition	Mandatory published but not online	Art 29 Decree 69/NĐ- CP on 13/8/2009
2. Decision on compensation, support and resettlement plan	Mandatory published but not online	Art 21 Law on anti-corruption (2005 & amended in 2012)
3. The draft compensation, support and resettlement plan	Mandatory published but not online	Art 30-31 Decree 69/NĐ- CP on 13/8/2009
4. The decision on land acquisition	Not mandatory	

V. Land allocation, land lease (GDGD)

1. Criteria on land allocation	Not mandatory
2. Decisions regarding Land allocation including: investor profiles, name and content of the project, final rate and rate proposed by Ministry of Finance (GDGD2)	Not mandatory

VI. Information on land- related charges, fees and tax

1. Regulation fees, charges related to land	Not mandatory
2. Regulation on tax on land and other financial obligations such as land rent and land use fee.	Not mandatory
3. Regulation on land-related tax exemptions and reductions	Not mandatory
4. Information on table of land prices	Not mandatory

4.1.1 Land Related Administrative Procedures

Information on administrative procedures normally can be found on the websites of the PPC or Provinces' Departments of Natural Resources and Environment under the following headings: administrative procedures/ guidance on procedures/ set of administrative procedures. The online publication of land related information for this group is mandatory except for the information about online services for issuing LURCs.

Land-related administrative procedures are made publicly available on provincial websites in two major forms. They are either placed directly on the website in the "administrative procedure" section or posted on a separate portal that is made exclusively for administrative procedure. Most provinces provide adequate and easily accessible information. However there are some that wrapped administrative procedures as a whole in a single (zipped) file on their websites, which requires people to download a large file instead of accessing the information online. Some of the provinces that maintain good "administrative procedure" portals are Thua Thien Hue, Hai Duong, Kien Giang, and Da Nang. Other good examples are Yen Bai, Can Tho and Quang Tri.

Thua Thien Hue was rated very well in this category. Administrative procedures of three different levels (province, district and commune) for individuals, organizations and foreigners are listed on a separate portal. Only 9 of 63 provinces have published procedures of all three levels in their entirety. In addition to Thua Thien Hue, Binh Phuoc, Cao Bang, Dong Nai, Hai Duong, Quang Binh, Quang Tri, Tay Ninh, and Tra Vinh do so. Almost all of the remaining provinces lack administrative procedures at district and commune levels.

Each procedure consists of eight to nine components, depending on the "level" of administrative service. For Thua Thien Hue, administrative level 1¹⁶ contains 1,711 procedures, while there are 1,124 procedures in administrative level 2¹⁷. The procedures are suitably arranged and sorted by responsible agency and topics, which is convenient for searching purposes. More encouragingly, legal documents related to administrative procedures can be read and viewed directly via a pop-up window.

16. Online public service level 1 means a service which provides full information on an administrative procedure and documents related to that procedure (Decree No. 43/2011/ND-CP dated 13/06/2011)

17. Online public service level 2 allows users to download forms of documents and make declarations on those forms to complete dossiers as required. Completed dossiers may be submitted directly or by post to the service provider (Decree No. 43/2011/ND-CP dated 13/06/2011)

Figure 3. Administrative procedure portal of Thua Thien Hue



Hai Duong provides an example of a simple portal for citizens to search for administrative procedures. Indeed, in some ways Hai Duong goes beyond the requirements of the law, providing administrative procedures on a separate portal that is made exclusively for administrative procedures. (Figure 4.) Unfortunately, while the interface is user friendly, it is also incomplete. Only 6 out of 23 types of land-related information were made publicly available on the website, including three that are required by law to be published online: administrative procedures, land-use plan and information on land-related financial obligations. Other types of information, such as contact information to receive feedback and recommendations of individuals and organizations, and information on the feedback itself could not be found on the website. As a result of the incomplete provision of information as mandated by law, Hai Duong does not rank well.

Figure 4. Administrative portal of Hai Duong



Standing out from other provinces, Da Nang is another good example for its incorporation of information in English. Although it does not provide complete information, it does provide foreigners with the general idea on how administrative procedures are implemented. (Figure 5)


Figure 5. Administrative procedure portal of Da Nang



4.1.2 Feedback and Response Systems

Around 50 provinces include a feedback-and-response system on their websites. Some good examples can be found on the websites of Thua Thien Hue, Da Nang, Nghe An, and Quang Ninh. On the website of Thua Thien Hue, for example, individuals or organizations can upload their feedback, opinions, and questions by filling in a simple online form (Figure 6). After entering the required information, they are supposed to receive a code, which enables them to search and find the answer and feedback later, although it was beyond the scope of the present study to verify how well that system is working.

Figure 6. Feedback and response system of Thua Thien Hue




INSTRUCTION FOR USING SOFTWARE
 (http://www1.thuathienhue.gov.vn/portal_messages/Views/Support.aspx)

- Step 1**
Select the predetermined subject and fill in all necessary information in Vietnamese.
- Step 2**
After the information above is sent, the system will notify you and provide you a code. You are suggested to record that code for printing the receipt and find the answer later.

Da Nang and Nam Dinh are the other two provinces with good feedback and response systems. Questions are arranged by subject and are easy to search with an effective “searching” tool.

Figure 7. Feedback and response system of Da Nang, and Question and answer system of Nam Dinh



Only 46 percent of provincial websites had information on how to contact their webmasters, and an even smaller percentage provide complete information such as the name of the responsible person, addresses and phone numbers. When the information is found, it is usually found quickly, although in seven provinces, it took researchers more than 10 minutes to find the information. (Table 6) Interestingly, although it is not easy to find out how to provide feedback online, most provincial websites report on the feedback they have received (possibly through other means) and the solutions that they have adopted in response to such feedback.

Table 6. Is it easy to provide feedback and recommendations? What happens then?

1. Contact information that organizations and individuals can use to submit feedback and recommendations regarding regulations of land-related administrative procedures

	Percent of province websites
Information availability	46%
Does the contact information contain the name of the responsible person?	17%
Does the contact information contain the address?	23%
Does the contact information contain the phone number?	41%
Does the contact information contain the email address?	40%
Searching time	32% Less than 10 minutes; 8% between 10 and 20 minutes; 3% between 20 and 30 minutes; 57% never found.

2. Information on feedback and recommendations of individuals and organizations regarding regulations of land-related administrative procedures

	Percent of province websites
Information availability	78%
Does the feedback have meaningful content?	76%
Does the feedback contain name of the feedback senders?	70%
Does the feedback contain the address of the feedback senders?	60%

3. Solutions that have been adopted in response to feedback and recommendations on land-related administrative procedures

	Percent of province websites
Information availability	81%
Is the feedback response meaningful?	81%
Does the feedback response contain the name of the responsible agency?	67%

4.1.3 Land Use Plans and Planning

Information on land use plans, planning and drafts on land use planning could be expected to be found on the websites of the PPC and/or Provincial Departments of Natural Resources and Environment under the following heading: Planning/planning publication/Planning information. Information on land use planning and plan includes: (i) the specification about the land use plans/planning, land use planning; (ii) the map of current land use; and (iii) the map of detailed land use planning.

Among the few provinces that make land-use plan and planning information publicly available, Tra Vinh and Phu Tho were the best rated provinces. Figure 8 shows the list of documents related to land-use plan and planning of Tra Vinh, with simple descriptions and links which are easy to follow.

Figure 8. List of documents related to land-use planning on Tra Vinh website

Nghị quyết 109 phê duyệt quy hoạch sử dụng đất tỉnh Trà Vinh đến năm 2020 [tải về](#)
 Báo cáo thuyết minh quy hoạch sử dụng đất đến năm 2020 và kế hoạch sử dụng đất 5 năm kỳ đầu (2011 - 2015) của tỉnh Trà Vinh [tải về](#)
 Bản đồ hiện trạng sử dụng đất đến năm 2010 tỉnh Trà Vinh [xem chi tiết](#)
 Bản đồ quy hoạch sử dụng đất đến năm 2020 tỉnh Trà Vinh [xem chi tiết](#)

Số liệu QHSDD	Tải về
1. Hiện trạng sử dụng đất năm 2010 tỉnh Trà Vinh	tải về
2. Quy hoạch sử dụng đất đến năm 2020 tỉnh Trà Vinh	tải về
3. Diện tích đất chuyển mục đích sử dụng trong kỳ quy hoạch tỉnh Trà Vinh	tải về
4. Diện tích đất chưa sử dụng đưa vào sử dụng trong kỳ quy hoạch tỉnh Trà Vinh	tải về
5. Phân kỳ các chỉ tiêu sử dụng đất trong kỳ quy hoạch tỉnh Trà Vinh	tải về
6. Phân kỳ quy hoạch chuyển mục đích sử dụng đất tỉnh Trà Vinh	tải về
7. Phân kỳ quy hoạch đưa đất chưa sử dụng vào sử dụng tỉnh Trà Vinh	tải về
8. Kế hoạch sử dụng đất phân theo từng năm tỉnh Trà Vinh	tải về
9. Kế hoạch chuyển mục đích sử dụng đất tỉnh Trà Vinh	tải về
10. Kế hoạch đưa đất chưa sử dụng vào sử dụng tỉnh Trà Vinh	tải về
11. Danh mục các công trình, dự án trong kỳ kế hoạch sử dụng đất tỉnh Trà Vinh	tải về

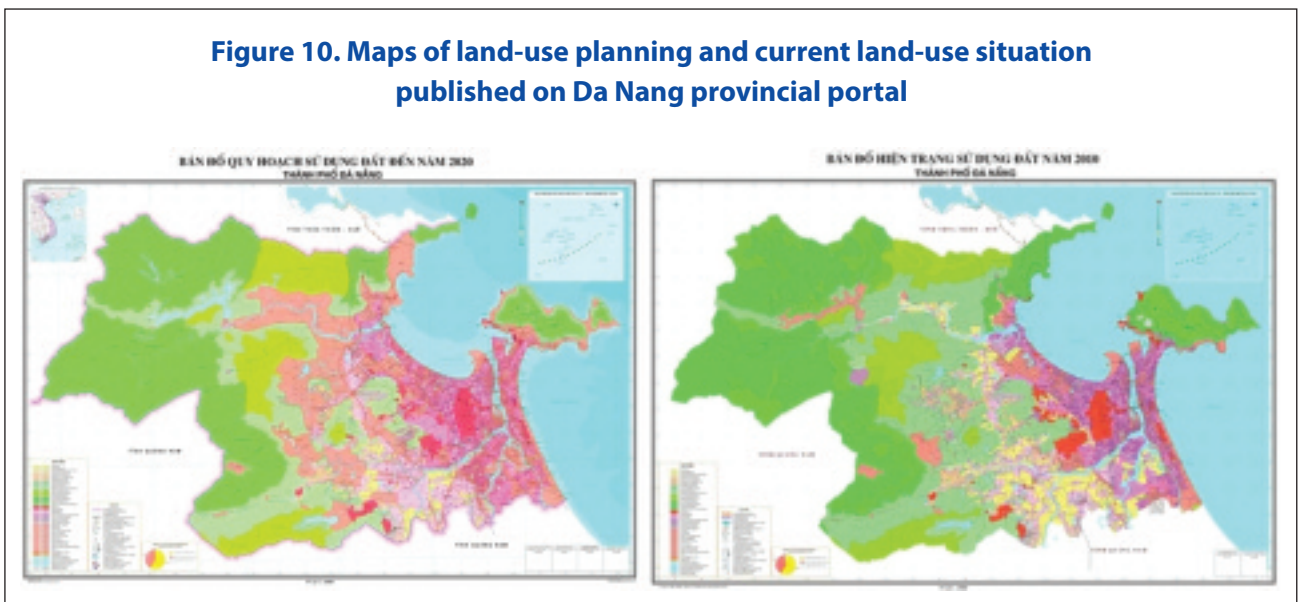
Land use planning is much easier to understand and interpret when presented in Map form. The map of the current land use showing the distribution of soil types in a specified time period was established by the administrative units, whereas maps of land use planning are set at the beginning of the planning period, reflecting the targeted allocation of land at the end of the planning period. Regarding maps of current land-use situation and land-use planning, Da Nang, Can Tho, Tra Vinh and Phu Tho provide a full set of maps including both well-arranged and easy-to-read provincial maps. Better still, Can Tho listed the maps of all districts. Figure 9 shows how these maps of Can Tho are presented and organized.

Figure 9. The list of maps on the website of Can Tho DONRE



Other provinces that post maps either attach a file in the website, which normally has better resolution, or post a simple picture. Figure 10 shows how Da Nang provides that information. In other cases, however, the pictures that are posted have low resolution and are not useful to viewers.

Figure 10. Maps of land-use planning and current land-use situation published on Da Nang provincial portal



4.1.4 Urban Planning

Urban planning, according to Article 3 of the Law on Urban Planning, refers to the organization of space, architecture, urban landscape, systems of technical infrastructure, social infrastructure and housing to create a suitable living environment for the people living in urban areas, expressed through urban planning schemes. This group of information normally could be found on the websites of the PPC or Department of Construction under the following heading: planning/planning publication/planning information. The online publication of this group of information has become mandatory since 2011. Several groups of information were covered in the web checks.

- The urban planning scheme is the document showing the contents/details of urban planning, including drawings, models, explanations and regulations on urban planning.
- General Planning refers to the spatial and systemic organization of the technical, social and housing infrastructure for an urban area/zone in such a way that it is adequate and appropriate with the socio-economic development of that urban area and at the same time able to ensure national defense and security, and sustainable development.
- Zoning planning refers to the allocation and identification of purposes and functions of urban land use planning for land zones and the associated technical and social infrastructure in an urban area with a view to elaborating the general planning.
- Detailed planning refers to the allocation and identification of targets of urban land use planning, and the architectural and scenery requirements for each land zone and the associated technical and social infrastructures with a view to elaborating the zoning planning (Under Article 3 - Urban Planning Act 2009)

Ha Noi and Ho Chi Minh City stand out in terms of providing information on urban planning. As presented in Figure 11, Ha Noi's scheme for general, zoning and detailed planning are organized well with attached documents (right column) and a map with a zoom option.



An even better example can be found in Ho Chi Minh City where information on urban planning is published on a separate website (<http://planic.org.vn/index.php>), which is very detailed, beautiful and user friendly.

Figure 12. Urban planning portal of Ho Chi Minh City



Can Tho and Thua Thien Hue provide detailed and well organized information. They both categorize the planning by district level and attach related documents.

Figure 13. Urban planning listed on Can Tho Department of Construction website

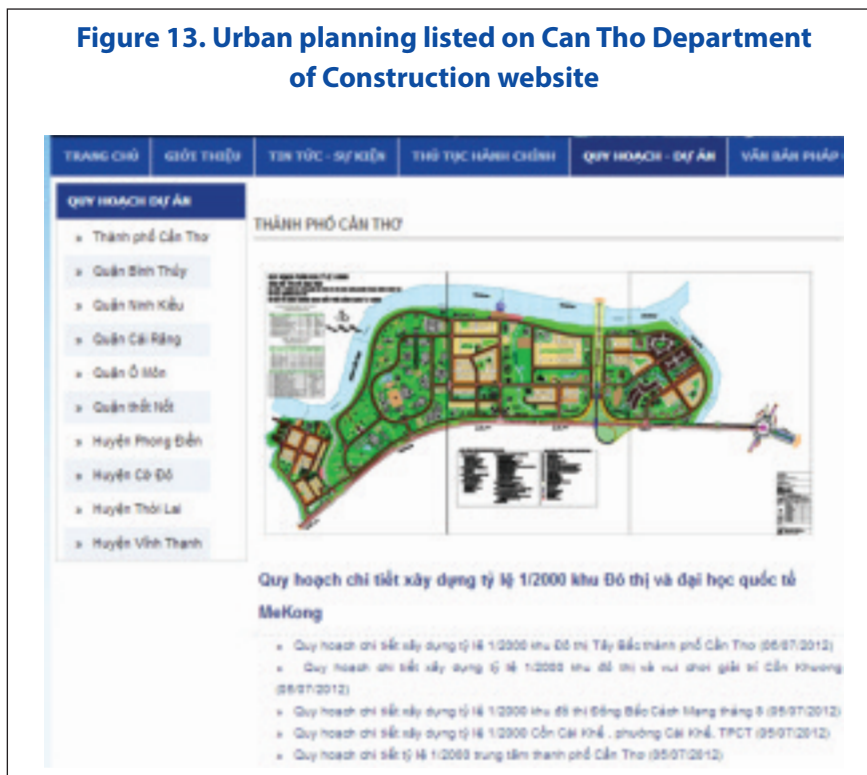


Figure 14. Urban planning published on Land Information portal of Thua Thien Hue



Phu Tho, Quang Nam, Quang Ninh, Thanh Hoa and many others also exhibited good practice when providing urban planning information. Some good practices followed by most of these include providing resolutions of the government, the Provincial People’s Council, and the report’s notes.

4.1.5 Land Allocation

The decision on land allocation is normally found in the legal document section, which is difficult and time consuming to find. Several examples of decisions on compensation and resettlement plans are provided in Figure 15. Ho Chi Minh City was the only province that listed decisions separately with links to each, as in Figure 16.

Figure 15: Decision on approval of compensation plan of Hoa Binh, Thai Binh province/ land recovery of Quang Ngai

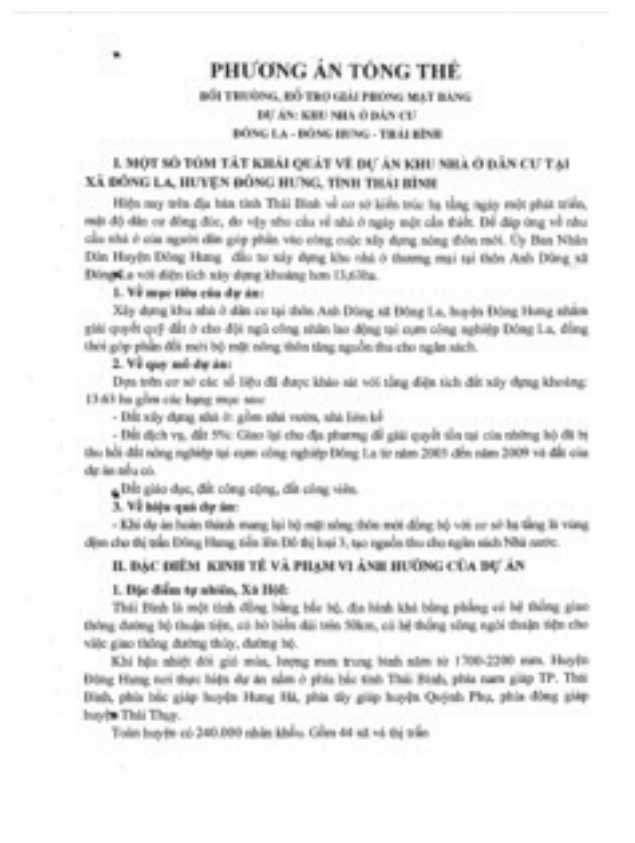
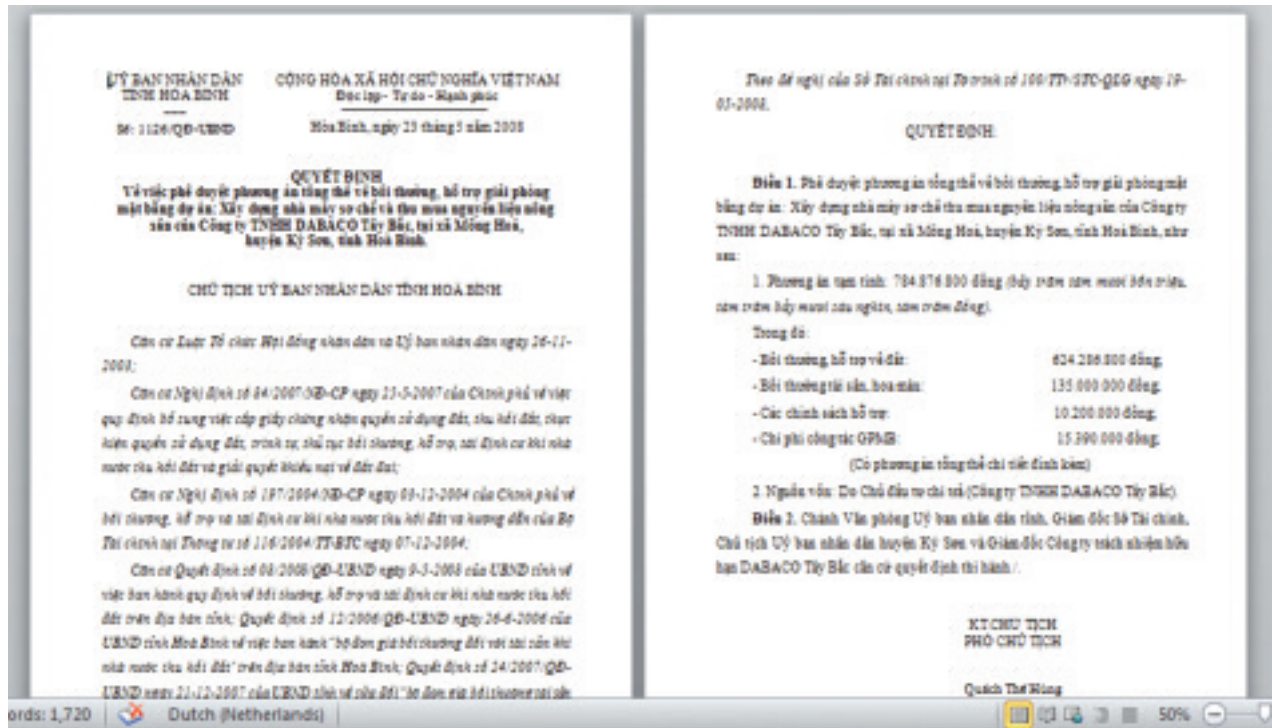


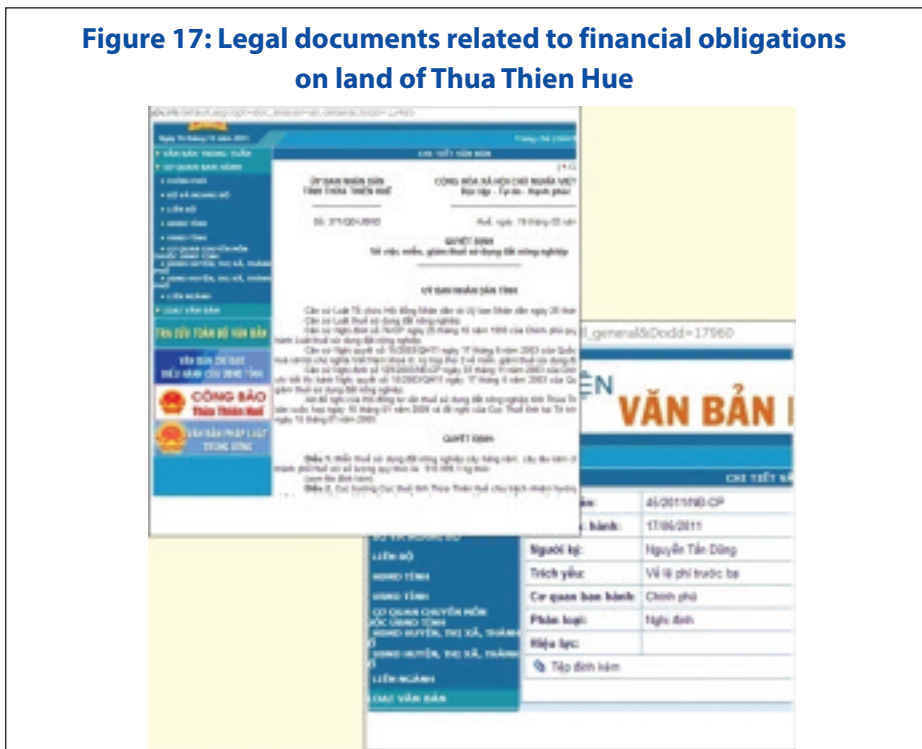
Figure 16: Decision on land leasing on Ho Chi Minh City DONRE



4.1.6 Charges, fees, taxes and other financial obligations

Charges, fees, tax and other financial obligations on land are made publicly available in legal documents, which take the observer and the citizen time to read and find the necessary information. An example, from Thua Thien Hue province, is shown below.

Figure 17: Legal documents related to financial obligations on land of Thua Thien Hue



Quang Tri was among the small number of provinces that gathers this kind of information in a separate section on their website, making it easier for people to find.

Figure 18: Fee, charge and tax section on Quang Tri website



4.1.7 Special Portals for Land Information

Some provinces such as Thua Thien Hue and Thai Nguyen have a special portal for land-related information. For example, the portal of Thua Thien Hue province includes information on planning, compensation policy, investment policy, and legal documents.

Figure 19: Land information portal of Thua Thien Hue province

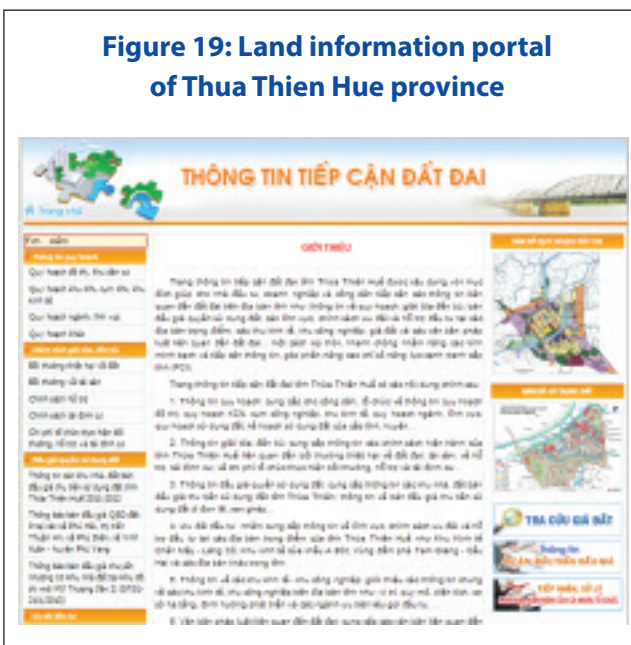
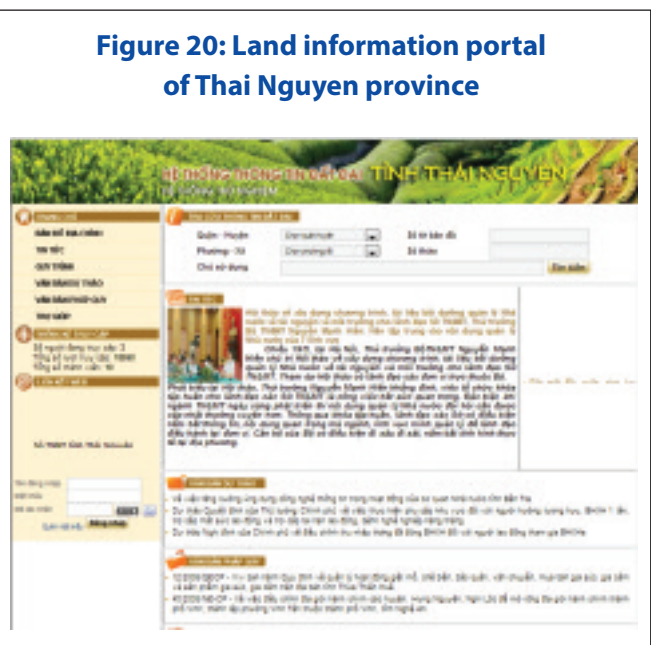


Figure 20: Land information portal of Thai Nguyen province



4.1.8 Summary: Online Provision of Land-Related Information, 2010 to 2013

This section has highlighted the diverse practices of provinces in providing land related information online. The Land Transparency study has demonstrated that there is improvement in some areas, and many good practices exist. The diversity of experiences across provinces can be used to understand more fully which ones are doing the best, and which are lagging behind, at making land related information available to the public. Figure 21 presents two sets of provincial indexes, one covering all types of information sought in the Land Transparency study, and the other focusing on the pieces of information that are mandatory. Each is a simple average of scores of adequacy of information across six groups, with each group's score being a simple average of the scores of adequacy of the pieces of information within that group. The six groups of information are shown below, with the parentheses containing the number of discrete items comprising the score.

- Group 1 Land related administrative procedures (49, all of which are mandatory);
- Group 2 Planning, land-use plans (6, all of which are mandatory);
- Group 3 Urban planning (4, 3 of which are mandatory);
- Group 4 Decision on land recovery, plan on compensation, support and resettlement (4, none of which are mandatory);
- Group 5 Information on land allocation, land lease (2, neither of which are mandatory);
- Group 6 Information on charges, fees and taxes related to land. (16, none of which are mandatory).

Although such rankings are clearly approximate, and differences between provinces situated near each other may be minor, three provinces/cities stand out: Can Tho, TT-Hue, and Ha Noi provided the most comprehensive and easily accessible land related information online. Some others, such as Ho Chi Minh City, did very well at providing mandatory information, but did not go much beyond that required by law. In contrast, Quang Ninh ranks 4th for overall provision of information, even though its provision of mandatory information is not exemplary.

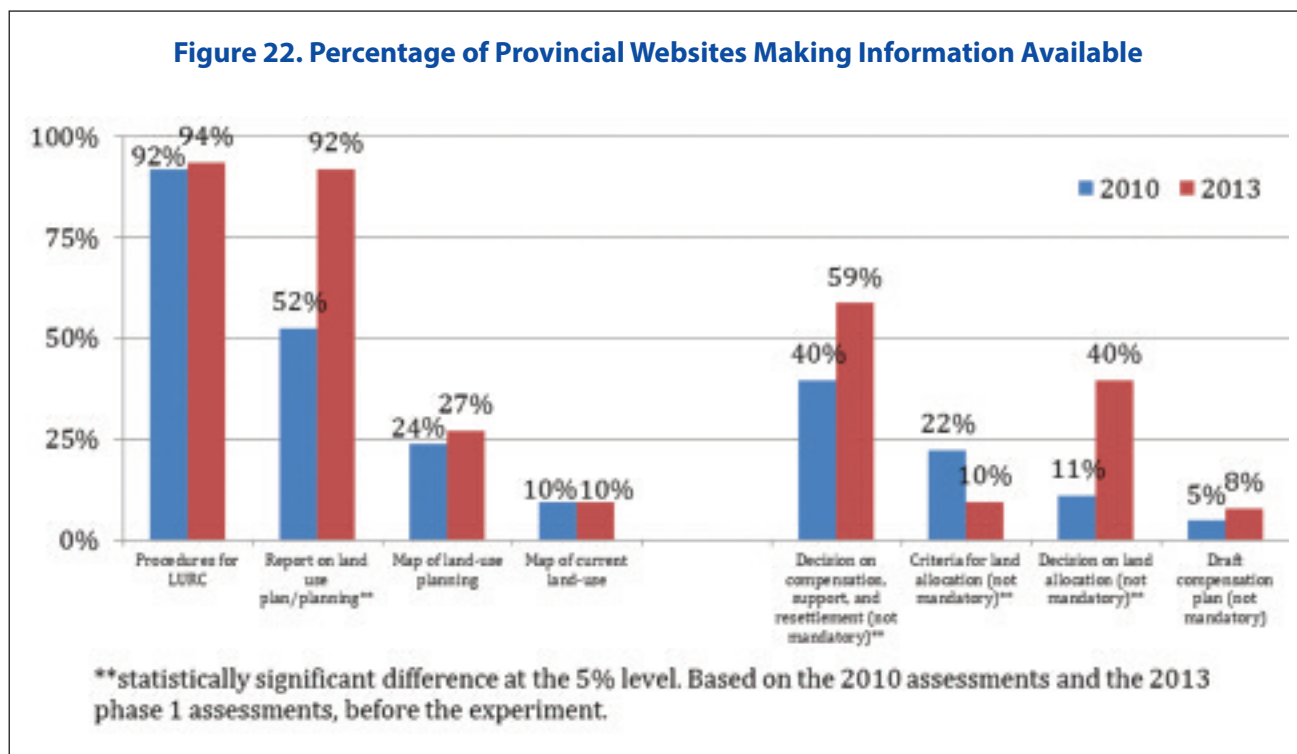
Figure 21. Adequacy of Online Provision of Land Information, by Province



Has the online provision of land-related information improved between 2010 and 2013? Focusing on the sets of information which were assessed using the exact same criteria in both periods, the answer is generally positive. Although there is no significant improvement in the percent of provinces providing maps of land-use planning or of current land-use, both of which are required

to be publicly provided online, there was a large improvement in the percentage of provinces providing a report on land use and land use planning. There was also no change in the provision of information on procedures for obtaining LURCs, but the level of provision of this form of information was high already in 2010. Interestingly, the handful of provinces that did not provide such basic information on their websites in 2010, including Binh Dinh, Ha Giang, Lai Chau and Son La, was mostly different from those falling short in 2013.

The online checks also found significant improvement in the online disclosure of two types of information that are not presently required to be provided online. The percentage of provinces providing decisions on compensation, support, and resettlement, and decisions on land allocation on their websites both improved significantly. In contrast, a smaller percentage of provinces provided the (non-mandatory) criteria for land allocation online.



4.2 Information Disclosure at Provincial, District, and Commune Offices

While online provision of information offers an affordable and, for some, easily accessible means of providing information, not every citizen has the capacity to make use of online tools. Providing information on site, at the offices of province, district, and commune levels is essential for citizens. This section describes the findings of the site visits to 63 provinces, 126 districts and 321 communes in late 2013 and early 2014.

Table 7. Legal Basis for Information Disclosure at the Province, District, and Commune levels

Information	Mandatory or not	Checked at the Province level	Checked at the District level	Checked at the Commune level	Regulation related
I. Information on administrative procedures					
1. Sequence, procedures and competence for grant LURCs.	Mandatory	✓	✓	✓	Art 21 – Law on Anti-Corruption (2005, amended 2012)
2. List of households meeting requirements to receive LURCs.	Mandatory at the commune level			✓	Art 135 Decree 181/2004/NĐ-CP guiding the implementation of the Land Law 2003; Term 2b Art 14 Decree 88/2009 on grant LURCs, ownership of houses and other assets attached to land.
II. Information on planning, land use plans					
1. Report on planning, and Land Use Plans.	Mandatory	✓	✓	✓	Art 27- Decree 181/2004/NĐ-CP (19/10/2004
2. Map of current Land-use situation.	Mandatory	✓	✓	✓	Implementation of the Law on land)
3. Map of detailed Land-Use Planning in case of approving detailed Land-use Planning.	Mandatory	✓	✓	✓	Art 28- Law on Land 2003 Art 21 Law on anti-corruption (2005 & amended in 2012) Term đ, Art 10 – Decree 43/NĐ-CP (13/6/2011)
4. Draft on planning, and Land Use Plans.	Not mandatory	✓	✓	✓	
5. Minutes of consultation on planning, and Land Use Plans	Not mandatory	✓	✓	✓	

III. Information on urban planning (QHDT)

1. Scheme on general planning.	Mandatory	✓	✓	✓	Art 53-54 Law on Urban Planning
2. Scheme on zoning planning.	Mandatory	✓	✓	✓	Term đ, Art 10- Decree 43/NĐ-CP on 13/6/2011
3. Scheme on detailed planning.	Mandatory	✓	✓	✓	
4. Draft urban planning	Mandatory at province and district levels	✓	✓		Art 21 – Law on Urban Planning
5. Minutes of consultation on draft urban planning	Not mandatory				

IV. Content-related compensation, support and resettlement (TDC)

1. The announcement on land acquisition	Mandatory	✓	✓	✓	Art 29 Decree 69/NĐ-CP on 13/8/2009
2. The draft on compensation, support and resettlement plan	Mandatory	✓	✓	✓	Art 30 Decree 69/NĐ-CP on 13/8/2009
3. The approval decision on compensation, support and resettlement plan	Mandatory	✓	✓	✓	Art 21 – Law on Anti-Corruption (2005, amended 2012).
4. Minute confirming the disclosure of compensation, support and resettlement plan	Not mandatory			✓	
5. Consultation minute on compensation, support and resettlement plan	Not mandatory	✓	✓	✓	
6. Decision on land acquisition	Not mandatory	✓	✓	✓	

V. Land allocation, land lease (GDCL)

1. Criteria on land allocation	Not mandatory	✓			
2. Decisions regarding Land allocation including: investor profiles, name and content of the project, final rate and rate proposed by Ministry of Finance	Not mandatory	✓			

4.2.1 Land Related Administrative Procedures

Two types of information related to administrative procedures were checked, including the procedures themselves and the list of qualified households and organizations eligible to submit an application for a LURC. Administrative procedures are usually posted on a bulletin board, on which the procedures are categorized by different fields such as agriculture, construction, health and natural resources and environment. Figure 23 through Figure 25 show several examples of administrative procedures boards, which could be easily found in almost all the offices of Communal People’s Committees across the country. Noticeably, some communes provide people with effective and modern tools to search administrative procedures and transaction results.

Figure 23: Public computers for searching in Hoang Van Thu Ward (Lang Son), and Lien Chieu District (Da Nang)

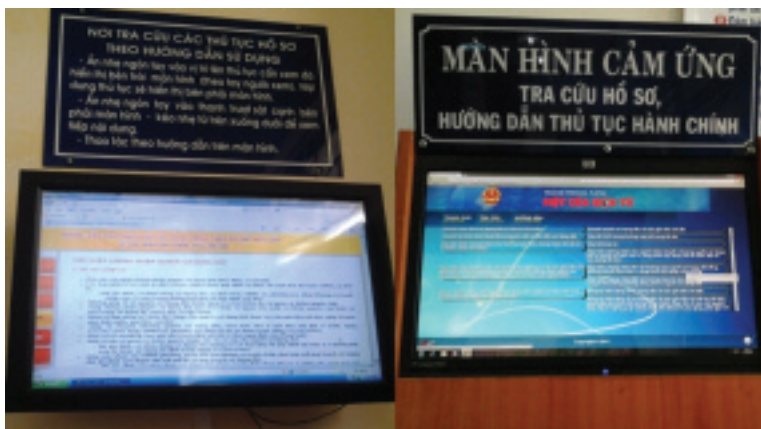


Figure 24: Some examples of bulletin boards where administrative procedures are posted



Figure 25: Notice boards on which land-rated administrative procedures are posted well and systematically arranged in Tran Thoi Commune, Cai Nuoct District, Ca Mau, making it easier for people to find information.



The list of households and organizations qualified to submit applications for LURCs is usually posted on the notice boards. Some examples are presented in the figures below.

Figure 26: The list of qualified households submitting applications for LURCs at Ngoc Xuan Ward, Cao Bang City, Cao Bang Province



Figure 27: The list of households posted on the notice board in Cua Nam Ward, Vinh City, Nghe An Province

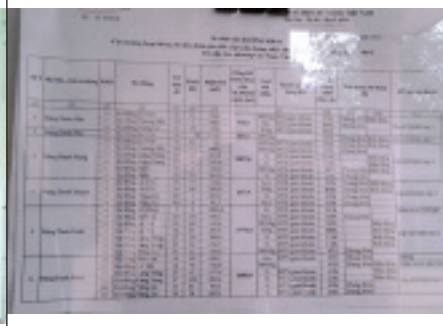
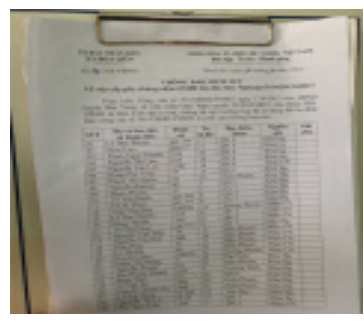


Figure 28: The list of households posted on the notice board of Hoa Lien Commune, Hoa Vang District, Da Nang City



As with the web-check results, this group of information can generally be easily accessed. Normally, administrative procedures related to LURCs were listed on the bulletin board outside or inside the one-stop shops – such arrangements allow citizens to look for them easily in the same place as they would find procedures for other fields such as construction, judiciary, etc. When organized properly, visitors can obtain the necessary information—such as lists of documents, forms, time frame, and fees related to certificates of land use rights—without asking or requiring personal assistance in the one-stop shop.

Among those places that comply with the rules on posting of information, however, many treat the task of posting administrative procedures as mainly procedural and not truly serving the needs of the citizens. For example, in many cases the procedures were posted in a corner of the room, making the access to this information visibly blocked by the arrangement of office desks. In other cases, the posters (where the procedures are posted) were poorly-maintained or the bulletin board was set up outside in the parking place (Figure 29).

Figure 29: The bulletin board is set up in the parking place in Vinh Long Province



In some cases the published procedures are not often updated according to new regulations, and little attention gets paid to protection or maintenance of the posters. As a result, outdoor displays and posters are often found to be seriously torn and damaged. (Figure 28 and Figure 29.) In these circumstances, the observers still had to request sufficient information from the responsible staff (in Binh Phuoc and Tay Ninh province). In such cases, citizens cannot make use of the already-posted information and still have to wait for instructions from the responsible officials.

Figure 30: Poorly organized and maintained posters in Tay Ninh province



Figure 31. Poorly organized bulletin board in Kien Giang Province



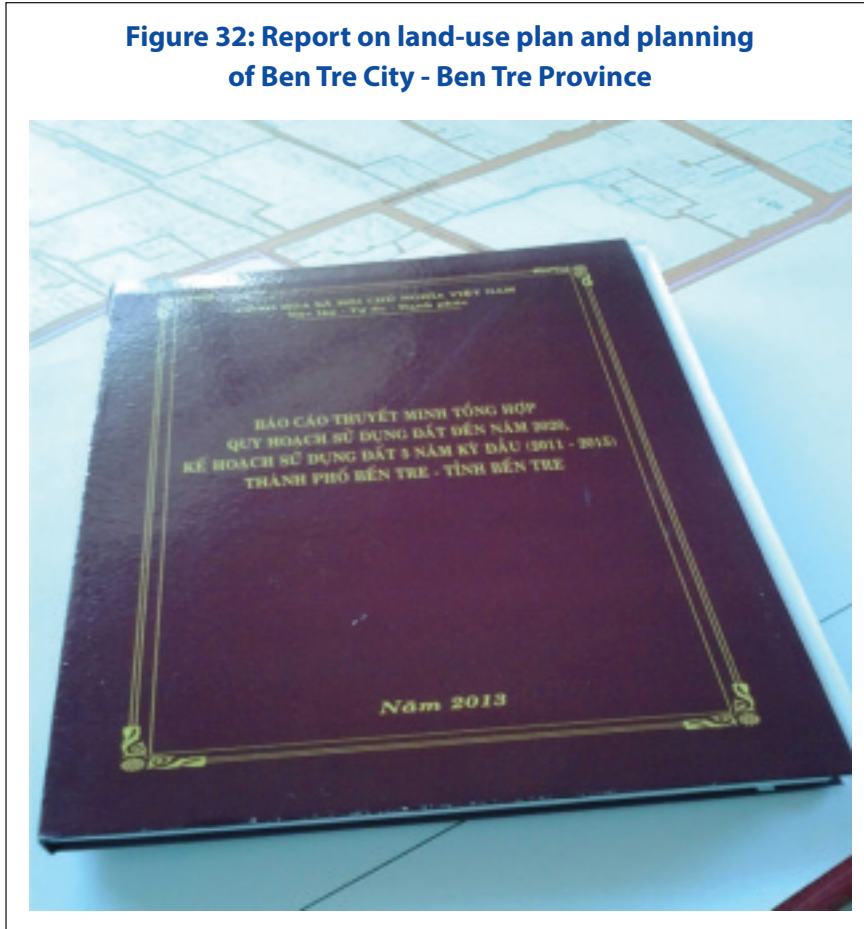
As noted in the methodology section, our primary focus was on the provision of information, and to some extent on the completeness of information, but not on the accuracy of the information which would be impossible to ascertain in a systematic way. Our teams did encounter, however, several indications of the need to also focus on quality. In a number of places, the procedures related to LURCs are published on the commune bulletin boards. However, when asked about the applicability of those procedures, an official replied that those procedures are outdated and cannot be applied, that the citizen should ask for specific instruction from the land management office.

4.2.2 Land Use Planning and Urban Planning

Transparency of land use plans and planning and urban planning are all specifically outlined in various pieces of legislation. Article 27 Decree 181 Guiding the Implementation of the 2003 Land Law (Article 21 of 2005 Anti-corruption Law and the amended Anti-corruption Law in 2012) stipulates that *“The commune, ward, township People’s Committees shall have to publicize all documents on detailed land use planning, detailed land use plans and investment projects as well as works, which have been already approved, at their offices throughout the land use planning, plan periods”*.

Documents related to land use plans and planning are typically provided on request by the local officials. The related documents include reports and approved decisions. Figure 32 shows an example of a report on land-use plan and planning.

Figure 32: Report on land-use plan and planning of Ben Tre City - Ben Tre Province



Maps of current land-use situation and land-use planning are either posted in public places or inside the offices of the responsible agencies. Some good practice examples of planning maps are depicted in the figures below.

In practice, our observers obtained information on land use plans and planning in half of the surveyed sites. The incidence of information on urban planning was even smaller, with only one in eight communes and wards providing the information. At the commune level, some locations that publish this information posted those maps in the land management office. Nevertheless, in a number of places, citizens might still find it inconvenient to view these maps as they were hung too high above eyesight (above the cabinet), or inside-out (the front side facing the wall). These maps might also be kept in the cabinets and only opened to viewers upon request (Ha Tinh, Phu Tho, Ha Giang, Lao Cai, Thai Binh, Ca Mau) (See Figure 36 below). All of these problems can be easily corrected.

Figure 33: Map of land use planning of Le Loi 1 Ward, Kon Tum City, Kon Tum Province



Figure 34: Maps of land-use planning and current land-use situation in some communes



Figure 35: Map of land-use planning of Buu Long Ward, Bien Hoa City, Dong Nai Province



Figure 36. Maps shown on request

The local official showed the map to the observer when requested in Ha Tinh province



The local official showed the map to the observer when requested in Ca Mau



The spot checks, unfortunately, confirmed that a culture of seeking approval persists in many locations. Despite the clear legal foundation for public information, researchers were often instructed to obtain approval from the local leaders (Head of the Commune People’s Committee) to see necessary documents (Ca Mau, Binh Duong and Vinh Phuc). In addition, in many sites the land use plan and planning were pending for approval or being developed. Thus, observers could not access information in these circumstances (Bac Ninh, Bac Giang, Bac Lieu, and Dak Lak).

Similar to the land use plan and planning, information on urban planning can be found either in relevant offices or in public places. Figure 37 and Figure 38 present how schemes on detailed planning and general planning are posted in some communes.

Figure 37: Maps of urban planning at Ward 3, Sa Dec City, Dong Thap Province



Figure 38: Map of general planning of Kim Long new urban area, Chau Duc District, Ba Ria Vung Tau Province



In some places the officials were forthcoming with detailed and useful information and documents on urban planning upon request. Those documents can be paper-based, as in Figure 39, or computer-based as in Figure 40.

Figure 39: Scheme on zoning planning of Hoa Chung Commune, Cao Bang City, Cao Bang Province

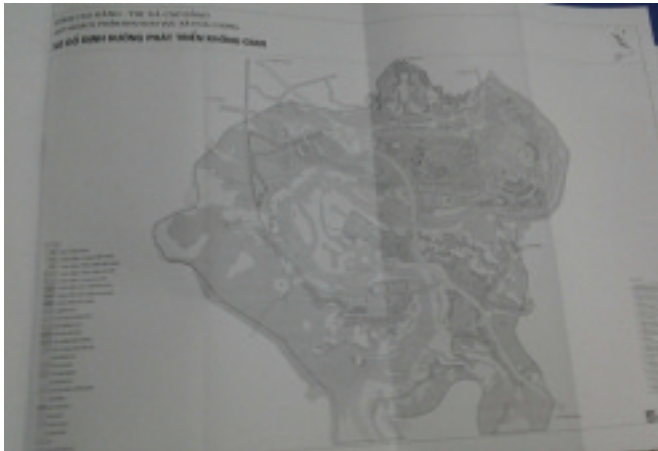


Figure 40: Local officials show information on urban planning directly to the observers



4.2.3 Compensation, Support and Resettlement

Normally when a locality has a plan for land seizure and land clearance, there is information related to the land seizure announcement, a draft plan for compensation and resettlement and other related decisions. According to relevant regulations (Article 30, Decree 69), the compensation and resettlement plan is required to be listed in the head office of the Commune People’s Committee and in neighborhoods where the land seizure is planned to occur to collect affected people’s opinions. The listing period according to this regulation is at least 20 days starting from date of listing. Thus, when the listing period in practice lasts more the 20 days, the local government can remove the post. It is therefore difficult for observers to access this information. When the observers requested this information from the responsible officials, the common response was “the compensation and land clearance plan has already been listed” or “the compensation has already been made”. This presents a difficulty for observers because they have difficulty determining which localities have actually posted the plans for compensation and land clearance and which not. It also provides a clear example of why there is such a need to build a culture of open access to information in Vietnam.

Information on compensation, support and resettlement plans covers six types of information. They include: announcement of land acquisition; draft compensation, support and resettlement plan; agreed confirmation/consultation minutes on the disclosure of compensation, support and resettlement plan; agreed consultation minutes on draft compensation, support and resettlement

plans; decision on land recovery and decision approving compensation, support and resettlement plan. Among those listed above, some are posted on the notice boards while some are provided by local officials upon request. Figure 41 and Figure 42 below show some examples of how this group of information is made publicly available.

Figure 41: Announcements of land acquisition of Kim Long Commune and Tran Phu Ward

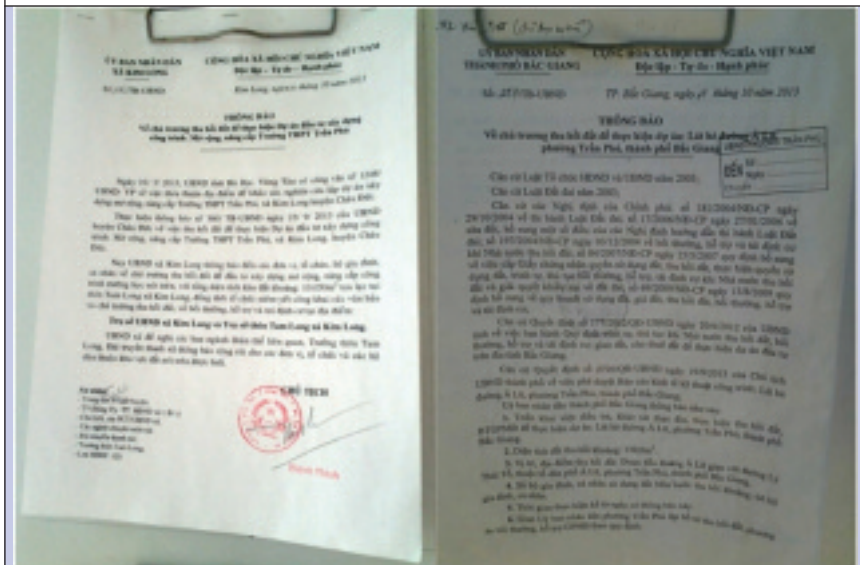
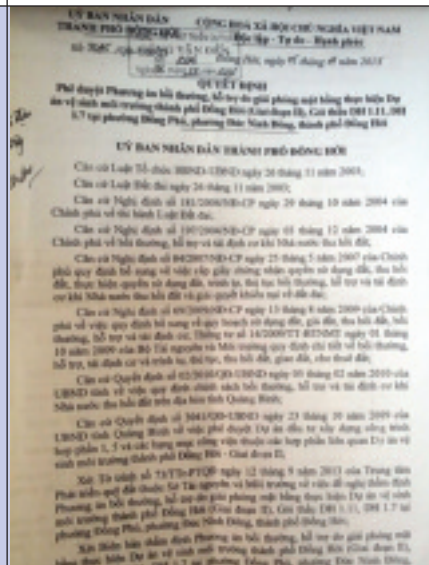


Figure 42: Approved decision on compensation and support plan of Dong Phu Ward, Dong Hoi City, Quang Binh Province



4.2.4 Summary: On-Site Provision of Land-Related Information, 2010 to 2013

This section has highlighted the findings of the spot check visits to 63 provinces, 127 districts, and 321 communes in late 2013 and early 2014. As with the online checks, we constructed two indices of province level provision of information¹⁸, one based on all information included in the Land Transparency study, and the other based on the information that law specifically defines to be public information. (Figure 43.) The methodology mirrors the one presented earlier for the web checks. The indexes are simple averages across five groups of information, each of which is an average of the assessments of adequacy of information within that group. The five groups of information are shown below, with the parentheses containing the number of discrete items comprising the score.

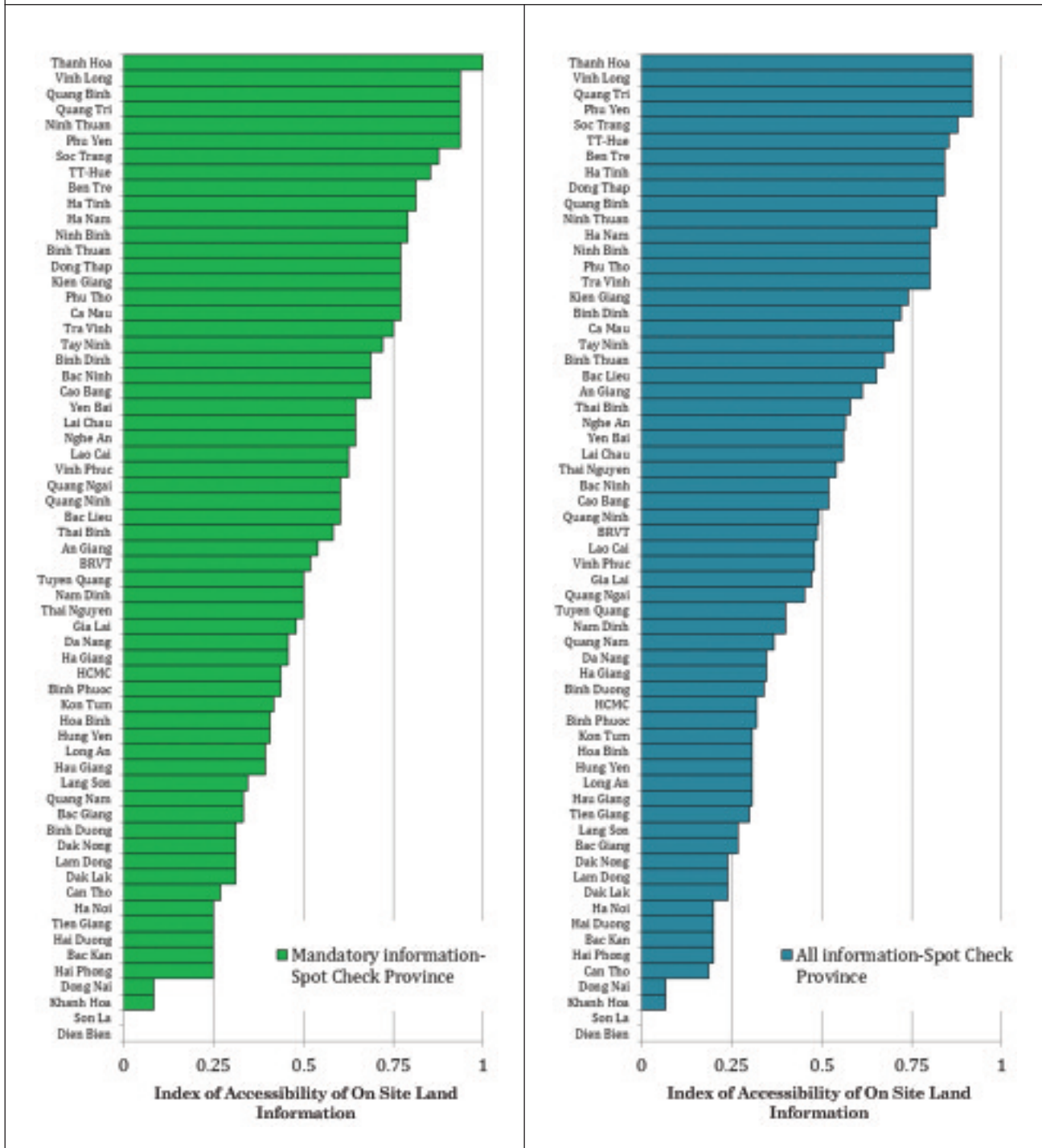
- Group 1 Land related administrative procedures (5, all of which are mandatory);
- Group 2 Land-use planning, land-use plans (3, all of which are mandatory);
- Group 3 Urban planning (5, 4 of which are mandatory);

18. These indices were constructed based on the on-site information collected at the provincial level only, not including spot-check information at the district and commune levels.

- Group 4 Compensation, support and resettlement (5, 3 of which are mandatory);
- Group 5 Land allocation (2, neither of which are mandatory);

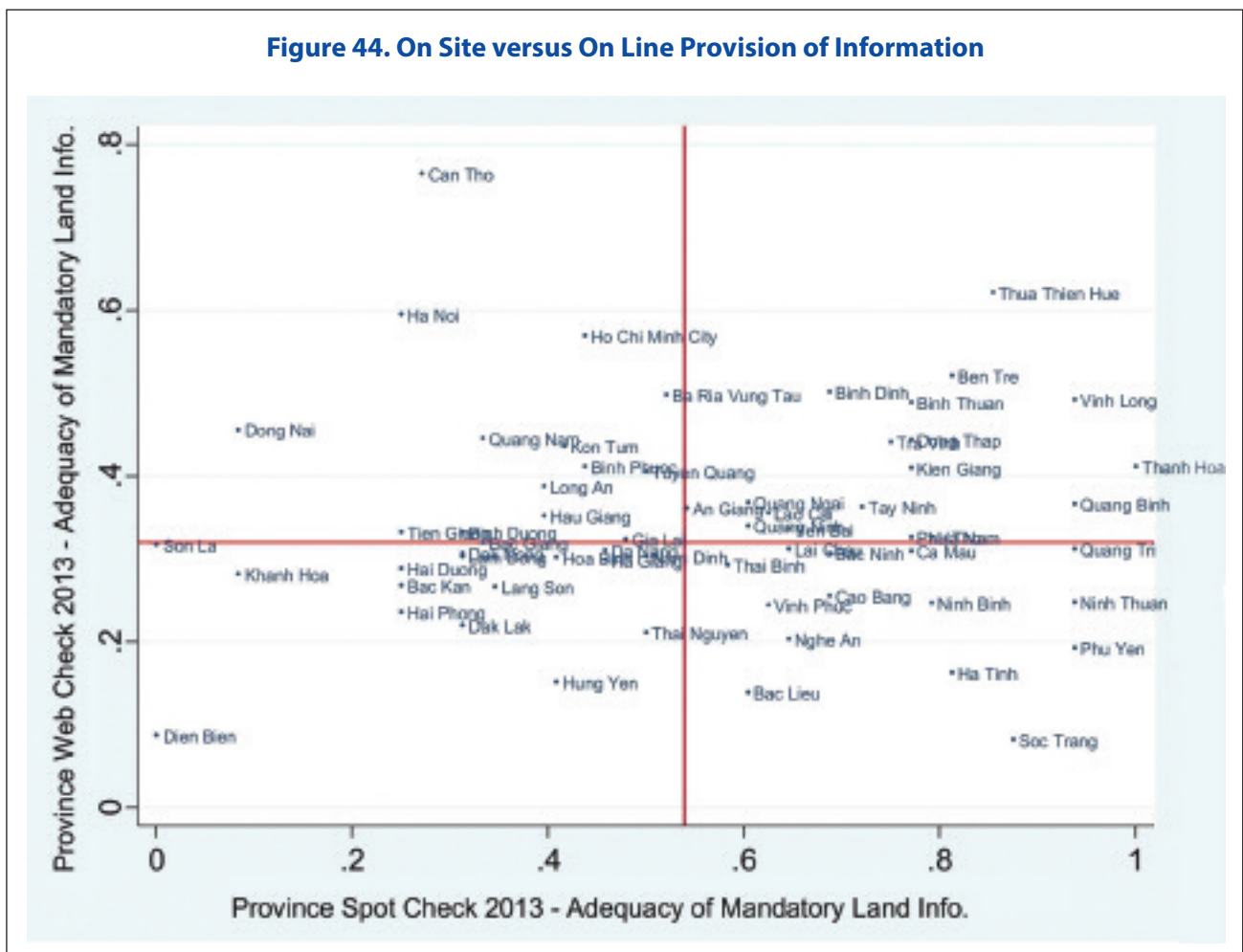
There is a high degree of correlation between the two measures and certain provinces stand out for their provision of information on site: Thanh Hoa, Vinh Long, Quang Tri, and Phu Yen all rate highly on both lists.

Figure 43. Spot Check Provision of Land Information, by Province



The Land Transparency study covers both online and on site provision of land related information. While one might imagine these to be highly correlated, in fact they are not. (Figure 44). Although the provinces in the top right quadrant-notably TT-Hue, Ben Tre, and Vinh Long-do well at providing information through both channels, many provinces seem to focus on one method over the other. In the top left quadrant, the cities of Can Tho, Ha Noi, and Ho Chi Minh City and others do well at online provision of information, but not at providing information on site. Indeed, when our researchers visited the offices in Ha Noi as part of the spot checks, they were simply told to visit the web site.

Figure 44. On Site versus On Line Provision of Information



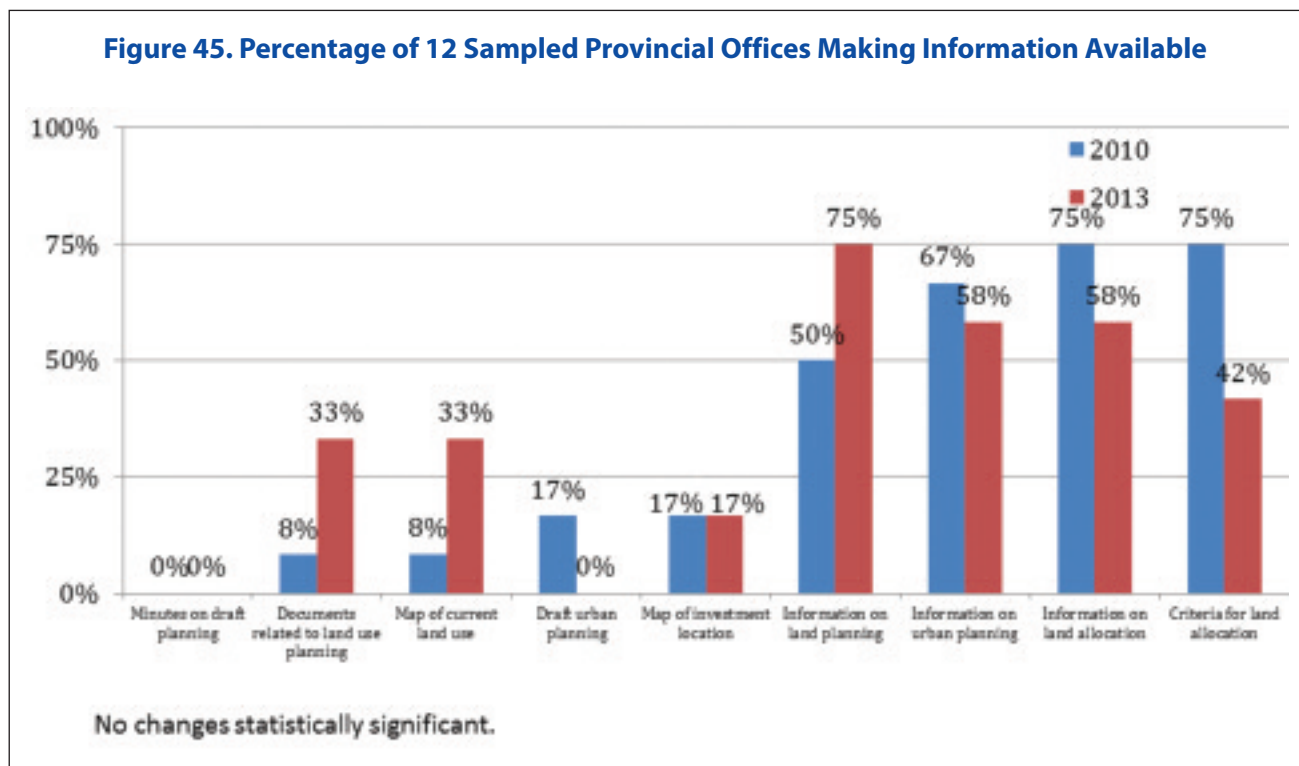
Some provinces do well at providing information on site but not online. In the lower right quadrant of Figure 44, places like Soc Trang, Phu Yen, and Ninh Thuan rank well for the provision of information onsite, but poorly for provision online. And some provinces, most notably Dien Bien, rank poorly on both dimensions.

Given scarce resources, it is fair to ask whether it is necessary to focus on provision of information both online and on site, rather than one or the other. It turns out that there are strong reasons to support provision of information using both means. In a survey of citizens in four provinces carried out

in 2009, citizens were asked how they prefer to receive their information. The results suggested that the most preferred channels were through mass media, citizen group or village heads, and posting at local authority’s office, and the least desired channel was through Internet.¹⁹ At the same time, publishing documents on the Internet may be a cost-efficient way of disseminating information, and should be encouraged for this reason. Both means of information dissemination are needed.

As some of the places included in the spot check sample were also visited in 2010, some assessment of changes over time is possible. Has there been any improvement in the on-site provision of land related information?

In 2010, only 12 provinces were covered by the spot checks. While the percentage of provinces making information on land use planning, and maps of land use publicly available expanded between 2010 and 2013, and the percentage providing the criteria for land allocation fell, the small number of provinces makes statistical assessments of changes over time impossible.



There were 24 districts in both the 2010 and 2013 studies. Although the sample remains small for statistical purposes, there was nevertheless a significant improvement in the percentage of districts providing key pieces of information between 2010 and 2013. (Figure 46). It should be noted, however, that the percentage of districts providing the information remains small.

19. Survey of Citizens’ Information Accessibility Situation and Needs as Conducted by People’s Participation Working Group and Development and Policies Research Center, 2009. Reported in World Bank and others (2009), *Vietnam Development Report 2010-Modern Institutions* (p. 127.).

As there were 117 communes visited in both the 2010 and 2013 studies, the commune level affords the greatest opportunity to examine whether there have been statistically significant improvements in access to land related information. The results suggest that there were significant improvements in some areas, such as in providing the list of households eligible to receive LURCs and in providing documents related to land use planning, but the levels of provision remain small and many types of information showed no improvement. As with the web checks and spot checks at other levels, the percentage providing information on administrative procedures remains the highest of all types of information.

Figure 46. Percentage of 24 Sampled District Offices Making Information Available

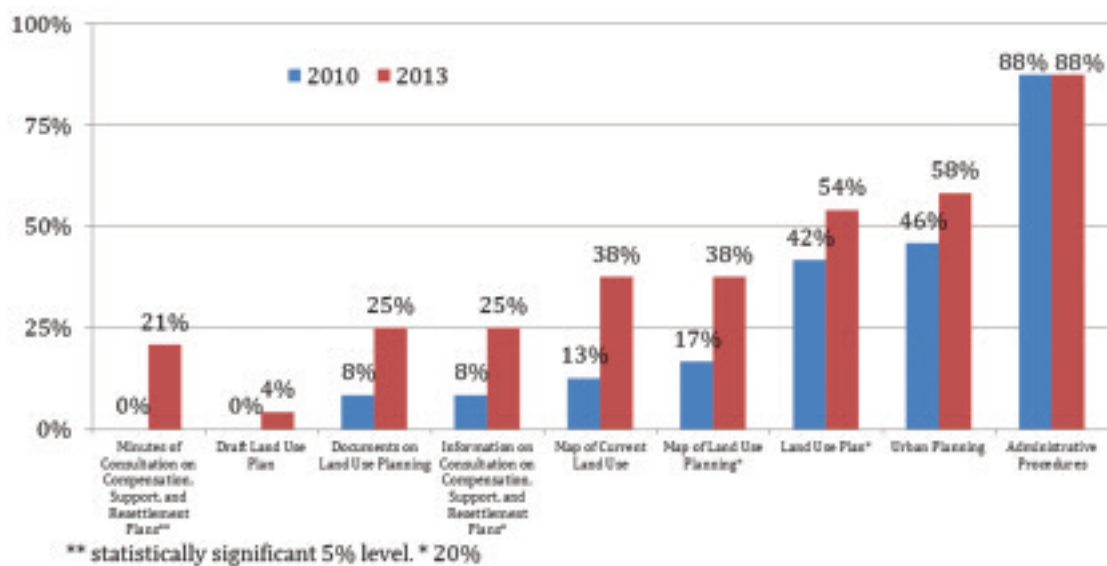
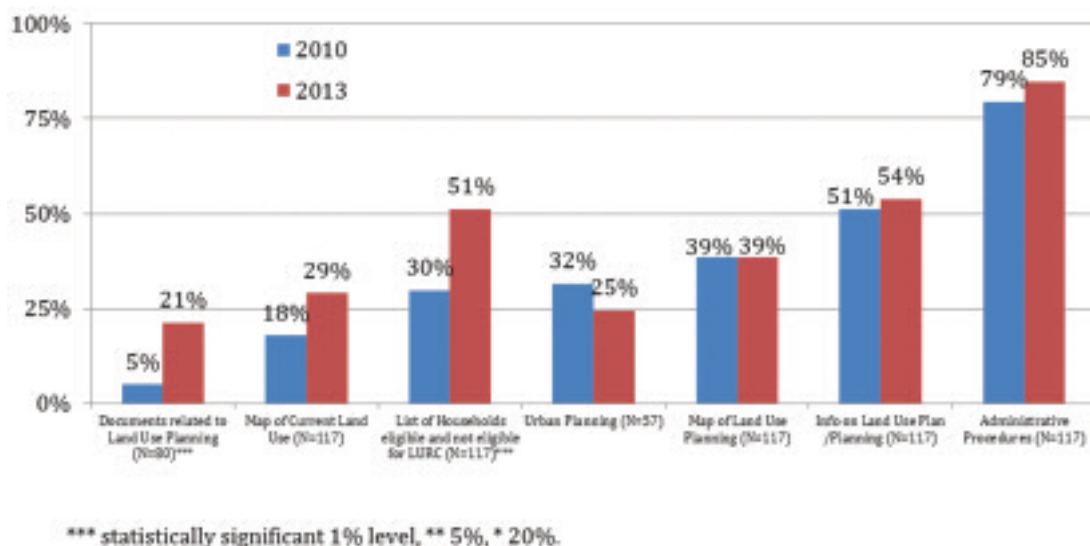


Figure 47. Percentage of 117 Sampled Commune Offices Making Information Available



5. MEASUREMENTS OF LAND TRANSPARENCY IN CONTEXT

The effort to systematically measure transparency outlined in earlier sections has yielded insights into the areas where implementation of Vietnam's laws on access to land information are falling short. By tracking many discrete pieces of information, and many means of making it available, the VTP Land Transparency Study has also yielded data. The province rankings were presented in earlier sections and the data have been used to gauge whether or not progress is being made. Such data, however, are potentially useful for other purposes. What can it tell us about the causes of poor transparency, and the beneficial effects of good transparency? How does transparency impact socio-economic development, and vice versa?

These are complex questions, and careful and robust analysis must be left for subsequent research. Indeed, by making the data from the VTP Land Transparency Study publicly available, we hope other researchers will look into these and other questions. Nevertheless, examining some simple correlations, as is done in this section of the report, can be informative, even if not conclusive. In this section, we will first compare the VTP Land Transparency Study data, which is based on direct observations, with some other well-known measures of transparency based on surveys of firms and citizens. We will then look at correlations with socio-economic data.

5.1 Direct Observation compared to Surveys of Users

While the VTP Land Transparency study focuses on the actual supply of data by provinces, districts and communes, two popular surveys focus on the demand side. The PAPI, a national survey of citizens, and the PCI, a national survey of firms, both include questions on transparency. PAPI devotes one its six dimensions to transparency, one component of which is an index of transparency of land-use plans and pricing. PCI does not have questions specifically on transparency of land related documents, but does have a measure of firms' assessments of their access to planning documents. These two surveys use different methodologies (PAPI is administered face to face while PCI is done by post) and collect the assessments of different respondent groups (citizens and firms), so they would not necessarily be expected to match each other or the VTP Land Transparency study data too closely. As it turns out, that is the case.

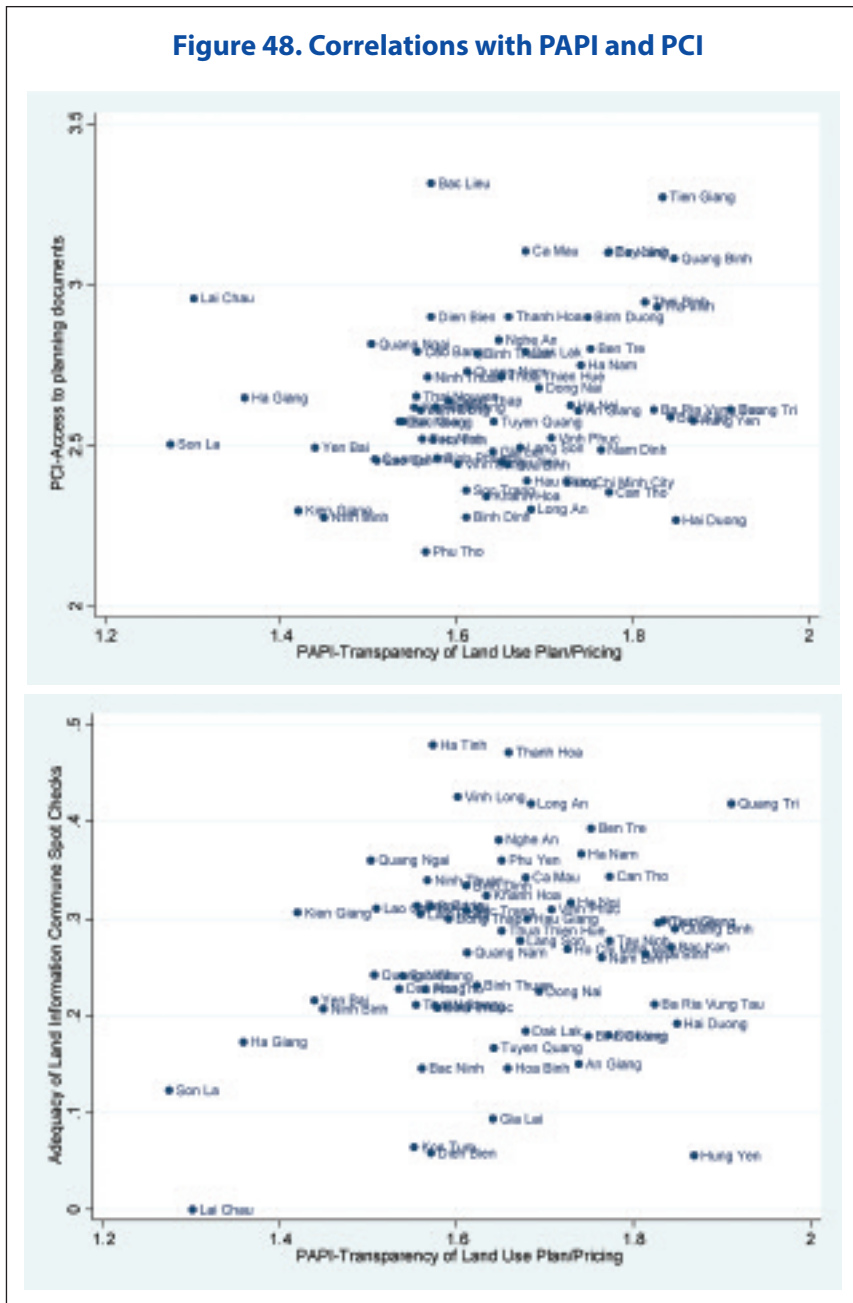
We compared the PAPI and PCI province level assessments of transparency with several of the VTP Land Transparency study measures of online and on site provision of land related information. Although the overall PAPI and PCI indexes are not correlated with each other²⁰, the pertinent sub-measures of the PAPI (transparency of land use plans/pricing) and the PCI (access

20. See the PAPI 2013 report, page 93.

to planning documents) are significantly correlated with each other at the 10% level. The PCI measure, which does not focus on the land sector *per se*, is not significantly correlated with any of the main VTP Land Transparency study measures. The PAPI measure is similarly not correlated with the main VTP province level measure of online and onsite transparency, but it is significantly correlated at the 10% level with the province level average of commune scores for onsite transparency. As PAPI is a survey of citizens, the correlation with the VTP measure focusing on commune level disclosure is to be expected. Figure 48 shows scatter plots for the relations that are statistically significant.

As most of the relevant correlations were not statistically significant, or weakly so, the limited statistical correlation begs the question of why? Part of the answer may lie in the differences of approach: perceptions of the general public versus those of the business community versus the actual provision of information. A plausible explanation for the limited correlations could be simply that the perceptions do not match the reality. Alternatively, the difference in perceptions may suggest a disconnect between the level of quality, accuracy, and accessibility of the information from the demand side, and the information that is actually provided on the supply side. Indeed, during consultations for this report, reviewers often remarked that the methodology focuses on the supply of information, but has less to say about the quality of the information.

Figure 48. Correlations with PAPI and PCI



5.2 Correlations with Socio-Economic Data

The data for actual provision of land related information were matched with several socio-economic variables, including budget expenditure, population, official land prices, and poverty.²¹ The results suggest some insights into the factors supporting greater transparency.

Budget expenditure per province is significantly positively correlated with online provision of land information, but significantly negatively correlated with onsite provision of information at the

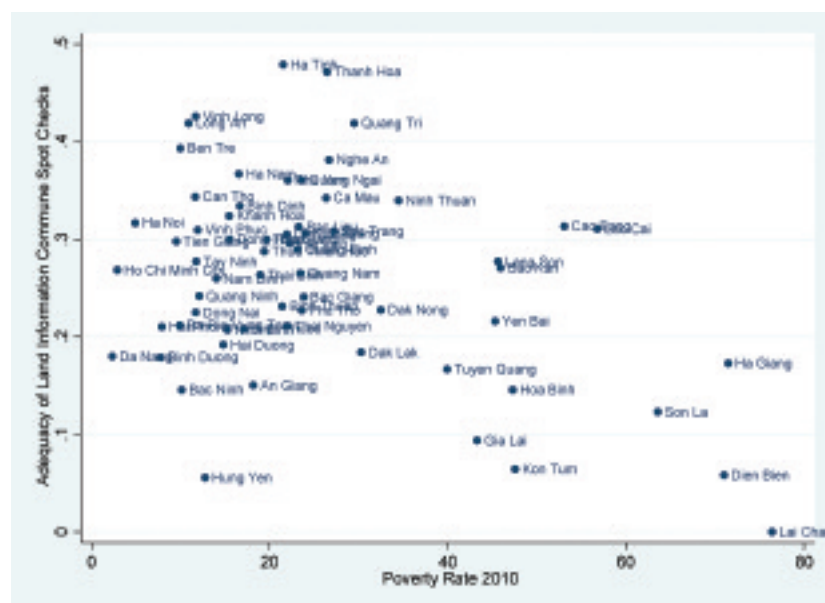
21. As such data becomes available with a lag, the time periods do not match perfectly. Budget figures are for 2011, population for 2013, official land prices for 2012, and the poverty rate for 2010.

province level. This is consistent with the conjecture that provinces with larger budgets are more likely to favor online provision of information, at the expense of providing the information on site. Budget expenditure per capita remains negatively associated with onsite provision of information, but the relationship with online provision of information becomes ambiguous. This is consistent with another finding, and that is that total population is significantly positively correlated with online provision of information. As the costs of putting information online are mostly fixed costs and not closely linked to the size of the province, larger provinces would be more capable of bearing such costs.

The official land price data tell a similar story: the official land prices are positively correlated with online provision of information, but negatively correlated with onsite provision of information. As official land prices (and unofficial land prices) tend to be higher in cities and wealthier places—in fact, poverty is strongly negatively correlated with the official land prices—this finding is consistent with that stated earlier, that wealthier places, on average, favor internet provision at the expense of onsite provision of information.

Finally, some of the strongest correlations were found between the poverty rate in the province and the onsite provision of information at the commune level for the communes in the province. Places that did a better job disclosing information at the commune level had lower levels of poverty and vice versa. These two factors are surely mutually supporting, with transparency supporting the growth necessary to reduce poverty; and wealth supporting the budget and capacity needs for greater transparency. More research would be needed to explore these complex relationships.

Figure 49. Poverty and Information Disclosure at the Commune Level



5.3 Correlations with Corruption

As noted in the introduction, one of the most prominent rationales for introducing transparency is to help control corruption. Any empirical examination of this relationship, however, is fraught with the problem of omitted variables. For example, wealthier, rapidly growing, places may have more transparency, while at the same time having more land related rents that open up opportunities for corruption. A countervailing force would be found in the instrumental value of transparency for reducing opportunities for corruption. The task of sorting out these relationships will have to be carried out in subsequent research; for now, though, simple correlations can be suggestive.

The PAPI and PCI surveys of citizens and firms, respectively, do not have measures of corruption specifically related to land, but do have more general assessments of corruption. The PAPI sub-index for “control of corruption” is positively related to the VTP Land Transparency study measure of the provision of information at the commune level, a relationship that is significant at the 1% level. (As argued earlier, the PAPI assessments are most sensibly matched with VTP assessments of commune-level disclosure.) The PCI survey of firms asks respondents to assess whether firms in their line of business usually have to pay informal charges. This measure is significantly (5% level) negatively correlated with the provision of information onsite at the province level—again, more transparency is associated with less corruption.

Finally, the surveys underlying *Corruption from the Perspective of Citizens, Firms and Public Officials*²² included a direct question to firms about whether they had been subject to bribe requests. The percentage of firms that say yes to this experiential question is significantly negatively correlated with provision of information online. Even more useful is the question posed of citizens of whether they experienced corruption in the process of getting a LURHOC. The province level averages were significantly negatively correlated with the provision of information at the commune level.

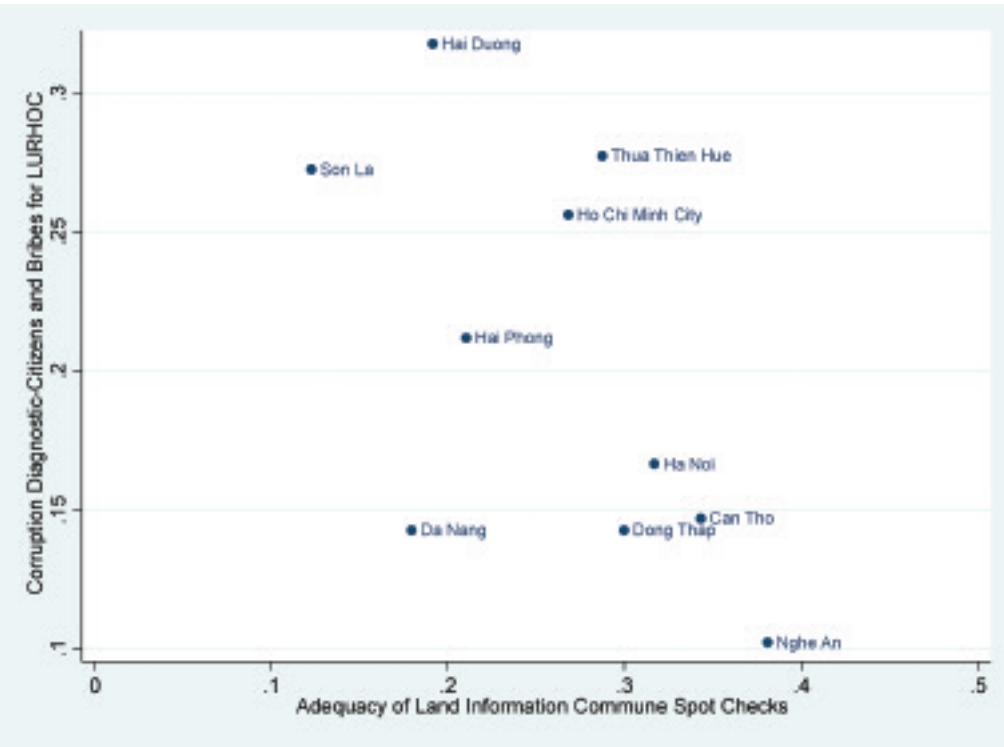
In summary, there is limited correlation between different measures of transparency, differences that may be attributed to disconnects between perceptions and reality, to differing perceptions of the quality of information demanded by the public, or to other factors. The data suggest that richer provinces tend to favor online provision of information and this comes at the cost of onsite access to information. Places with higher poverty tend to have less access to information at the commune level. Finally, several assessments of corruption at the province level are negatively correlated with the level of transparency of land related documents. While more research is needed to examine these complex relationships, the correlations at least suggest that the primacy placed on transparency as a means of controlling corruption is not misplaced.

22. World Bank and Government Inspectorate of Vietnam (2012). *Corruption from the Perspective of Citizens, Firms and Public Officials- Results of Sociological Surveys*. In cooperation with UK-Aid, UNDP, and T&C Consulting. Hanoi: National Political Publishing House.

Figure 50. Correlation between VTP Commune Level Disclosures and PAPI Control of Corruption Index



Figure 51. Correlation between VTP Commune Level Disclosures of Land Information and Citizens' Experiences in Corruption getting LURHOC



6. CONCLUSION: WHAT CAN BE DONE TO IMPROVE TRANSPARENCY IN VIETNAM?

The report this far has focused on mechanisms by which provinces, districts, and communes provide information related to land in Vietnam, the degree to which they are providing that information in reality, and some of the good practices (and bad practices) that our researchers observed. But what about the cases where the information is not found at all? What is limiting transparency of land related information in Vietnam and, conversely, what can be done to improve transparency in Vietnam? The answer comes down to three related factors: attitude, capacity, and leadership.

At the province level, teams recorded their experiences when they were unable to obtain the information they sought. (Table 7). The most common reason was that the officials simply refused to provide the information. For example, information regarding compensation, support, and resettlement plans was unobtainable in more than half of the provinces visited²³, and in nearly 60 percent of the cases, the provincial officials simply refused to provide the information; in nearly 20 percent of the cases the official required an introduction letter explaining the reason for requesting the information. These figures speak clearly to the lack of an understanding that providing that information is the officials' legal duty, and that citizens, even those without letters of introduction, have a right to the information. It could be argued that most of the compensation, support and resettlement plans are issued at district level, and Decree 69 only requires its disclosure at commune level where affected people can access. However, in order to enhance transparency in Vietnam, this type of information should be classified in the public domain and made available to citizen when requested at any level of administration.

23. Most compensation, support and resettlement plans are issued at the district level. Decree 69 only requires the disclosure of such plans in communes where affected people can access. However, as a legal document, such a document should be disclosed at the province level.

Table 8. Reasons Information Was Not Provided at the Province Spot Checks

	Administrative Procedures	Land Use Plans and Planning	Urban Planning	Compensation, Support and Resettlement
Number of provinces not providing the information (out of 63)	6	13	17	36
<i>Of which, the reasons cited:</i>				
1. The province does not have such procedure/planning	1	2	3	0
2. The provincial officials refuse to provide information	3	9	10	21
3. The responsible official is not in the office/on leave	2	2	4	13
4. The procedure documents are lost, damaged	0	0	0	0
5. The procedure is provided upon payment	0	0	1	0
6. The provincial officials require introduction letter	2	1	4	7
Note: Multiple reasons may be selected by the researcher. An “other reason” category was also available, but not reported here.				

At the commune level, an additional hurdle was encountered. (Table 8). While the problem with the attitude of officials found at the province level is also present in communes—around 20 percent of the cases where information was not obtained was due to officials’ refusals—other practical issues proved even more important. In the case of compensation, support, and resettlement plans, for example, only about half of communes provided the information. Of those that didn’t, 35 percent said they have no such plans. For 41 percent of the cases, the responsible official was not in the office or was on leave. While a commune may in fact have the information and be willing to provide it, this is little consolation to the citizen who has traveled to the office and is unable to get the information because the office is closed during working hours or the responsible official is unavailable. This is the reality that many citizens face.

Table 9. Reasons Information Was Not Provided at the Commune Spot Checks

	Administrative Procedures	List of Households Eligible for LURC	Land Use Plans and Planning	Urban Planning	Compensation, Support and Resettlement
Number of communes not providing the information (out of 321)	58	166	132 (excl NA)	70 (excl NA)	152
<i>Of which, the reasons cited:</i>					
1. The commune does not have such procedure	8	44	26	27	53
2. The communal officials refuse to provide information	12	37	27	15	31
3. The responsible official is not in the office/on leave	28	63	62	24	62
4. The procedure documents are lost, damaged	2	0	0	0	0
5. The procedure is provided upon payment	0	0	0	0	0
6. The communal officials require introduction letter	3	11	16	3	12
Note: Multiple reasons may be selected by the researcher. An "other reason" category was also available, but not reported here.					

The randomized experiment carried out as part of the Land Transparency Study provides an additional clue regarding the factors that support better transparency. As described in the methodology section, 33 provinces were sent letters alerting them that the study would be undertaken, providing them with examples of good practice, and informing them how the province fared in the Land Transparency study in 2010. The letters were sent after a baseline examination of their websites was conducted (Phase 1). About a month later, the websites were examined again (Phase 2) to see if the letter and the experiment had an effect. While the results of the experiment are interesting in themselves, and will be discussed in a future paper, the behavior of the provinces in reaction to the letter is also telling.

The letters provided contact information for the research team so that provinces could call if they wanted more information about the study. Officials from six provinces (Soc Trang, Quang Tri, Ho Chi Minh City, Yen Bai, Thua Thien Hue, and Ha Noi) followed up by calling to get more information. As it turns out, these six provinces had also been improving their transparency over the previous three years more so than the 27 provinces that did not follow up on the letter. (Table 9) As the improvements took place prior to the sending of the letter, the improvements are not the result

of the letter; some other factor must explain the pattern. One explanation is that the provinces with more dynamic leadership, those more interested in performing well and improving transparency, would be more likely to respond to such a letter. Leadership is, of course, related to attitude and capacity, the other two factors that influence the provision of information²⁴.

Table 10. Evidence of leadership - Provinces that Care are Doing Better

	Average web check score in 2010	Average web check score in 2013 Phase 1	Average web check improvement 2010-2013 Phase 1
Average web check score for 33 provinces that received letters	0.32	0.42	+0.103
- For 6 provinces that <i>called back</i>	0.23	0.46	+0.229
- For 27 provinces that <i>didn't call back</i>	0.37	0.46	+0.097

Note: The difference in improvement is weakly significant at the 15% level. The table captures the improvements before the letters were sent.

Beyond the attitude or officials, the capacity to provide information and the leadership at the local level, the VTP Land Transparency study highlights a broader issue, and that is the generally limited understanding among officials that it is their duty to provide information. The legal foundation for transparency of many land related documents has been discussed earlier in this report, and the new Land Law takes it further, explicitly providing citizens the right to monitor land management and use. Without a deeper awareness of this right, however, among citizens and officials alike, there is little hope for a rapid expansion of access to information in Vietnam.

Unfortunately, the legal provisions that do exist do little to support a deep understanding of this right. The present approach to access to information is one of making a “positive” list of things that should be public. As noted in the introduction to this report, a growing number of countries around the world take a stronger approach, one of passing access to information laws that establish a right to information, one based on the principle that everything should be public except that which is on a “negative” list of exceptions. Such laws also establish oversight, monitoring, enforcement and appeals procedures, all of which are lacking in Vietnam’s approach to access to information. The idea of an access to information law is not new, having been discussed for at least six years, and the agenda for the current National Assembly includes the Law on Access to Information. Will a culture of openness and transparency can be cultivated and further nurtured by institutionalizing the right to information? This is a question for Vietnam’s leaders and citizenry.

24. An anecdote illustrates. After a July 2013 presentation in Da Nang revealed that the province did not have land use planning maps online, the Chairman of the PPC pledged to contact the relevant departments and correct the error right away. The results are depicted in Figure 10. This is also a useful illustration of how an actionable measure can lead to immediate improvements.

ANNEX 1. PROTOCOLS

PROTOCOL LAND INFORMATION DISCLOSURE IN PROVINCES NOTE BEFORE CONDUCTING ON THE SPOT SURVEY

Objective: To collect information about the publication of land information in provinces.

Method of observation: It is noted that direct observation is the method applied in this research. By impersonating an ordinary citizen who needs land information or wants to buy land, the observer can access information. The observer will try to collect information about the publication of information, but not detailed information about land issues. Observers should try their best to make sure that individuals/organizations providing information will not be affected or influenced during the survey.

Preparation: Gathering information about the survey area will help observers carry out the field work quickly, accurately and effectively. Find out whether the area is observed to have a recovery area, or is cleared for making road, industrial park, and resettlement. Its aim is to ask for information about compensation, support and resettlement. The information can be found through a search on the internet or asked directly of local residents.

Bring the introduction letter issued by DEPOCEN, in which the observer is introduced as a staff member of DEPOCEN who is authorized to collect land information for the company. If being asked for a reason, the observer can explain he/she is a representative of a company that needs land information.

Bring the introduction letter issued by the World Bank to certify that the observer is participating in this land information publication survey. It is noted that the letter should not be used to access information. Only use it when being asked by local officers for the reasons of your collection of information in that area.

Observers can flexibly impersonate the following roles: (i) Ordinary citizen who needs to buy land or land information. (ii) Authorized DEPOCEN staff member collecting land information for his/her director (only applied when acquiring information about land allocation and land lease at the province level).

Requirement:

1. Record the time duration required to access information, the attitude of officers, and the time needed to contact officers. This is used to assess the difficulty level in the summary sheet.
2. Briefly note all steps followed in the summary sheet.
3. If the information is not accessible, the observer must specify the reason.

4. After each observation, besides immediately filling in the summary sheet, the observer can create a diary sheet if necessary to write down the *observation process used, the information obtained and the experience gained*.
5. Take pictures as evidence of information that can be observed and the information that cannot be observed.
6. At the end of each working day, observers need to name the images in the directory tree as follows: Level 1: Region, such as North, Central, South; Level 2: Name of Province, such as: An Giang, Bac Giang, Bac Kan... The name of the photo image is the information that needs to be checked including images illustrating the information obtained and the information that is not collected.

Note:

1. Collecting information by observing is prioritized (looking for information in the notice board, listening to local radio, and observing local people who are dealing with procedures). After observing, directly asking for information without having to give any reason is the secondary method. Impersonating the roles as outlined is to be resorted to only when asking directly is not effective.
2. In cases that require contacting officers: ask for their names and telephone numbers to note down in the diary sheet. If they are absent, observers are instructed to obtain their telephone numbers to ask for land information before skipping to the next Requirement.

ON THE SPOT SURVEY STEPS

Requirement 1: Information about the sequence and procedures for granting certificates of land use rights. The province level authorities are responsible for carrying out the procedures for granting land use right certificates for land users and owners of assets attached to land as national organizations, religious organizations, foreign organizations, individual foreigners, and Vietnamese individuals who reside in foreign countries to undertake an investment project (Article 11 of the Decree 88/2009/ND-CP date 19 Oct 2009).

Information to be checked includes:

- **The implementing procedures for granting land use right certificates**
- **Time for the implementation of the procedures for granting land use right certificates**
- **Fee for performing the procedures for granting land use right certificates**

The agency responsible for providing this information is the Office for Registration of Land Use Rights of the Department of Natural Resources and Environment (hereafter referred to as Office for Registration of Land Use Rights or Land Use Registration Office at the province level).

Scenario: Visit the Department of Natural Resources and Environment (DONRE), ask the One Stop Shop or the Land Use Registration Office for the procedures to apply for a land use right certificate applicable for organizations

The observer should pose as a normal resident then ask about the procedures for a land use certificate applicable for organizations. Information about the sequence of granting land use right certificates is often posted on notice boards.

1. **Step 1:** The observer looks at the notice board to find information about granting land use right certificates, which is either listed with full content or not.

Scenario 1.1: If listed, the observer takes a photo and saves as evidence.

Scenario 1.2: If not, the observer proceeds to step 2.
2. **Step 2:** Ask one/some of the officers responsible for land at the One Stop Shop/Office for Registration of Land Use Rights about the missing information.

Scenario 2.1: The officers provide nothing or there are no officers: record the information and go to step 3.

Scenario 2.2: The officer provides the information, such as allowing the observer to see documents/materials: the observer requests to take photos and record the information.

Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information the observer could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.
3. **Step 3:** In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.

Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: The information is mandatory to be disclosed and is easy to access.

Requirement 2: Information about land use plan and planning.

Land use plan and planning information to be checked includes:

- **Official documents on land use plan and planning**
- **Map of current land use situation for the period 2011-2015**
- **Map of land use planning in the case that the land use plan is still awaiting for approval for the period 2011-2020.**

The agency responsible for providing the above information is the Department of Natural Resources and Environment.

Scenario: Visit the DONRE office (or the agency appointed to provide land information).

In reality, such a plan is often presented in the form of a land use plan/planning document, (e.g. land use plan/planning explanatory note; or an administrative decision approving such land use plan/planning), a current land use situation map or cadastral map on display at the DONRE office.

According to Article 20 of the Land Law 2003, the current land use situation map is made every five years; the land use planning map is prepared every ten years; and the planning period is every ten years. The current land use planning for period 2011-2020 was prepared by the end of 2010. The current land use plan for period 2011-2015 was also prepared by the end of 2010.

If the information provided to observers is from the land use plan/planning for the 2001-2010 period, such information provided does not count as valid and available.

Initially, the observer can impersonate a citizen who needs land information (for buying/selling) to ask for such information directly. If this approach is not effective, the observer can impersonate DEPOCEN staff member who needs to collect land information.

- 1. Step 1:** The observer looks at both the outside and inside of the land planning office or the One Stop Shop to see if land use plans/planning documents and maps are displayed or not.
Scenario 1.1: If displayed, the observer takes pictures and saves as evidence.
Scenario 1.2: If the observer finds only some or none of the required information posted on the notice board, he/she will continue to follow step 2.
- 2. Step 2:** Ask one/some of the responsible officers working at the land planning office or One Stop Shop about the missing information.
Scenario 2.1: The officers provide nothing or there are no officers: the observer records the information and goes to step 3.
Scenario 2.2: The officers provide the information such as allowing the observer to see documents/materials: the observer requests to take photos and records information.
Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, go to step 3.
- 3. Step 3:** In case the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.
Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.
Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: According to current laws and regulations, the publication of the above information is mandatory. Therefore, a request to collect information from government agencies is not out of the ordinary.

Requirement 3: Information about urban planning

3.1. Urban planning (*Urban planning is the organization of the space, architecture, urban landscape and system of technical and social infrastructure facilities and houses to create a suitable living environment for the people living in an urban area, which is expressed via urban planning schemes - Article 3, Law on Urban Planning*)

Information to be checked includes:

- Scheme on general planning
- Scheme on zoning planning
- Scheme on detailed planning

3.2 Draft urban planning

3.3. Minutes of consultations on urban planning draft

Scenario: Visit the Department of Construction; Department of Architecture (Architecture Office); and Institute of Planning & Architecture

In the first instance, the observer attempts to access information directly as an ordinary citizen who needs information (for buying/selling). If being asked for a reason, the observer can impersonate a DEPOCEN staff member who needs to collect land information.

According to Article 53 of the Law on Urban Planning, state management agencies in urban planning at all levels are responsible for exhibiting on a regular basis and continuous manner relevant drawings and models at their offices.

The observer will look for whether the information is available. If not, the observer will ask officers about this information to receive further guidance.

1. Step 1: The observer looks at the outside and inside of the Planning Department and/or the Planning Office at the Department of Natural Resources and Environment, Department of Construction, and Institute of Planning & Architecture to see whether there are urban plans, draft urban plans and minutes of consultations on the draft urban plan being displayed or not.

Scenario 1.1: If any, the observer takes pictures to save as evidence.

Scenario 1.2: If the observer finds only some or none of the required information posted on the notice board, he/she will proceed to follow step 2.

2. Step 2: Ask the officers responsible for the Planning Department, Planning Office at the Department of Natural Resources and Environment/Department of Construction/Institute of Planning & Architecture about the missing information.

Scenario 2.1: The officers provide nothing or there are no officers: the observer records the information and goes to step 3.

Scenario 2.2: The officers provide the information such as allowing the observer to see documents/materials: the observer asks to take photos and records information.

Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.

3. Step 3: In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.

Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: According to the law, the publication of information on approved/draft urban planning is mandatory. Therefore, a request to collect information from government agencies is not out of the ordinary. However, minutes of consultations on draft urban plans are not mandatory and it will be more difficult to access.

Note:

1. **Urban planning scheme** shows the contents of urban planning, including drawings, models, explanations and regulations on urban planning.
2. **General Planning** is the organization of the space and system of technical and social infrastructure facilities and houses for an urban area suitable to its socio-economic development, ensuring defence, security and sustainable development.
3. **Zoning planning** is the division and determination of functions and norms on the use of planned urban land of land areas, networks of social and technical infrastructure facilities within an urban area in order to concretize a general plan.
4. **Detailed planning** is the division and determination of norms on the use of planned urban land, requirements of management architecture and landscaping of each lot, and arrangement of technical and social infrastructure facilities and social infrastructure to be consistent with zoning or general planning.

(Article 3 - Law on Urban Planning 2009)

Requirement 4: Information about compensation, support and resettlement plans

Information to be checked includes:

- 4.1 Land recovery proposals/policies/notice** (A land recovery notice must state the reason for land recovery, the area and location of the to-be-recovered land lot on the basis of existing cadastral dossiers or approved detailed construction planning, and the relocation plan)
- 4.2 The draft plan/proposal on compensation, support and resettlement** (level of support, compensation, or the allocation of housing and/or land for resettlement (if any); time and place of payment of compensation and the time to transfer the acquired land)
- 4.3 Minutes of consultations on plan/proposal on compensation, support and resettlement**
- 4.4 Decision of land recovery** (the reason for land recovery, the area and location of the to-be-recovered land lot on the basis of existing cadastral dossiers or approved detailed construction planning, and the relocation plan)
- 4.5 Decision approving proposal on compensation, support and resettlement plans** (level of support, compensation, or the allocation of housing and/or land for resettlement (if any), time and place of payment of compensation and the time to transfer the acquired land)

Scenario: Visit the Department of Natural Resources and Environment

According to Articles 19 and 31 – Decree 69/NĐ-CP (13/8/2009) and Art 21- Law on Anti-corruption 2005 (amended 2012): It is mandatory for the information in sections 4.1 and 4.2 to be published.

The observer should initially ask directly for information as an ordinary citizen. If the officer asks the reason, the observer can impersonate a land buyer who lives in the surrounding area and needs this information.

Possibly there are three cases

Case 1: Since 2010, there is no incidence of land recovery. In this case, the observer notes this and stops the observation.

Case 2: Since 2010, there was incidence of land recovery but this was completed before this current study. In this case, information to be checked includes items 4.3, 4.4. and 4.5 above.

Case 3: The land recovery is going on while this study takes place and there are two possibilities: (i) the plan/proposal for compensation, support and re-settlement is being prepared and (ii) land is being recovered.

For the first possibility, the information to be checked includes items 4.1, 4.2

For the second possibility, the information to be check includes items 4.3, 4.4, and 4.5.

1. Step 1: The observer looks at the outside and inside of the One Stop Shop of the Department of Natural Resources and Environment to see whether there is information about decisions on land recovery and compensation, support and resettlement, draft compensation, support and resettlement plans, and minutes of consultations on compensation, support and resettlement plans, and announcements on land acquisition.

Scenario 1.1: If any, the observer takes a picture to save as evidence.

Scenario 1.2: If the observer finds only some or none of the required information posted on the notice board: he/she continues to follow step 2.

Step 2: The observer asks the cadastral officers about the missing information.

Scenario 2.1: The officers inform that since 2010 there is no incidence of land recovery (Case 1): the observer stops looking for information.

Scenario 2.2: The officers inform that there was incidence of land recovery (Case 2 and Case 3 above): the observer asks for further information.

Situation 1: If the officers do not provide information: the observer proceeds to step 3.

Situation 2: If the officers show reports/documents: the observer asks to take photos and notes down the information.

Situation 3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.

3. Step 3: In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.

Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: According to the law, the publication of information about minute of consultations on compensation, support, and resettlement draft plan is not mandatory and it will be very difficult to access.

Requirement 5: Information about land allocation and lease

Information to be checked includes:

5.1. Set of criteria for land allocation and lease

5.2. Investment location map

Scenario: Visit the PPC Office or the DONRE Office

Enterprises and organizations (especially manufacturing ones) often need to lease state land to operate. At first, the observer can directly request the responsible officers (perhaps Head of the Department) to provide information. If being asked for a reason, the observer can impersonate a DEPOCEN staff member who needs to know land leasing procedures in the province, land allocation criteria and documents and the investment location map.

An investment location map is a document listing all investible spots, which contains the address, and border of land lots. This is to be handed out to investors and issued at the beginning of the financial year. This map is often filled in right after publication.

1. Step 1: The observer look at the outside and inside of the One Stop Shop of the Department of Natural Resources and Environment to see whether there is any information regarding criteria for land allocation and lease, and whether an investment location map is displayed or not.

Scenario 1.1: If any, the observer takes pictures to save as evidence.

Scenario 1.2: If the observer finds only some or none of the required information posted on the notice board: he/she continues to follow step 2.

2. Step 2: Ask the officers responsible for the One Stop Shop of the Department of Natural Resources and Environment about the missing information.

Scenario 2.1: The officers provide nothing or there are no officers: the observer records the information and go to step 3.

Scenario 2.2: The officers provide the information, such as allowing the observer to see documents/materials: the observer asks to take photos and records information.

Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.

3. Step 3: In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.

Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: According to the law, the publication of the above information is not mandatory. Therefore, it may be more difficult for observers to access this information than for Requirement 1, 2, 3, and 4. Observers should change roles readily. Information about land allocation criteria and investment location map is difficult to access because responsibilities of agencies to disclose such types of information are not clearly defined.

PROTOCOL

LAND INFORMATION DISCLOSURE IN DISTRICTS

NOTE BEFORE CONDUCTING ON THE SPOT SURVEY

Objective: To collect information about the publication of land-related information in districts.

Method of observation: It is noted that direct observation is the method applied in this research. By impersonating an ordinary citizen who needs land information or wants to buy land, the observer can access the information. The observer will try to collect information about the publication of information, but not detailed information about land issues. Observers should try their best to make sure that individuals/organizations providing information will not be affected or influenced during the survey.

Preparation: Gathering information about the survey area will help observers carry out the field work quickly, accurately and effectively. At least, observers should search for general information about land in the survey area, maybe via the website of the province.

Bring the introduction letter issued by DEPOCEN, in which the observer is introduced as a staff member of DEPOCEN who is authorized to collect land information for the company. If being asked for a reason, the observer can explain he/she is a representative of a company which needs land information.

Bring the introduction letter issued by the World Bank certifying that the observer is participating in this land information publication survey. Be noted that the letter should not be used to access information. Only use it when being asked by local officers for the reason of your collection of information in that area.

The observer can flexibly impersonate the following roles: (i) Ordinary citizen who needs to buy land or needs land information; (ii) Authorized DEPOCEN staff member collecting land information for his/her director.

Requirement:

1. Record the time duration required to access information, the attitude of officers, and the time needed to contact officers. This is used to assess the difficulty level in the summary sheet.
2. Briefly note all steps followed in the summary sheet.
3. If the information is not accessible, the observer must specify the reason.
4. After each observation, besides immediately filling in the summary sheet, observers can create a diary sheet if necessary to write down the observation process used, the information obtained and the experience gained.
5. Take pictures as evidence of information that can be observed and the information that cannot be observed.
6. At the end of each working day observers need to name the images in the directory tree as follows: Level 1: Region, such as North, Central, South, Level 2: Name of Provinces such as An Giang, Bac Giang, Bac Kan...; Level 3: Name of District. The name of the photo image is information that needs to be checked including images illustrating the information obtained and the information that is not collected.

Note:

Collecting information by observing is prioritized (looking for information on the notice board, listening to local radio, and observing local people who are dealing with procedures). After observing, directly ask for information without having to give any reason is the secondary method. Impersonating the roles outlined is to be resorted to only when asking directly is not effective.

In cases that require contacting officers, ask for their names and telephone numbers to note down in the diary sheet. If they are absent, observers are instructed to obtain their telephone number to ask about land information before skipping to the next Requirement.

ON THE SPOT SURVEY STEPS

Requirement 1: Information about the sequence and procedures for granting certificates of land use rights (LURC).

Office for Registration of Land Use Rights of the Department of Natural Resources and Environment at the district level (hereafter referred to as Office for Registration of Land Use Rights) is responsible for receiving documents and performing procedures for land use right certificates for individuals and households living at the commune level (Article 11 of Decree 88/ND-CP date 19/10/2009). However, it is likely that in some places, this will be handled by district level One Stop Shop.

Information to be checked includes:

- **The implementing procedures for granting land use right certificates**
- **Time for the implementation of the procedures for granting land use right certificates**
- **Fee of performing the procedures for granting land use right certificates**

Scenario: Visit the District PC Office, ask the guards to show the way to the One Stop Shop, or Land Use Registration Office

Impersonate a local citizen who needs information about LURC issuance procedures. If the officer asks for a reason, the observer can impersonate a land buyer who wants to find out the processes for issuing red books at this locality.

Information about the sequence of granting land use rights is often posted on the notice boards.

- 1. Step 1:** The observer looks at the notice board to find information about granting land use right certificates which may be listed with full content or not.

Scenario 1.1: If any, the observer takes pictures to save as evidence.

Scenario 1.2: If the observer finds only some or none of the information posted on the notice board, he/she will continue to follow step 2.

- 2. Step 2:** The observer asks the officers responsible for land at the Department of Natural

Resources and Environment/One Stop Shop/Office for Registration of Land Use Rights for the missing information.

Scenario 2.1: The officers provide nothing or there are no officers: the observer records the information and goes to step 3.

Scenario 2.2: The officers provide information such as allowing the observer to see documents/materials: the observer asks to take photos and records information.

Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.

3. Step 3: In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.

Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: According to the law, the publication of the above information is mandatory. Hence, it is often quite easy to access this information.

Requirement 2: Information about land use plan and planning.

Information on land use plan/planning to be checked includes:

- **Report on land use plan/planning**
- **Map of current land use situation for the period 2011-2015**
- **Map of land use planning for the period 2011-2020**

Scenario: Visit the One Stop Shop, or the Division of Natural Resources and Environment or another agency authorized by the Division of Natural Resources and Environment to disclose planning information.

Land use plan/planning information is presented in the form of a report of land use plan/planning (for example, an explanatory report on land use plan and planning or a decision approving land use plan/planning), map of current land use situation, map of land use planning which are usually displayed or posted in the Division of Natural Resources and Environment or another mandated division such as the Division on Urban Management.

According to Article 20 of the Land Law 2003, the map of current land use situation is made every five years when land inventory is carried out, and the map of land use planning is made every ten years.

The land use planning period is 10 years. The current land use planning period of districts (period 2011-2020) was set from late 2010. The period of the land use plan is 5 years. The 2011-2015 land use plan was made in 2010. If the information provided is from the land use plan of the 2001-2010 period, it does not count as valid and available.

The observer should initially ask directly for information as an ordinary citizen. If necessary, the observer can impersonate a land buyer to ask for information about the detailed land use plan and planning.

1. **Step 1:** The observer looks both outside and inside of the Department of Natural Resources and Environment to see whether there are plan/planning maps and documents displayed or not.
 - Scenario 1.1: If any, the observer takes pictures to save as evidence.
 - Scenario 1.2: If the observer finds only some or none of the information posted on the notice board, he/she will continue to follow step 2.
2. **Step 2:** Ask one/some of the officers of the Department of Natural Resources and Environment for the missing information.
 - Scenario 2.1: The officers provide nothing or there are no officers: the observer records the information and goes to step 3.
 - Scenario 2.2: The officers provide the information such as allowing the observer to see documents/materials: the observer asks to take photos and records the information.
 - Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.
3. **Step 3:** In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.
 - Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.
 - Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: According to the law, the publication of the above information is mandatory. Therefore, a request to collect information from government agencies is not out of the ordinary.

Requirement 3: Information on urban planning (*Urban planning is the organization of the space, architecture, urban landscape and system of technical and social infrastructure facilities and houses to create a suitable living environment for the people living in an urban area, which is expressed via urban planning schemes - Article 3, Law on Urban Planning*).

Information to be checked includes:

3.1 Urban planning

- *Scheme on general planning*
- *Scheme on zoning planning*
- *Scheme on detailed planning*

3.2. Urban planning draft

3.3. Minutes of consultations on urban planning draft

Scenario: Visit the Urban Management Department, the District People's Committee Office or another agency authorized to disclose urban planning information.

At first, the observer can impersonate a citizen who needs land information (for buying/selling) to ask directly. If this approach is not effective, the observer can impersonate a real estate broker/customer representative/company staff (e.g. DEPOCEN) who needs to collect land information.

According to Article 53-54 of the Law on Urban Planning, state management agencies in urban planning at all levels are responsible for exhibiting regularly and continuously drawings and models at their offices. The observer observes whether or not the information is available, then ask officers to provide guidance regarding this information or seek the answers of the relevant officers.

1. Step 1: The observer looks at the outside and inside of the Urban Management Office to see whether there are urban plans, drafts of urban plans and minutes of consultations on draft urban plans on display or not.

Scenario 1.1: If any, the observer takes pictures to save as evidence.

Scenario 1.2: If the observer finds only some or no information posted in the notice board, he/she proceeds to follow step 2.

2. Step 2: Ask the officers responsible for the Urban Planning Office for the missing information.

Scenario 2.1: The officers provide nothing or there are no officers: the observer records the information and goes to step 3.

Scenario 2.2: The officers agree to provide the information such as allowing the observer to see documents/materials: the observer asks to take photos and records information.

Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.

3. Step 3: In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.

Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: According to the law, the publication of information about approved/draft urban planning is mandatory. Therefore, a request to collect information from government agencies is not out of the ordinary. The information about the minutes of consultations on draft urban plans is not mandatory and it will be more difficult to access.

Requirement 4: Information about land recovery, compensation, support and resettlement plans.

Information to be checked includes:

- 4.1 Land recovery announcement** (A land recovery announcement must state the reason for land recovery, the area and location of the to-be-recovered land lot on the basis of existing cadastral dossiers or approved detailed construction planning, and the relocation plan).
- 4.2 The draft plan on compensation, support and resettlement** (level of support and compensation, allocation of houses and land for resettlement (if any), time and place of payment of support and compensation, and time to transfer the acquired land)
- 4.3 Minutes of consultations on draft compensation, support and resettlement plans**
- 4.4 Decision on land acquisition** (reasons for land acquisition, area and location of the acquired land lot on the basis of existing cadastral documents or approved detailed construction planning, and relocation plans)
- 4.5 Decision approving compensation, support and resettlement plans** (level of support and compensation, allocation of houses and land for resettlement (if any), time and place of payment of support and compensation, and time for transfer of acquired land)

Scenario: Visit the Division of Natural Resources and Environment or the District People's Committee Office or another agency authorized to disclose information about compensation, support and resettlement such as the Land Development Fund or Office of the Council for Compensation, Support and Resettlement

According to Art 31 – Decree 69/NĐ-CP (13/8/2009) and Art 21- Law on Anti-corruption 2005 (amended 2012), it is mandatory for the information in 4.1 and 4.2 to be published.

The observer should initially ask directly for information as an ordinary citizen. If the officer asks for a reason, the observer can impersonate a land buyer who lives in the surrounding area and needs this information.

There are three cases:

Case 1: No land acquisition has taken place in the district since 2010. In this case, the observer records the fact and stops observing.

Case 2: Land acquisition took place after 2010 but has been completed by the time of observation. In this case, information to be collected is those in section 4.3, 4.4 and 4.5.

Case 3: Land acquisition is taking place at the time of observation. In this case, there are two possibilities: (i) compensation, support and resettlement plans are being prepared; or (ii) land is being acquired.

For the first possibility, information to be collected is those in 4.1 and 4.2.

For the second possibility, information to be collected is those in 4.3, 4.4 and 4.5.

The observer finds information in accordance with the following steps:

1. Step 1: The observer looks at the outside and inside of the Division of Natural Resources and Environment or the authorized office to see whether there is information regarding announcement on land acquisition, draft compensation, support and resettlement plans, compensation and resettlement assistance plans, decision on land acquisition, decision approving compensation support and resettlement plans, and compensation, support and resettlement plans themselves.

Scenario 1.1: If any, the observer takes pictures to save as the evidence.

Scenario 1.2: If the observer finds only some, or none of the information posted on the notice board, he/she proceeds to follow step 2.

2. Step 2: The observer asks the officers responsible for the Division of Natural Resources and Environment for the missing information.

Scenario 2.1: The officers provide nothing or there are no officers: the observer records the information and goes to step 3.

Scenario 2.2: The officers agree to provide the information such as allowing the observer to see documents/materials: the observer asks to take photos and records information.

Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.

Step 3: In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.

Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: According to the law, the publication of information about minutes of consultations on draft compensation, support, and resettlement plans is not mandatory and it will be difficult to access.

PROTOCOL

LAND INFORMATION DISCLOSURE IN COMMUNES

NOTE BEFORE CONDUCTING ON THE SPOT SURVEY

Objective: To collect information about the publication of land information in communes.

Method of observation: It is noted that direct observation is the method applied in this research. By impersonating an ordinary citizen who needs land information or wants to buy land, the observer can access the information. The observer will try to collect information about the publication of information, but not detailed information about land issues. Observers should try their best to make sure that individuals/organizations providing information will not be affected or influenced during the survey.

Preparation:

Gathering information about the survey area will help observers carry out the field work quickly, accurately and effectively.

Find out if there is any area in the survey commune/town that has been appropriated to build roads, industry zones, etc., to ask for information about decisions on compensation, support, and resettlement. This information can be acquired by searching the Internet or asking local people.

Bring the introduction letter issued by DEPOCEN, in which the observer is introduced as a staff member of DEPOCEN who is authorized to collect land information for the company. If being asked for a reason, the observer can explain he/she is a representative of a company that needs land information.

Bring the introduction letter issued by the World Bank certifying that the observer is participating in this land information publication survey. Note: the letter should not be used to access information. Only use it when being asked by local officers for the reason for your collection of information in that area.

The observer can flexibly impersonate the following roles: (i) Ordinary citizen who needs to buy land or needs land information. (ii) Authorized DEPOCEN staff member collecting land information for his/her director.

Requirement:

1. Record the time duration required to access information, the attitude of officers, and the time needed to contact officers. This is used to assess the difficulty level in the summary sheet.
2. Briefly note all steps followed in the summary sheet.
3. If the information is not accessible, the observer must specify the reason.
4. After each observation, besides immediately filling in the summary sheet, the observer can create a diary sheet if necessary to write down the *observation process used, the information obtained and the experience gained*.
5. Take photos as evidence of information that can be observed or cannot be observed.

6. At the end of each working day, the observer should name the images as follows: Level 1: Region, such as North, Central, and South; Level 2: Name of Province, such as: An Giang, Bac Giang, Bac Kan...; Level 3: Name of District. The name of the photo image is the information that needs to be checked including images illustrating the information obtained and the information that is not collected.

Note:

Collecting information by observing is prioritized (looking for information on the notice board, listening to local radio, observing local people who are dealing with procedures). After observing, directly asking for information without having to give any reason is the secondary method. Impersonating the roles provided to acquire information is to be resorted to only when asking directly is not effective.

In cases that require contacting officers, ask for their names and telephone numbers to note down in the diary sheet. If they are absent, observers are instructed to obtain their telephone numbers to ask about land information before skipping to the next Requirement.

ON THE SPOT SURVEY STEPS

Requirement 1: The sequence, procedures and competence in granting land use right certificates (LURCs) and the list of eligible and ineligible households for granting LURCs

People's Committees of communes, wards and townships (hereinafter referred to as commune) are responsible for receiving documents and performing the procedures to grant land use right certificates for individuals and households living in the commune or township (Article 11 of Decree 88/ND-CP date 19/10/2009).

Information to be checked includes:

1.1. The administrative sequence and procedures for granting land use right certificates

- The sequence and procedures for granting land use right certificates
- Time for the implementation of the procedures for granting land use right certificates
- Fees and charges for issuing land use right certificates

1.2 List of eligible and ineligible household for granting LURCs.

Scenario: Visit the One Stop Shop of the Communal People's Committee

The observer can access information as an ordinary citizen who needs land related administrative procedures. If the officer asks for a reason why such information is needed, the observer can impersonate a land buyer who wants to find out the processes for issuing red books in the local area.

The observer asks about the list of eligible and ineligible households to see whether the land lot the observer intends to buy is eligible or not.

As per regulations, such information is often publicly posted on notice boards. If the list is not posted, the observer should record that the information is not available on the notice board. After that, the observer asks the officers for this type of information.

1. Step 1: The observer looks at the notice board to find information about the procedures for granting land use right certificates, and the list of eligible and ineligible households for granting LURCs and sees if such a list has detailed information or not.

Scenario 1.1: If available, the observer takes photos and saves as evidence.

Scenario 1.2: If not, the observer proceeds to step 2.

2. Step 2: The observer asks the cadastral officers for the missing information (particular attention should be paid to the time and specific fees).

Scenario 2.1: The officers provide nothing or there are no officers: the observer records the information and proceeds to step 3.

Scenario 2.2: The officers provide the information such as allowing the observer to see documents/materials: the observer asks to take photos and records the information.

Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.

3. Step 3: In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.

Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: According to the law, the publication of the above information is mandatory. In reality, it is often quite easy to access this information. The observer needs to note down carefully and take photos to compare the level of completeness and clarity of information in different areas.

Requirement 2: Information about land use plan/planning and urban planning

Note: According to current laws and regulations on land planning: (1) communal land use plan and planning is made only for communes which are not planned to be converted into urban areas; (2) land use plan and planning for communes which are planned to be converted into urban areas will be developed by the district and integrated in the district-level land use planning. Thus, when checking for information, it is necessary to distinguish between communes that are not planned to be converted into urban areas with those that are planned to be converted into urban areas, corresponding to Case 2A and Case 2B below:

2A. Information on land use plan/planning at communes that are not planned to be converted into urban areas:

2A1. For communes where land use plans have been approved, information to be checked includes:

- Documents/report on land use plan/planning;
- Map of current land use situation for the period 2011-2015;
- Map of land use planning for the period 2011-2020.

2A2. For communes where land use plans have not been approved/issued (for period 2011-2020), information to be checked includes:

- Draft land use plan/planning
- Minutes of consultations on draft land use plan/planning

2B. Information on urban planning at communes that are planned to be converted into urban areas. Information to be checked includes:

- Scheme on general planning
- Scheme on zoning planning
- Scheme on detailed planning

Scenario: Visit the Communal People's Committee Office

The observer can access this information as an ordinary citizen at the One Stop Shop, the cadastral office or the planning/urban planning office. If being asked for a reason, the observer can impersonate a land buyer.

Land use plans and planning are often presented in the forms of reports on plans and planning (e.g. explanatory report on land use plan/planning or decision approving land use plan/planning), current land use map, and land use planning map which are displayed in cadastral offices or commune people's committee offices. Land use plan documents specify the areas and location of land reserved for forestry, road construction, industry etc., as well as for specific projects that are in the list to be implemented.

According to Article 20 of the Law on Land 2003, the map of current land use situation is made every five years, and the map of land use planning is set every ten years. The period of land use planning is 10 years, and the planning of the 2011-2020 period was set in late 2010. The period of the land use plan is 5 years, and the land use plan of the 2011-2015 period was set in 2010. If the information provided is from the land use plan of the 2001-2010 period, it does not count as valid and available.

1. Step 1: The observer looks at both the outside and inside of the One Stop Shop or the cadastral office to see whether plans/planning maps and documents as indicated in 2A and 2B are displayed or not.

Scenario 1.1: If any, the observer takes pictures to save as evidence.

Scenario 1.2: If the observer finds only some or none of the information posted in the notice board, he/she continues to follow step 2.

2. Step 2: The observer asks the cadastral officers for the missing information.

Scenario 2.1: The officers cannot guide the observer to anything or there are no officers: the observer records the information and goes to step 3.

Scenario 2.2: The officers provide the information such as allowing the observers to see documents/materials: the observer asks to take photos and records the information.

Scenario 2.3: The officers direct the observer to the notice board or other places: the observer would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to step 3.

3. Step 3: In the case that the observer has carried out step 1 and step 2 but still is unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably be willing to provide information if such information is paid for. In this case the observer just needs to record this situation and then responds that he/she would be back to get the information.

Scenario 3.2: After the observer offers to pay for information but still cannot get the information, the observer records in the summary sheet.

Note: The publication of information on land use plan/planning and urban planning for the public is mandatory. Therefore, asking for this information is not a special request except for information on minutes of consultations on draft land use plan/planning of communes where are not planned to become urban and minutes of consultations on draft urban planning.

Requirement 3: Information about compensation, support and resettlement

Information to be checked includes:

3.1 Land recovery announcement or policy (reasons for land recovery, the area and location of the to-be-recovered land lot as indicated in the existing cadastral dossiers or approved detailed construction planning, and the relocation plan).

3.2 Draft compensation, support and resettlement plan (level of support and compensation, the allocation of houses and/or land for resettlement (if any), time and place of payment of support and compensation, and time to transfer the acquired land)

3.3 Minutes confirming the disclosure of compensation, support and resettlement plans

3.4 Minutes of consultations on draft compensation, support and resettlement plans

3.5 Decision on land recovery (reasons for land recovery, area and location of the to-be-recovered land lot on the basis of existing cadastral dossiers or approved detailed construction planning, and the relocation plan).

3.6 Decision approving compensation, support and resettlement plans (level of support and compensation, the allocation of houses and/or land for resettlement (if any), time and place of payment of support and compensation, and time to transfer the acquired land)

Scenario: Visit Communal People's Committee Office or its Cadastral Office

According to Article 29, 30 and 31 – Decree 69/NĐ-CP (13/8/2009) and Art 21 - Law on Anti-corruption 2005 (amended 2012): public disclosure of this information is mandatory at the commune level except for information items 3.2 and 3.5.

The observer can access this information as an ordinary citizen who needs land information. If asked for a reason, the observer can impersonate a citizen living in the nearby commune whose land lot is going to be recovered to ask about compensation amount and other information (listed above) in the survey commune (for comparing).

There are three cases:

Case 1: Since 2010, there is no incidence of land recovery. In this case, the observer notes this and stops observing.

Case 2: Since 2010, there was an incidence of land recovery but this was completed before this current study. In this case, information to be checked includes items 3.3; 3.4, 3.5 and 3.6 above.

Case 3: The land recovery is underway while this study takes place and there are two possibilities: (i) compensation, support and resettlement plans are being prepared and (ii) land is being recovered.

For the first possibility, the information to be checked includes items 3.1, 3.2, 3.3

For the second possibility, the information to be check includes items 3.3, 3.4, 3.5 and 3.6.

The observer will take the following steps:

1. Step 1: The observer looks at both the outside and inside of commune people's committee offices the One Stop Shop or the room dedicated for information disclosure to see whether there is information about decisions on compensation, support and resettlement plans and minutes of consultations on compensation, support and resettlement or not.

Scenario 1.1: If any, the observer takes pictures to save as evidence.

Scenario 1.2: If the observer cannot find the required information being posted on the notice board, he/she proceeds to follow step 2 to identify one of the two possibilities.

2. Step 2: The observer asks the cadastral officers for the missing information.

Scenario 2.1: The officers inform that since 2010 there is no incidence of land recovery (Case 1), then the observer stops looking for information.

Scenario 2.2: The officers inform that there was an incidence of land recovery (Case 2 and Case 3 above), the observer asks for further information.

Situation 1: If the officers do not provide information, the observer moves to step 3.

Situation 2: If the officers show reports/documents, the observer asks to take photos and notes down the information.

Situation 3: The officers direct the observer to the notice board or other places: the observer

would go to see and record which information he/she could obtain and/or not yet obtain. If it is still impossible to obtain information in this case, the observer proceeds to Step 3.

3. Step 3: In the case that the observer has carried out step 1 and step 2 but is still unable to obtain the needed information, the observer explores the possibility to pay for the information.

Scenario 3.1: The officers would probably provide information if paid. In this case, the observer just needs to record this situation and then tells him that he/she would come back to get the information later.

Scenario 3.2: After the observer asks to pay for information but cannot get the information, the observer records in the summary sheet.

Note: According to the current law, disclosure of minutes of consultations on draft compensation, support, and resettlement plan is not mandatory and it may be difficult to access. The disclosure of land recovery decision is not mandatory, but decisions on compensation, support and resettlement must be sent to people and must contain detailed information on level of support and compensation, allocation of houses and land for resettlement (if any), time and place of payment of support and compensation, and time to transfer the acquired land.

PROTOCOL

ACCESS TO LAND INFORMATION ON THE WEBSITE OF PROVINCE/CITY

1. Objective:

To collect evidence on the publication of land related information on current websites of relevant provincial authorities in Vietnam. The data collectors are responsible for gathering data on the publication status of information only, rather than specific land related information.

2. Websites to access:

Official websites and e-portals of all 63 provinces/cities in Vietnam (including but not limited to websites of Provinces' Departments of Natural Resources & Environment, Department of Architecture, Department of Construction and Department of Finance).

3. Information to be checked:

Within the scope of this study, the information to be checked and collected includes:

- **Group 1: Land related administrative procedures**
- **Group 2: Land use plans and planning**
- **Group 3: Urban planning**
- **Group 4: Decision on land recovery, and plan on compensation, support and resettlement**
- **Group 5: Information on land allocation and land lease**
- **Group 6: Information on land related charges, fees and taxes**

4. Implementation:

- Develop a list of websites to be checked: official electronic portals/websites of all 63 provinces/cities including but not limited to websites of provincial Department of Natural Resources, Department of Architecture, Department of Construction and Department of Finance.
- Access each of these websites and check for the 6 groups of information mentioned above.
- Fill out the "summary sheet" for each province.
- Screen shots are required to be taken at each step of information checking as evidence for the availability and adequacy of information. For each website, if a particular information item is deemed missing or not available, researchers are expected to spend at least 20-30 minutes to thoroughly search for the information on the websites before stopping.

4.1 Group 1: Information on administrative procedures and sequence of administrative procedures²⁵ on land.

25. Information on administrative procedures and the implementation of administrative procedures checked in 2010 only covered information on administrative procedures relating to grant of land use right certificates.

Step 1 – Checking for information: This group of information on administrative procedures (TTHC) can normally be found on websites of Provincial People’s Committee (PPC) or Provincial Departments of Natural Resources and Environment under the following headings: (i) administrative procedures; (ii) guidance on procedures; or (iii) set of administrative procedures. The online publication of land related information for this group is mandatory except for the information about online services for issuing land use rights certificates (TTHC17). The information to be checked is described in Table 1 below:

Table 1: Information on land related administrative procedures

Information	Form of disclosure	Regulations related
1. Group of procedures on reissuing of and supplementing to certificates of (i) land use rights, (ii) house ownership, and (iii) other assets attached to land (often referred to as the certificate in this study) (TTHC1)	Mandatory published online	Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.
2. Group of procedures on granting certificates in cases either (i) there is no asset attached to land; or (ii) there are assets attached to land but there is no demand for certification of ownership; or (iii) there are assets attached to land but assets are under ownership of others. (TTHC2)	Mandatory published online	Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.
3. Group of procedures on reissuing the certificate due to loss. (TTHC3)	Mandatory published online	Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.
4. Group of procedures on registering for change in land uses and assets attached to land due to changes in titles; reduction in land area caused by natural erosion; changes in rights and titles, changes in financial obligations; changes in the construction area, use area, the height and main structure of building, housing grade, building; and changes in the ownership information of forest. (TTHC4)	Mandatory published online	Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.

<p>5. Group of procedures for registering for leasing land use rights and assets attached to land. (TTHC5)</p>	<p>Mandatory published online</p>	<p>Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.</p>
<p>6. Group of procedures for registering the transfer, inheritance or donation of land use rights and property rights attached to land. (TTHC6)</p>	<p>Mandatory published online</p>	<p>Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.</p>
<p>7. Group of procedures for granting certificates of land use rights, ownership of houses and other assets attached to land in the case of split or consolidation of land. (TTHC7)</p>	<p>Mandatory published online</p>	<p>Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.</p>
<p>8. Group of procedures for registering capital contribution by the land use rights and assets attached to land. (TTHC8)</p>	<p>Mandatory published online</p>	<p>Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.</p>
<p>9. Group of procedures for registering changes in the purpose of land use in the case where permission is not needed. (TTHC9)</p>	<p>Mandatory published online</p>	<p>Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.</p>
<p>10. Group of procedures for registering changes in the purpose of land use in the case permission is needed. (TTHC10)</p>	<p>Mandatory published online</p>	<p>Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.</p>
<p>11. Group of procedures for converting land lease into fee-based land allocation. (TTHC11)</p>	<p>Mandatory published online</p>	<p>Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.</p>

12. Group of procedures for extending land use terms in the high-tech and economic zones (TTHC12)	Mandatory published online	Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.
13. Group of procedures on land reallocation and land lease in high-tech and economic zones. (TTHC13)	Mandatory published online	Art 28 - Law on Information Technology (2006) No.67/2006/QH11 The Resolution 56/NQ-CP (15/12/2010) was set on Scheme 30 of the Government.
14. Information on the address, phone number, and the email address to receive feedback and recommendations from individuals and organizations regarding administrative procedures in land management (TTHC14)	Mandatory published online	Art 13 - Decree 20/NĐ-CP (14/02/2008) Art 180 – Decree 181/2004/NĐ-CP date 29/10/2004.
15. Information on feedback and recommendations of individuals and organizations regarding administrative regulations in land management (TTHC15)	Mandatory published online	Art 19 - Decree 20/NĐ-CP (14/02/2008) Term i, Art 10 - Decree 43/NĐ-CP date 13/6/2011
16. Solutions that have been adopted to respond to feedback and recommendations on administrative procedures in land management (TTHC16)	Mandatory published online	Art 19 - Decree 20/NĐ-CP (14/02/2008)
17. Online service for land registration, land transactions and granting certificates of Land Use Rights. (TTHC17)	Not mandatory published online	Art 1.B.II Decision 48 of Prime Minister (2009)

Step 2 - Recording and storing information: After completing Step 1, the observer will fill out the "Summary sheet" (see section 6 below).

- **Scoring on the availability of information (yes/no):** Table 1 above lists 17 information items (13 categories of procedures and 4 items of information) under the group of information on land related administrative procedures. The data collector will record whether the information is found or not for each and every item of the 17 items of information. For items that have more than one procedures (or information items), the observer needs to find only one of the procedures to record this item of information as available. They will only record this information as not available if they could not find any of the procedures.
- **Scoring on the adequacy of information:** After determining the availability of information,

the next step is to assess the adequacy of the available information. The general principle is that the score will be on a scale from 1 (very inadequate) to 5 (very adequate), depending on the number of procedures and number of information contents of each group.

4.2 Group 2: Information on land use plan/planning and draft land use planning (QHKH)

Step 1 - Checking for information: This group of information can normally be found on the websites of the PPC and Provincial Departments of Natural Resources and Environment under the following headings: Planning/Planning publication/Planning information. Information on land use planning and plan includes: (i) Detailed specification about the land use plans and planning; (ii) the map of current land use; and (iii) the map of detailed land use planning. The information items to be checked are described in Table 2.

Table 2: Information on planning, land use plans and drafts for land use planning		
Information	Form of disclosure	Regulations related
1. Report on land use planning and plans for the period 2011-2020; (QHKH1)	Mandatory published online	Art 27- Decree 181 (2004) Art 28- Law on land 2003 Art 21 – Law on Anti-Corruption (2005, amended 2012) Item đ, Art 10 – Decree 43/2011
2. Map of current land-use situation for the period 2011-2015; (QHKH2)	Mandatory published online	
3. Map of detailed land use planning for 2011-2020 (QHKH3)	Mandatory published online	

Note:

1. **Map of the current land use** shows the distribution of land types in a specified time period by administrative units.
2. **Map of land use planning** is developed at the beginning of the planning period and reflects the allocation of land at the end of the planning period.

Step 2: Recording and storing information: After having checked for this group of information, the observer fills out the "Summary sheet" (see section 6 below).

- **Scoring on the availability of information (yes/no):** As indicated in the Table 2, there are three information items under the "Group of information on land use plan/planning and draft land use plan/planning". The observer records if the information is available or not for each item mentioned in Table 2.
- **Scoring on the adequacy of information:** After determining the availability of information, the next step is to assess the adequacy of the available information. The general principle is

that the score will be on a scale from 1 (very inadequate) to 5 (very adequate), depending on the number of procedures and the information content of each group.

4.3 Group 3: Information on Urban Planning (QHDT)

Step 1 - Checking for information: This group of information could normally be found on the websites of the PPC, Department of Construction, or Department of Architecture under the following heading: planning/planning publication/planning information. The online publication of this group of information has recently become mandatory since 2011. The information to be checked is listed in the following Table 3:

Information	Form of disclosure	Regulations related
1. Scheme on general planning (QHDT1)	<i>Mandatory published online</i>	Item đ, Article 10 - Decree 43/2011
2. Scheme on zoning planning (QHDT2)	<i>Mandatory published online</i>	Item đ, Article 10 - Decree 43/2011
3. Scheme on detailed planning (QHDT3)	<i>Mandatory published online</i>	Item đ, Article 10 - Decree 43/2011
4. Draft urban planning (QHDT4)	<i>Mandatory published but not online</i>	Art 21 - Law on Urban Planning

Note:

- 1. Urban planning scheme** shows the contents of urban planning, including drawings, models, explanations and regulations on urban planning.
- 2. General Planning** is the organization of the space and system of technical and social infrastructure facilities and houses for an urban area suitable to its socio-economic development, ensuring defence, security and sustainable development.
- 3. Zoning planning** is the division and determination of functions and norms on the use of planned urban land of land areas, networks of social and technical infrastructure facilities within an urban area in order to concretize a general plan.
- 4. Detailed planning** is the division and determination of norms on the use of planned urban land, requirements of management architecture and landscaping of each lot, arrangement of technical and social infrastructure facilities and social infrastructure to be consistent with zoning or general planning.

(Article 3 - Law on Urban Planning 2009)

Steps 2 - Recording and storing information:

- **Scoring on the availability of information (yes/ no):** As indicated in Table 3, there are four information items under the “Group of information on urban planning”. The observer records if the information is available or not for each item mentioned in Table 3.
- **Scoring on the adequacy of information:** After determining the availability of information, the next step is to assess the adequacy of the available information. The general principle is that the score will be on a scale from 1 (very inadequate) to 5 (very adequate), depending on the number of procedures and the information content of each group.

For scheme on planning, the form of information includes drawings and documents. For the draft, the form of information is the document dossier.

4.4 Information of Group 4: Information related to compensation, support and resettlement (TDC)

Step 1 - Checking for information: The publication of this information is mandatory but online publication is not required. The only exception is the “decision on land recovery” which is not required to be published online and/or in any other forms. The observer checks the information on the websites of PPC and/or the relevant departments. Information related to compensation, support and resettlement to be checked is listed in Table 4 below:

Table 4: Information on compensation, support and resettlement		
Information	Form of disclosure	Regulations related
1. The announcement of land acquisition (TDC1)	Mandatory but not online	Art 29- Decree 69 (2009)
2. Decisions on land acquisition (TDC2)	Not mandatory	
3. Decisions approving compensation, support and resettlement plans (TDC3)	Mandatory but not online	Art 21- Law on Anti-Corruption.
4. Draft compensation, support and resettlement plans (TDC4)	Mandatory but not online	Art 30 - Decree 69 (2009)

Steps 2 - Recording and storing information:

- **Scoring on the availability of information (yes/ no):** As indicated in Table 4, there are four information items under the “Group of information on compensation, support and resettlement”. The observer records if the information is available or not for each item mentioned in Table 4.
- **Scoring on the adequacy of information:** After determining the availability of information,

the next step is to assess the adequacy of the available information. The general principle is that the score will be on a scale from 1 (very inadequate) to 5 (very adequate), depending on the number of procedures and the information content of each group.

For the announcement of land acquisition, information to be checked includes the reason for land recovery, the area and location of the to-be-recovered land lot on the basis of existing cadastral dossiers or approved detailed construction planning, land clearance and the relocation plan.

For the decisions approving the compensation, support and resettlement plans, information to be checked includes the level of support and compensation, or the allocation of land for resettlement (if any), the time and place of payment of support and compensation, and the time to transfer the acquired land.

4.5. Group 5: Land allocation and land lease (GDTD)

Steps 1 – Checking for information: This information is not required to be published online. The observer attempts to locate this information through the electronic portals of all of the provinces and or websites of relevant departments. The information to be checked is described in Table 5.

Table 5: Information on land allocation and land lease

Information	Form of disclosure	Regulations related
1. Criteria on land allocation (GDTD1)	<i>Not mandatory</i>	
2. Decisions regarding land allocation including: investor profiles, name and content of the project, final rate and rate proposed by Ministry of Finance. (GDTD2)	<i>Not mandatory</i>	

Step 2 - Filling and storing information

- **Scoring on the availability of information (yes/no):** As indicated in Table 5, there are two information items under the “Group of information on land allocation and land lease”. The observer records if the information is available or not for each item mentioned in Table 5.
- **Scoring on the adequacy of information:** After determining the availability of information, the next step is to assess the adequacy of the available information. The general principle is that the score will be on a scale from 1 (very inadequate) to 5 (very adequate), depending on the number of procedures and the information content of each group and the scoring will rely on the basis of judgment by observers when information mentioned in Table 5 is obtained.

4.6 Group 6: Information on land related charges, fees, taxes and financial obligations

Step 1: Checking for information: This type of information is not required to be made publicly available. The observer checks for this information in the websites of the Provincial People’s Committees, Department of Natural Resources and Environment, and of relevant provincial departments. The information to be checked is listed in Table 6 below.

Table 6: Information on charges, fees and taxes on land		
Information	Form of disclosure	Regulations related
1. Regulation on charges and fees related to land (TTLP)	<i>Not mandatory</i>	
2. Regulation on tax on land and financial obligations such as land use fee and land rent (TTTĐ)	<i>Not mandatory</i>	
3. Regulations on land related tax exemptions and reductions (TTMG)	<i>Not mandatory</i>	
4. Table of land prices (BGĐ)	<i>Not mandatory</i>	

Step 2 - Filling and storing information

- **Scoring on the availability of information (yes/ no):** As indicated in Table 6, there are four information items under the “Group of information on charges, fees, and taxes on land”. The observer records if the information is available or not for each item mentioned in Table 6.
- **Scoring on the adequacy of information:** After determining the availability of information, the next step is to assess the adequacy of the available information. The general principle is that the score will be on a scale from 1 (very inadequate) to 5 (very adequate), depending on the content, and number of each information item. The score of this group of information will be based on the number of content for each information item mentioned in Table 6.

5. Requirements when checking for information on websites:

- Save files into folders in a directory path as below: Level 1: Region - North, Central, South; Level 2: Name of Province; Level 3: Information Available and No Information Available; Level 4: Name of the information group checked: TTHC; QHKH, QHDT, GĐTĐ.
- Name the files by “non-intonation” Vietnamese code, for instance: "TTHC01 tinh A"/"QHKH tinh B"
- Take screen shots and then print them to keep as records of whether the relevant information

can or cannot be found. Save the screen shots in relevant folders with names, for instance: "AnhTTHC01 tinh A"

- Evaluate the adequacy/sufficiency of the information found, record the time spent and steps of access in a summary sheet. This recording into the summary sheet must be done immediately after checking the website of each province/agency to guarantee the accuracy.

6. Summary Sheet

After searching for 5 groups of information by national level, provincial level, researchers shall fill in a Summary Sheet as below, save the files with relevant names as regulated, for instance "SS tinh A", and save them into relevant directory path. In addition, printed documents are also necessary.

SUMMARY SHEET

Province:

Record code:

Survey scale level : province

Researcher's full name:

Date of access:

I. General information:

Notice: From item 2 onwards, it is not necessary to answer for the missing information.

No.	Information	1. Found or missing (1. Yes; 2. No)	2. Sufficient or not? Grading for group or each information (1: very insufficient; 5: very sufficient)	3. Link Path (address)	4. Navigation link (e.g: Administrative Procedure)	5. Time for searching (start – finish) (1. less than 10 mins; 2. from 10-20 mins; 3. over 20 mins)	6. Legal document
I. Information on administrative procedures, implementation of administrative procedures and fees for land							
1	TTHC1						
2	TTHC2						
3	TTHC3						
4	TTHC4						
5	TTHC5						
6	TTHC6						
7	TTHC7						
8	TTHC8						
9	TTHC9						
10	TTHC10						

11	TTHC11						
12	TTHC12						
13	TTHC13						
14	TTHC14						
15	TTHC15						
16	TTHC16						
17	TTHC17						
II. Information on planning and land use planning							
18	QHKH1						
19	QHKH2						
20	QHKH3						
III. Information on urban planning and draft urban planning							
21	QHDT1						
22	QHDT2						
23	QHDT3						
24	QHDT4						
IV. Information on compensation, support, and resettlement							
25	TDC1						
26	TDC2						
27	TDC3						
28	TDC4						
V. Land allocation, land lease							
29	GDTD1						
30	GDTD1						
VI. Level of charge, fee, tax on land and financial obligations on land							
31	TTLP						
32	TTTD						
33	TTMG						
34	BGD						
VII. Contact with the network administrator							
35	LHBQTM						

II. Additional information for the observers

Brief description of good information, which was found easily and those difficult to find.

ANNEX 2. EXAMPLE OF A “TREATMENT” LETTER TO PROVINCES

VIETNAM TRANSPARENCY PROJECT

No:



Hanoi, October 2013

To: Ba Ria-Vung Tau Provincial People's Committee
 Cc: Ba Ria-Vung Tau Department of Natural Resource and Environment

Dear Sir/Madam,

The World Bank's Vietnam Transparency Project presents its compliments to the Ba Ria-Vung Tau People's Committee and the Department of Natural Resources and Environment and would like to share with you the following issues on web-based disclosure of land-related information by the province's relevant authorities.

An oft-heard lament in Vietnam is that the laws are sound but implementation is poor, and this is nowhere more true than in the provision of information.¹ In 2010, UK-Aid and the World Bank supported the piloting of a novel approach to address the gap between transparency provisions in law and their implementation by actively measuring the actual level of transparency related to land regulations. The Survey Report on Information Disclosure of Land Management Regulations was prepared according to the methodology designed by World Bank staff and implemented by DEPOCEN, a Vietnamese think tank (Land Transparency study 2010). The research findings were presented at a government-sponsored conference and later published in a book which has been distributed to all relevant government agencies.

According to Vietnamese laws and regulations², certain types of land-related information are required to be made publicly available on provincial authority websites. The Land Transparency study 2010 checked the actual publication of land-related information on the websites of all 63 provinces against the requirements of the laws and regulations. How Ba Ria-Vung Tau performed its obligations to disclose land-related information on the internet is summarized in the attached summary note which has been prepared specifically for the province. The summary note also provides detailed information on what is being disclosed and what is still missing so that the province can improve its performance by better disclosing this land-related information as required by the laws and regulation.

We also would like to note that in 2013, we are going to repeat this exercise and we hope the information we provide will be useful for the province.

For more information, please contact

Vietnam Transparency Project Secretariat at secretariat@vtp.org.vn

World Bank in Vietnam at htran5@worldbank.org

Development and Policies Research Center (DEPOCEN) at thanhthuy@depocen.org

Yours sincerely,

James Anderson
 Senior Governance Specialist.

¹Vietnam Development Report 2010—Modern Institutions catalogued more than 30 laws, resolutions and circulars guaranteeing access to information of some form or another, yet Vietnamese citizens, firms, the media, and even public officials find it difficult to access information in practice (<http://www.worldbank.org/vn/quantitative>)

²The Anti-Corruption Law 2005 and the amendment 2012, the IT Law 2006, the Ordinance on Grassroots Democracy 2007, Project 30, the Land Law, later elaborated by Decree 14/2007/NĐ-CP and 69/2009/NĐ-CP.

VIETNAM TRANSPARENCY PROJECT



Hanoi, October 2013

BA RIA-VUNG TAU: LAND- RELATED INFORMATION DISCLOSURE ON THE WEB

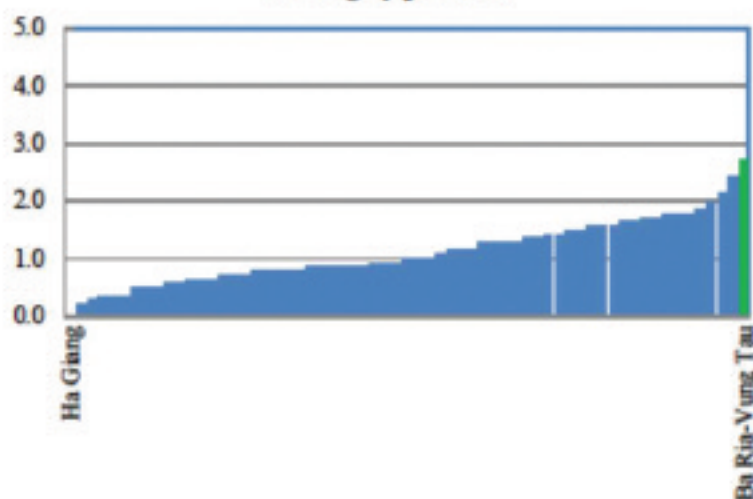
1. Brief introduction

The Government of Vietnam has issued a number of regulations on disclosure of land-related information on provincial authorities' websites. They include the Anti-Corruption Law 2005 and the Anti-corruption Law amendment 2012, the IT Law 2006, the Ordinance on Grassroots Democracy 2007, and Project 30, the Land Law, later elaborated by Decree 84 (2007) and Decree 69(2009). The Land Transparency Study was conducted in 2010 with the purpose of systematically checking the compliance with existing legal provisions across the websites of all provinces. Sixteen types of information were checked in this survey.

2. Ba Ria-Vung Tau's Performance

On the basis of information disclosure an index (average score) of the above 16 types of information has been calculated with the results presented in the graph below. Ba Ria-Vung Tau achieved the highest score, with over 2.7 out of the 5 point scale, while Ha Giang province received the lowest score. The index is calculated on the basis of two key dimensions: accessibility and adequacy, whether the required information is disclosed on the web and the sufficiency of information. According to this index, Ba Ria-Vung Tau was the top performing province.

Land-related information disclosure on the web ranking by province



3. How can Ba Ria-Vung Tau improve its disclosure of information

In order to assist Ba Ria-Vung Tau in improving its performance, this section will highlight what Ba Ria-Vung Tau could do. As can be seen from the graph, Ba Ria-Vung Tau received a score of 2.7, which was the best score of all the provinces; however there is still considerable room for improvement. Ba Ria-Vung Tau provided 11 of the 16 types of information required of them, and all of them are considered to have been at least adequate (received a score of 3 or higher for adequacy). Ba Ria-Vung Tau could improve its performance by providing the 5 missing types of information, and strengthen the adequacy of the information they provide.

Ba Ria-Vung Tau's disclosure of information

	Description	No of provinces with information	Ba Ria-Vung Tau	Highest score of all provinces	TB1*	TB2**
1	List of procedures and forms related to Land Use Rights Certificates (LURC)	58	5	5	3.8	4.1
2	Contact information used to submit feedback and recommendations regarding regulations of administrative procedures for granting LURC	22	3	5	1.2	3.5
3	Information on feedback and recommendations of individuals and organizations regarding regulations of administrative procedures for granting LURC	23	4	5	1.3	3.5
4	Solutions that have been adapted in response to feedback and recommendations	17	3	5	1.1	4
5	Documents regulating the rate/ charge for granting LURC	33	5	5	2	3.9
6	Online service for granting LURC	9	0	5	0.6	3.9
7	Report on detailed planning , and detailed Land Use Plans	33	4	5	1.8	3.4
8	Map of current land-use situation	6	3	5	0.3	3.5
9	Map of detailed Land-Use Planning in case of approved detailed Land-use Planning	15	0	5	0.8	3.3
10	Draft of Urban Planning	8	0	4	0.3	2.1
11	Approved urban planning	20	5	5	1	3.3
12	Decisions on compensation, support and resettlement	24	4	5	1.3	3.3
13	Draft on compensation and resettlement plan	3	3	3	0.1	3
14	Criteria on land allocation	14	3	5	0.7	3.1
15	Decisions regarding land allocation	7	0	5	0.4	3.3
16	Communication with web administrator	1	0	2	0	2

* Average points calculated for all provinces

** Average points calculated only for provinces providing information.

ANNEX 3. EXAMPLES OF “TREATMENT” LETTERS TO OLD AND NEW DISTRICTS

VIETNAM TRANSPARENCY PROJECT

No:



Hanoi, October 2013

To: Tay Ho District People's Committee

Dear Sir/Madam,

The World Bank's Vietnam Transparency Project presents its compliments to Tay Ho District People's Committee and would like to share with you the following issues on the disclosure of land-related information on site by the district's relevant authorities.

An oft-heard lament in Vietnam is that the laws are sound but implementation is poor, and this is nowhere more true than in the provision of information.¹ In 2010, UK-Aid and the World Bank supported the piloting of a novel approach to address the gap between transparency provisions in law and their implementation by actively measuring the actual level of transparency related to land regulations. The Survey Report on Information Disclosure of Land Management Regulations was prepared according to the methodology designed by World Bank staff and implemented by DEPOCEN, a Vietnamese think tank (Land Transparency study 2010). The research findings were presented at a government-sponsored conference and later published in a book which has been distributed to all relevant government agencies.

According to Vietnamese laws and regulations², at the district level, certain types of land-related information are required to be made publicly available. The Land Transparency study 2010 checked the actual publication of land-related information by district's authority for 24 districts across twelve provinces against what are required by Vietnam's current laws and regulations. How Tay Ho District performed its obligations to disclose land-related information is summarized in the attached summary note which has been prepared specifically for Tay Ho District. The summary note also provides detailed information on what is being disclosed and what is still missing so that the district can improve the performance.

We also would like to note that in 2013, we are going to repeat this exercise and Tay Ho District will continue to be included in our study. In addition to districts that had already participated in 2010, new districts are chosen to be included in the exercise. We hope that the information from the Land Transparency Study 2010 that we share with you will be of value for your work in disclosing land-related information for Tay Ho District.

For more information, please contact

Vietnam Transparency Project Secretariat at secretariat@vtp.org.vn,

World Bank in Vietnam at htran5@worldbank.org,

Development and Policies Research Center (DEPOCEN) at thanhthuv@depocen.org

Yours sincerely,

James Anderson
Senior Governance Specialist

¹Vietnam Development Report 2010—Modern Institutions catalogued more than 30 laws, resolutions and circulars guaranteeing access to information of some form or another, yet Vietnamese citizens, firms, the media, and even public officials find it difficult to access information in practice (<http://www.worldbank.org/vn/quantriaasoc>)

²The Anti-Corruption Law 2005 and the amendment 2012, Law on Urban Planning, Law on Land 2003, later elaborated by Decree 181/2004/ND-CP.

VIETNAM TRANSPARENCY PROJECT



Hanoi, October 2013

Tay Ho District (Ha Noi)– Land-related information disclosure at the district level

Brief introduction

The Land Transparency Study was conducted in 2010 with the purpose of systematically checking the compliance with existing legal provisions regarding land-related information disclosure on site (detailed in the below table) across 24 districts in 12 provinces. Six types of information were checked in this survey. Specifically, the availability of four types of mandatory information (M) and two types of non-mandatory information (NM) was investigated and presented in the table below.

Information	Law	No of districts with information	Information availability of Tay Ho
Procedure for issuing certificate for land use rights transfer (M)	Anti-Corruption Law 2005 and the amendment 2012	21/24	YES
Land use planning and detailed land use plans (M)	Decree 181/2004/ND-CP (article 27)	10/24	YES
Urban planning (drawings and models) (M)	Law on Urban Planning (article 55)	11/24	YES
Draft urban planning (M)	Law on Urban Planning (article 55)	1/24	YES
Plans on compensation, support and resettlement and agreed consultation minutes for draft plans of compensation, support and resettlement (NM)		2/24	YES
Agreed consultation minute son draft urban planning (NM)		0/24	NO

The performance of Tay Ho District

The table above provides detailed information on what is being disclosed and what is still missing so that the ward can improve its performance by better disclosing this land-related information as required by the laws and regulations. Tay Ho District (Ha Noi) has made available five of six types of information, which is a good performance. The missing information includes only one types of non-mandatory information.

Tay Ho District could improve its performance by providing the missing types of information, and ensuring the information they are providing is easily accessible to the general public.

VIETNAM TRANSPARENCY PROJECT

No:



Hanoi, October 2013

To: Ha Giang City People's Committee (Ha Giang Province)

Dear Sir/Madam,

The World Bank's Vietnam Transparency Project presents its compliments to Ha Giang City People's Committee and would like to share with you the following issues on the disclosure of land-related information by the district's authorities.

An oft-heard lament in Vietnam is that the laws are sound but implementation is poor, and this is nowhere more true than in the provision of information.¹ In 2010, UK-Aid and the World Bank supported the piloting of a novel approach to address the gap between transparency provisions in law and their implementation by actively measuring the actual level of transparency related to land regulations. The Survey Report on Information Disclosure of Land Management Regulations was prepared according to the methodology designed by World Bank staff and implemented by DEPOCEN, a Vietnamese think tank (Land Transparency study 2010). The research findings were presented at a government-sponsored conference and later published in a book which has been distributed to all relevant government agencies.

According to Vietnamese laws and regulations², at the district level, certain types of land-related information are required to be made publicly available. The Land Transparency study 2010 checked the actual publication of land-related information by district authority for 24 districts across twelve provinces against what are required by Vietnam's current laws and regulations. A summary of the Land Transparency Study 2010 is attached for your reference.

We also would like to note that in 2013, we are going to repeat this exercise and this time the study covers all provinces across Viet Nam. In addition to districts that had already participated in 2010, new districts are chosen to be included in the exercise and Ha Giang City is selected for the study this year. We hope that the information from the Land Transparency Study 2010 that we share with you will be of value for your work in disclosing land-related information.

For more information, please contact

Vietnam Transparency Project Secretariat at secretariat@vtp.org.vn,

World Bank in Vietnam at htran5@worldbank.org,

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Yours sincerely,

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²The Anti-Corruption Law 2005 and the amendment 2012, Law on Urban Planning, Law on Land 2003, later elaborated by Decree 181/2004/ND-CP.

VIETNAM TRANSPARENCY PROJECT



Hanoi, October 2013

Land-related information disclosure at the district level

The Land Transparency Study was conducted in 2010 with the purpose of systematically checking the compliance with existing legal provisions regarding land-related information disclosure on site (*detailed in the below table*) across 24 districts in 12 provinces. *Six types of information were checked in this survey.* Specifically, the availability of four types of mandatory information (M) and two types of non-mandatory information (NM) was investigated and presented in the table below.

The table also presents detailed information on the number and the percentage of districts providing each type of information. Among them, administrative procedures for issuing certificate for land use right transfer appeared to be the most commonly provided type of information, for which over 87% of cities/districts provide this information. Conversely, information related to draft urban planning and agreed consultation minutes on draft compensation, support and resettlement plans are areas that need significant improvement.

We would like to note that this exercise is going to be repeated. In addition to the districts that had already participated in 2010, new districts are chosen to be included in the exercise and Ha Giang City (Ha Giang) is selected for the study this year.

Information	Law	No of districts with information	Percentage
Procedure for issuing certificate for land use rights transfer (M)	Anti-Corruption Law 2005 and the amendment 2012	21/24	87.5
Land use planning and detailed land use plans (M)	Decree 181/2004/ND-CP (article 27)	10/24	41.7
Urban planning (drawings and models) (M)	Law on Urban Planning (article 55)	11/24	45.8
Draft urban planning (M)	Law on Urban Planning (article 55)	1/24	4.2
Plans on compensation, support and resettlement and agreed consultation minutes for draft plans of compensation, support and resettlement (NM)		2/24	8.3
Agreed consultation minute son draft urban planning (NM)		0/24	0.0

ANNEX 4. EXAMPLES OF “TREATMENT” LETTERS TO OLD AND NEW COMMUNES

VIETNAM TRANSPARENCY PROJECT

No:



Hanoi, October 2013

To: Ngoc Ha Ward People's Committee (Ha Giang City, Ha Giang Province)

Dear Sir/Madam,

The World Bank's Vietnam Transparency Project presents its compliments to the Ngoc Ha Ward People's Committee and would like to share with you the following issues on the disclosure of land-related information by the communal authorities.

In 2010, UK-Aid and the World Bank supported the piloting of a novel approach to address the gap between transparency provisions in law and their implementation by actively measuring the actual level of transparency related to land regulations. According to Vietnamese laws and regulations, at the commune level, certain types of land-related information are required to be made publicly available. *The Survey Report on Information Disclosure of Land Management Regulations 2010* checked the actual publication of land-related information by communal, district and provincial authority against what are required by Vietnam's current laws and regulations. The research findings were presented at a government-sponsored conference and later published in a book by Information and Culture Publishing House in December 2010 which has been distributed to all relevant government agencies. *The Survey Report on Information Disclosure of Land Management Regulations 2010* and other related documents can be downloaded at www.worldbank.org/vn/quantrinhmuc.

The study was conducted in 117 communes/wards across twelve provinces in 2010. Its findings allowed local authorities to understand the actual disclosure of land-related information at the communal level, and shared what worked, and what did not work in this regard. A summary of the Land Transparency Study 2010 is attached for your reference.

We also would like to note that we are going to repeat this exercise in the next month or two, and this time the study covers all provinces across Viet Nam. In addition to communes that had already participated in 2010, new communes are chosen to be included in the exercise and Ngoc Ha Ward is selected for the study this year. We hope that the information from the Land Transparency Study 2010 that we share with you will be of value for your work in disclosing land-related information.

For more information, please contact

[Development and Policies Research Center \(DEPOCEN\) at thanhthuy@depocen.org, 043 9351419 \(Ms. Tran Thanh Thuy\).](mailto:thanhthuy@depocen.org)

[Vietnam Transparency Project Secretariat at secretariat@vtp.org.vn, 012 7577 1188 \(Ms. Pham Thuy Anh\)](mailto:secretariat@vtp.org.vn)

[World Bank in Vietnam at hvan5@worldbank.org, 043. 937 8226 \(Ms. Tran Thi Lan Huong\)](mailto:hvan5@worldbank.org)

Yours sincerely,

Handwritten signature of James Anderson in black ink.

James Anderson
Senior Governance Specialist

Handwritten signature of Pham Thuy Anh in black ink.

Pham Thuy Anh
Vietnam Transparency Project Secretariat

VIETNAM TRANSPARENCY PROJECT

No:



Hanoi, October 2013

To: Thuy Khue Ward People's Committee (Tay Ho District- Ha Noi) □

Dear Sir/Madam,

The World Bank's Vietnam Transparency Project presents its compliments to Thuy Khue Ward People's Committee and would like to share with you the following issues on the disclosure of land-related information on site by the communal relevant authorities.

In 2010, UK-Aid and the World Bank supported the piloting of a novel approach to address the gap between transparency provisions in law and their implementation by actively measuring the actual level of transparency related to land regulations. According to Vietnamese laws and regulations, at the commune level, certain types of land-related information are required to be made publicly available. *The Survey Report on Information Disclosure of Land Management Regulations 2010* checked the actual publication of land-related information by communal, district and provincial authority, particularly in 117 wards, communes across twelve provinces, against what are required by Vietnam's current laws and regulations. The research findings were presented at a government-sponsored conference and later published in a book by Information and Culture Publishing House in December 2010 which has been distributed to all relevant government agencies. *The Survey Report on Information Disclosure of Land Management Regulations 2010* and other related documents can be downloaded at www.worldbank.org/vn/quantrinhanuoc.

How Thuy Khue Ward performed its obligations to disclose land-related information is summarized in the attached summary note which has been prepared specifically for Thuy Khue Ward. The summary note also provides detailed information on what is being disclosed and what is still missing so that you can improve the performance.

We also would like to note that we are going to repeat this exercise in the next month or two, and hope that the information that we share with you will be of value for your work in disclosing land-related information for Thuy Khue Ward.

For more information, please contact

[Development and Policies Research Center \(DEPCEN\) at thanhthuy@depcen.org](mailto:thanhthuy@depcen.org)
[043.9351419](tel:043.9351419) (Ms. Tran Thanh Thuy).

[Vietnam Transparency Project Secretariat at secretariat@vtp.org.vn](mailto:secretariat@vtp.org.vn), 012 7577 1188 (Ms. Pham Thuy Anh)

[World Bank in Vietnam at htran5@worldbank.org](mailto:htran5@worldbank.org), 043. 937 8226 (Ms. Tran Thi Lan Huong)

Yours sincerely,

James Anderson
Senior Governance Specialist

Pham Thuy Anh
Vietnam Transparency Project Secretariat

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