



UNIVERSITY
OF TAMPERE

**BASIS FOR THE DEVELOPMENT OF
CRITERIA FOR MONITORING THE IMPLEMENTATION
OF LAND LAWS IN VIETNAM**

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ABSTRACT

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This paper is one of the newest studies which focuses on the issue of monitoring the land law implementation in Vietnam. The research clarifies the basic concepts related to monitoring the implementation of land law comprehensively. Also, in the context of Vietnamese legislation system has not regulated a sufficient criteria system in this issue, the author developed a suitable criteria system in order to enhance the efficiency of monitoring the implementation of land law in Vietnam. To reach the goal, the author used both of qualitative and quantitative methods to carrying out the research. Especially, the author collected the huge amount of data which covered doing structured interviews from 23 provinces in Vietnam to gain the results comprehensively and objectively. The author also worked in consultation with people working in land sector and relevant experts by doing unstructured interviewed. The experts had an opportunity to express their views on the status quo on land and suggest the content of the criterias in monitoring the implementation of land law. The results reveal that the majority of interviewees point out difficulties related to the lack of the criteria and suggest that they should be developed immediately. The system of criterias in the research is expected to become the basis for monitoring the implementation of land law in Vietnam effectively.

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1 Introduction

1.1 Land and land law in Vietnam

In every country, land is always regarded as a particularly important resource for the following reasons:

Land is a product of nature, appears before labor and together with the history of socio-economic development, land is the working condition. Land plays a decisive role in the survival and development of human society. If there is no land, there is clearly no industry, and no human existence. Land is one of the most precious resources, living conditions for animals, plants and people on earth.

Land involves in all socio-economic activities. Land is the place, the basis of cities, villages, industrial projects, transportation, irrigation and other irrigation works. Land supplies materials for industry, construction such as brick, cement, ceramics, etc.

Land is a source of wealth, a fixed asset or a fixed investment, and a measure of the wealth of a country. Land is also life insurance, financial insurance as a transfer of wealth through generations and as a resource for consumption purposes.

The Land Law 1993 of the Socialist Republic of Vietnam states that: “Land is an extremely valuable national resource, a special production material, the most important part of the environment, and the foundation on which residential areas are distributed, on which economic cultural, social security, and national defense bases are constructed. Over many generations, our people have devoted an enormous effort, labor and sacrificed our lives to establish and protect the land as it now is!”

For Vietnam, according to statistics (General Statistics Office of Vietnam) as of October 10, 2017, Vietnam's population was 95,799,886 the total natural land area was 33,123,077 ha (the land use status by Ministry of Resources Natural and Environment 2016). Thus, the average land area per capita in Vietnam is nearly 0.35ha per person. With this ratio it can be said that Vietnam is a crowded country (Deputy Minister of Health Nguyen Viet Tien spoke with the press on World Population Day on July 11, 2017). This makes land more valuable asset, especially valuable in the process of development (Do Thi Lan & Do Anh Tai, 2007, 6).

The first Land Law was promulgated in 1987 and until now the National Assembly of the Socialist Republic of Vietnam has replaced the Land Law three times (Land Law 1993 (amended in 1998 and 2001), 2003 (amended 2009) and 2013; To assign the Government, the ministries, and localities to promulgate legal documents guiding the Land Law. The change in land legislation has contributed to change in all aspects of Vietnam, such as (i) positively contributing to poverty reduction, increase of per capita income, creation of more jobs, life improvement (ii) creating favourable conditions for land users to exercise their rights to contribute to the promotion of land resources,

investment in production, (iii) increasing state budget revenue through the fee collection of land use, land lease, land allocation and taxes, fees and charges related to land. The most important change is bringing our country from a food shortage country into one of the agricultural countries ensuring sufficient food in the country, having strategic reserves and being the world's leading agricultural exporters. In addition, the promulgation of appropriate land law documents also contributes positively to the efficient and sustainable land use, protection from degradation of land resources and the environmental protection (Thanh, 2016, 14).

The modern market economy requires a comprehensive land legislation system which covers in the areas of production, business, investment, tourism, planning, transportation, real estate, etc. However, the new land legislation mainly regulates the socio-economic and land relations in rural agriculture. Therefore, in recent years, the market economy has developed strongly leading the increase of the demand for land use, transfer and trading in sectors and regions posing many issues that land legal documents are difficult to resolve (Sua, 2015, 5). Especially, the real estate market in the recent time has been unpredictably unsettled, resulting in confusing people, investors and even those who issued land legislation (Huong, 2016, 34). Why? Is it due to market fluctuations or the inevitable result of the developing economy but bound by the inappropriate provisions of land legislation?

The increase in the number of land legislation in recent years has shown that land issues in Vietnam are very complicated. These legal documents have not yet resolved the remaining problems, such as the consequences of war, political change and the adjustment of new social relations on land. In addition, the issuance of land legislation in some localities is very arbitrary and has caused discontent in the society.

Recently, the situation of land disputes, complaints and denunciations is not normal with increase of the number and the complexity. In the total number of cases, land disputes, complaints and denunciations account for the majority with more than 70% cases (Loi 2008, 9) compared with other disputes, complaints and denunciations throughout the country.

The issue is that it is time to seriously and comprehensively assess the role and significance of land legislation in the period of economic transition to clarify theoretical and practical issues as the basis for the development of land policy in line with the period of economic transition to the socialist-oriented market economy in Vietnam.

Land matter in Vietnam is assigned to several ministries for management. Mainly the Ministry of Environment and Natural Resources is responsible for planning, land registration, land use right certificates, land allocation, lease, land acquisition, land use changes, database, and land supervision. The Ministry becomes the main body for land management. However, regarding specific fields, land matter is also managed by other ministries such as Ministry of Finance manages land tax, fee, land

lease fee, land use fee; Ministry of Planning and Investment manage land based investments; Ministry of Construction manages real estate such as construction, real estate development and urban management and planning; Ministry of Agriculture and Rural Development manages land allocation and land use relating to cultivation, livestock, aqua culture and forestry management; Ministry of Foreign Affairs manages land lease and land allocation for building embassy houses and foreign affairs; Ministry of Transportation manages land area used for roads, waterway, railway and skyway; Ministry of Defence manages land area used for Defence matters; Ministry of Public Security manages land area used for security; Ministry of Justice (MOJ) manages notarization and authentication of documents relating to land. All ministries have authorization to adopt by-law documents guiding regulations of the laws issued by the National Assembly or decrees issued by the government, which makes land matters become complicated. By-law documents relating to land matter is often overlapped or conflicting, which creates difficulties and confusing in implementation. Therefore, the number of issues, complaints and conflicts relating to land matter increases and becomes more complicated. In total cases of disputes, complaints and denunciations, land issues account for more than 70% (Loi, 2016, 9)

1.2 The urgency of monitoring land law implementation

Law can only be effective when it is implemented completely and strictly. Indeed, while making law and policies has achieved some success, the law implementation still has limitations. Many regulations have not been enforced and implemented strictly and uniformly in many provinces in Vietnam. The limitations of law implementation result from the performance of the state units such as their capacity, their collaboration, necessary conditions and other factors, which influences significantly the effectiveness of land law implementation in Vietnam.

In 2012, Vietnam National Assembly voted for passing the constitution in which item 1, article 99 regulates that Ministers and Heads of ministerial-level agencies are members of the Government. Accordingly, the officials preside over their ministries or ministerial-level agencies, and lead the work of their relevant governing bodies; they perform the state management of the sectors and fields under their charge; and organize and monitor implementation process of laws concerning their sectors and fields on a national scale.

Another provision stipulated in Clause 3 of Article 200 in the Land Law passed by the National Assembly in 2013 is that The Natural Resources and Environment Agency is responsible for managing the monitoring and evaluation system, evaluating the implementation of the law, the effectiveness of land management and use, the impacts of land law policies on socio-economic and

environment in the whole country and in localities. The Government and the National Assembly are supposed to receive periodic results.

Specifically on 15th May 2014, the Government issued the Decree No 43/2014/NĐ-CP in which clause 3, article 95 stipulates that the local natural resources and environment bodies take responsibility to manage, use and organize the operation of the monitoring and evaluation system for the management and use of land in the locality. Besides, it is their tasks to report to People's Committees of the same level and higher-ranking agencies of natural resources and environment on land management, land use, impacts of land law policies.

The above legal documents are important basis to help Ministry of Natural Resources and Environment (MONRE) and other related agencies implement the monitoring of land law implementation. However, we do not have much experience in doing this new and important task which is meaningful and relates to the operation of many agencies from the central to local levels. In addition, these legal documents just stipulate general tasks of MONRE and related agencies; there are no specific regulations on content, methods and responsibilities of these agencies in implementing the tasks.

Before adopting the decree no.59/2012/NĐ-CP and the decree no.43/2014/NĐ-CP, MONRE and its related agencies at local levels had not prepared necessary conditions and resources to implement the task. Most of current legal documents have not mentioned the monitoring law implementation; few legal documents mention it in a very general way. The system and the capacity of staff have not ensured for the monitoring. Since implementing the monitoring law implementation according to the decree 59/2012/NĐ-CP and decree 43/2014/NĐ-CP, MONRE and related agencies face difficulties. This document only proposes three groups of criteria for monitoring law implementation, namely the state of issuing documents detailing legislative documents implementation, the state of ensuring conditions for monitoring law implementation and the state of law implementation. However, there are no regulations on criteria for the responsibility of implementing the monitoring, the cooperation for implementing and the evaluation of legislative documents' impacts. It seems to be that the groups of criteria mentioned in this document is an expedient measure for monitoring the land law implementation in a timely fashion. Therefore, until now there is no guidance for subordinated agencies of MONRE to monitoring the implementation of land law. Hence, the results of monitoring law implementation in the localities is inefficient and less credibility.

In order to implement the monitoring in comprehensive and effective way, we need study and prepare necessary conditions with an appropriate roadmap. The urgent task is that MONRE needs to develop criteria for monitoring land law implementation.

1.2.2 Practical reasons

For the last time, there are activities relating to the monitoring land law implementation. Specifically there are main activities such as the comprehensive check of land law implementation in 2005; check of the land use planning implementation in 2008, reflection of land law implementation in 2003 providing inputs for drafting land law in 2011, GDLA is evaluating and reflecting three years of implementing the land law 2013. These activities are only implemented in certain times, and normally help to reform land law. The evaluation is implemented only after the implementation and is not frequent, is not the requirement of the monitoring land law implementation.

Implementing the monitoring of land law implementation according to the decree 59/2012/NĐ-CP and the decree 43/2014/NĐ-CP indicates the following issues:

First, according to the reports from local authorities on the strengthening of inspection, supervision and development of monitoring and evaluation system for land use and management in 2015 of 39 provinces and cities under central authority., the regulations of monitoring land law implementation based on these decrees are difficult to implement because they are quite general without detail guidance on the process and key points of monitoring land law implementation. In addition, each locality has different understanding and they implement the monitoring in their own way, even their monitoring lacks information, data and key points. Therefore, reflection and evaluation of land law documents face difficulties (GDLA's report No. 3215/TCQLĐĐ-CKSQLSDĐĐ, 2015, 8).

Second, the current monitoring land law implementation has some constraints such as the lack of full awareness of the local leaders on this task, so they do not put attention on implementing it. In many cases, implementing the monitoring become formality and countermeasures to the supervision and checking of the state agencies. This task has not aimed at figuring out constraints in monitoring land law implementation in order to recommend solutions improving the effectiveness of land law implementation and policies. In recent years, MONRE has changed the way of monitoring law implementation and had guidance for implementing the monitoring based on the decree 59/2012/NĐ-CP and the decree 43/2014/NĐ-CP; however, some agencies have not paid attention on monitoring land law implementation which is formal and does not stay focused (GDLA's report No. 1660/TCQLĐĐ-CKSQLSDĐĐ, 2015, 12).

Third, local agencies in charge of natural resources and environment do not have a unit for monitoring land law implementation, but this task is assigned to the policy and legislative department of People Committee Office at different levels. Legal staff not only monitors land law

implementation, but monitors the other matters. Therefore, they cannot stay focused on land law only, which makes monitoring land law implementation less effective (Trung, 2017, 21).

Fourth, the state budget does not allocate to the monitoring land law implementation, but the small amount of state budget allocated for legal matters might cover the monitoring land law implementation GDLA's report No. 1660/TCQLĐĐ-CKSQLSDĐĐ, 2015, 17. With limited budget, the state agencies implement some supervision and reports on monitoring law implementation. Local authorities could not mobilize budget for monitoring law implementation. Therefore, monitoring land law implementation does not get much attention and implementation (Thanh, 2016, 12).

Fifth, there is the lack of participation, collaboration among related organizations and between local and central levels, specialized agencies and administrative agencies; among administrative agencies and the people's court, People's Procuracy, people councils at different levels, mass organizations, etc... (GDLA's report No. 1660/TCQLĐĐ-CKSQLSDĐĐ, 2015, page 17).

From the above reasons, I suppose that research on indicators for monitoring land law implementation is urgent need. The indicators are an important tool for quantitative assessment of land law implementation in Vietnam.

1.2.3 Theoretical justifications

The policy cycle in general in Vietnam includes the development of legal policies and the implementation of policies and laws. Monitoring is one of the stages in the implementation of law process. Land policy cycle is also a part of general policy cycle. Currently, monitoring land law implementation has not linked to land law making. Problems due to conflicts, overlap and loopholes of policies have not been found out immediately during monitoring land law implementation. (Thanh My, 2017, 46)

The decree no 59/2012/NĐ-CP provides three criteria for monitoring law implementation in general. However, applying these criteria in land law field is very difficult because these criteria are not quantitative. If we evaluate the law implementation in qualitative way, it cannot reflect all aspects of land law and might be subjective. Therefore, after the decree no 59/2012/NĐ-CP issued, the monitoring land law implementation has not been effective (GDLA's report No. 3215/TCQLĐĐ-CKSQLSDĐĐ, 2015, 7).

So, research on theoretical issues in developing criteria should be the first step in the improvement of monitoring land law implementation. The criteria should be studied in a comprehensive way which identifies the definition of monitoring land law implementation, identifies its features, its criteria. We should focus on quantitative criteria in order to ensure the results of the monitoring be objective and comprehensive.

The development of criteria for monitoring the implementation of land law and criteria for assessing compliance with land law in particular is a long-standing issue. However, up to now, competent authorities have not yet presented a specific guideline to set specific criteria for monitoring the implementation of land law. An urgent requirement is to create a system of monitoring criteria to implement effective land law in reasonable, adequate, comprehensive, overarching manners, for the purposes of assessing the situation of organization of implementation of land legislation, to apply uniformly from the central agencies to the local agencies in charge of State management over land.

Based on aforementioned reasons, *“Basis for the development of criteria for monitoring the implementation of land law in Vietnam”* has been chosen as my thesis topic.

1.3 The research objectives and research questions

As mentioned above about legal need, practical need and theoretical need, research on criteria for monitoring land law implementation is necessary.

Based on the requirements of reasoning, I emphasize on clarifying some basic concepts such as law implementation, monitoring law implementation, the features of monitoring land law implementation. More importantly, it is the concept of criteria for monitoring land law implementation and the requirements for the criteria in Vietnam.

After that, I focus on studying the state of monitoring land law implementation in Vietnam, especially since the land law 2013 and the decree 59/2012/NĐ-CP on monitoring law implementation entered into force. Since the above legal documents were issued, the monitoring land law implementation has been operated for a period that is enough for studying and getting the results of this task and identifying constraints and limitations in legal regulations and practices, and collaborations among agencies on this matter.

Third, based on the analysis of the effectiveness of monitoring law implementation, the research aims at identifying solutions to improve the effectiveness and limit constraints of monitoring land law implementation in Vietnam.

From the above points, I identify three research questions as follows:

- (1) What is the definition of monitoring the implementation of land law? What is the criteria for monitoring land law implementation?
- (2) How is the implementation of land laws monitored in Vietnam? What criterias has been used for monitoring the implementation of land laws in Vietnam?
- (3) How to develop suitable criteria system for monitoring the implementation of land law efficiently in Vietnam?

The purpose of these questions is to clarify problems related to monitoring land law implementation and provide objective and comprehensive results on the effectiveness of the monitoring land law implementation in Vietnam, and indicate some solutions for building specific criterias using in the activities of monitoring the implementation of land laws in Vietnam in the context of there has been lack of comprehensive criteria system for this issue.

1.4 The structure of thesis paper

Introduction shows the overview of land law in Vietnam, indicating the complexity of land matter in Vietnam. And then, the research gives arguments for the necessity of developing the criteria based on legal, practical and theoretical aspects. Later, the research introduces the objectives, the research title, research objects and research questions.

Theoretical framework presents concepts, definitions and theories, etc relating to the research topic such as land law, monitoring law implementation and the criteria for the monitoring land law implementation. Besides, the features of Vietnam land law and theories used for developing the criteria are also described in this part.

From the literature review, relevant Vietnamese and international studies have been presented. Then their approaches, methods, results and conclusions are assessed, compared and analyze to see if these studies relate to and contribute to the research topic?, and which issues have not been solved by previous studies? Do the previous studies help answer the research questions?

From my point of view, this part is very important to review whether previous theories and studies relate to the development of criteria for monitoring land law implementation, and how they develop the criteria. Then, the research will identify issues unsolved and the focus of the research.

The research not only reviews Vietnam studies, but also international studies. The literature reivew describes the practices of Vietnam land law, and also identifies gaps of previous studies, and proves the importance of the research.

Research methodology includes qualitative methods used as the main method. In this part, I analyze why these methods are important and suitable to my research. Methods for collecting information are divided into groups, namely structured interview (questionnaire for survey), and unstructured interview. All these methods are described in detail about their steps, difficulties and advantages of these methods. Besides, a list of sources of information and document, and methods of collecting reference are indicated.

Results: this part analyzes information collected and presents regarding to three points, namely results from previous studies and article, results from legal documents and results from

interview about the development of criteria for monitoring land law implementation in Vietnam. Therefore, how the criteria is developed and their content are presented in this part.

Conclusion: this part indicates the summary of my research results and explains the results in broader view including expected results and unexpected results. Then, comparing my research with previous studies is to find any novelty in my research. This part also answers whether my research achieves the objectives, research questions and theories mentioned in the introduction and theoretical framework. Strengths and weaknesses of the research are also assessed. The contributions of the research results, difficulties and advantages of the research, the possibility of the research developed in the future and other matters are indicated in this part.

2 Theoretical framework and literature review

2.1 The concept of implementation of laws

There are different perspectives on law implementation worldwide. According to Yudof (1981), implementation of laws is a continuation of the promulgation of legal normative documents. It is closely related to the monitoring of an entities/subjects' compliance with legal regulations, which cannot automatically become specific legal actions of entities/subjects.

According to the definition of the European Union (EU), the implementation of laws is understood as how EU's rules are introduced into the realities of life in its member states. The EU's legal system is operated very uniquely. It consists of regulations promulgated by EU and the legal systems of its member states. Therefore, the implementation of laws by EU is carried out in two forms: the transposition of EU's legislation into the national legal systems of its member states and the direct application of EU's regulations into the national legal systems of its member states (Marta Ballesteros et al, 2017). Also according to Marta Ballesteros et al (2017), "implementation of laws" refers to the activities of the competent authorities of the EU to ensure that EU's regulations are correctly applied in specific cases. Thus, according to the approach of the EU, the concept of "implementation of laws" is distinguished from the concept of "law enforcement". "Law enforcement" activities are carried out by all entities subject to the influence of legal normative documents. Entities/ subjects may include individuals, organizations, agencies of the EU, member states of the EU while "implementation of laws" is carried out only by the competent authorities of the EU. In addition, "implementation of laws" is carried out in unique and specific cases to ensure that EU laws are properly implemented in practice. This understanding of "implementation of laws" is quite similar to "law application" in Vietnam. Vietnamese researchers appear to be quite consistent in their understanding of "law application", which thereby is understood as the activities of competent entities based on the current laws to make a particular decision to adjust social relations according to specific objectives. Researchers such as Le Minh Tam (2004), Hoang Thi Kim Quy (2005), Nguyen Van Dong (2008), Nguyen Thi Hoi & Le Vuong Long (2008) have a similar view to this definition. In Vietnam, this concept is one of the four forms of "law enforcement". However, unlike the other forms, this activity is the power of the state and is only carried out by competent state agencies (Nguyen Thi Hoi & Le Vuong Long, 2008).

In Vietnam, there are many different ideas about how to understand terms such as "implementation of laws" and "law enforcement". Accordingly, "law enforcement" is understood as a purposeful process aimed at realizing the contents of legal regulations by lawful acts of entities/subjects Nguyen Van Dong (2008). More explicitly, Nguyen Thi Hoi and Le Vuong Long

(2008) explain that implementation of laws is the process by which subjects, when encountering real situations that have been contemplated in the laws, on the basis of their perceptions, creatively transform legal regulations into specific situations of life through their legal acts. Thus, the implementation of laws is to conduct legal acts (acts that are not against the laws, stay within the limits of the laws, in accordance with the legal orders for the subjects in the society).

In the study scope of this paper, we concur with the views of the authors who have conducted studies on the concept of implementation of laws. In this paper, implementation of laws refer to all activities aimed at putting the laws into practice and turning the laws into specific acts of the subjects. This activity also attached to a continuation of the legislation process in which state agencies play a very important role. From a legal perspective, the implementation of laws is a process intended to make legal regulations come into force and become legitimate acts of legal subjects. The implementation of laws can be individual behaviors but may also be the activities of state agencies, social organizations, and economic organizations. Thus, the concept of implementation of law is broader than the concept of law enforcement. On the other hand, activities on the implementation of laws must be legal acts. Legal acts are lawful acts that are not against the laws and beneficial to the society, the State and individuals. Legal acts may be exercised on the basis that subjects find it necessary to act in accordance with the laws (Le Minh Tam, 2004).

2.2 The concept of monitoring the implementation of law

2.2.1 The concept of monitoring and the differences between monitoring and evaluation

In management science in general, many studies have introduced the concept of monitoring and the relationship between monitoring and evaluation. According to the Public Service Commission of the Republic of South Africa (2008), monitoring means the collection and analysis of data to see if how the results have been achieved in comparison with the intended results and the implementation of a process or activity is proper or not? In other words, monitoring is the systematic collection of specific data and indicators to provide managers with information about the implementation and achieved outcomes of the monitored subjects/entities.

According to the publication of the Public Service Commission mentioned above, the purpose of evaluation is to determine the relationship and accomplishment of goals, development effectiveness, impacts and sustainability. Evaluation will provide reliable and useful information, which will allow the withdrawal of lessons learned from the decision-making process. Evaluation also refers to the process of determining the meaning and importance of an activity, policy or program. In some cases, evaluation will involve the identification of appropriate standards, checking the results of meeting those standards, evaluating the results achieved in practice, and

proposing plans and drawing lessons learned. It means that evaluation aims to identify the strengths and limitations of the implementation of a given activity. OECD (2011) also confirmed that monitoring and evaluation are two inseparable activities. A good tracking system is an early warning system that can provide predictions and recommendations in the execution of an action to see if the ultimate goal will be achieved or not (OECD, 2011).

According to the European Commission (2014), monitoring also includes the synthesis of information on changes in the outcome indicators (policy monitoring). Monitoring the values of the outcome indicators allows an assessment of whether or not these indicators meet the expectations.

Phung Ngoc Duc (2015) approached the concept of "monitoring" and "evaluating" in terms of a management tool. Phung Ngoc Duc said that "monitoring" and "evaluation" are two different activities that are closely related. Monitoring aims to collect sufficient information for analysis to propose comments. But in order to evaluate something correctly, we must have accurate information. And in order to have accurate and reliable information, we must have a tracking toolkit to collect information. Both monitoring and evaluation aim to capture what is being done and what can be carried out to determine three factors: validity, effectiveness and impacts.

Clearly identifying the concepts of "monitoring" and "evaluation" will help us to understand the concept of "monitoring implementation of law" in relation to "evaluation of the implementation of law".

2.2.2 The concept of monitoring the implementation of law

Law science provides different definitions of monitoring the implementation of law. Nadezhda Viktorovna Prokopyeva and Ivan Valeryevich Ivanov (2015) define this term as a systematic study of social reality that is conducted in a certain pattern. According to the Russian Federation's Ordinance on the implementation of law issued on 20 May 2011, monitoring implementation of law is understood as a comprehensive, planned action undertaken by competent authorities of the Russian Federation for the collection, analysis and evaluation of information to assure the real implementation of legal practice of the Russian Federation. In other words, the purpose of this activity is to increase the effectiveness of the Russian Federation's law implementation.

In Vietnam, the concept of monitoring implementation of law is not new, but the definition of this term varies. In view of Phung Ngoc Duc (2011), monitoring implementation of law is a stage in the law implementation. In order to answer whether the law is strict and clear or not and how effective it is, many factors must be taken into account. And, in order to evaluate the impacts of those factors, it is necessary to monitor how legal documents are enforced in real life.

Monitoring the implementation of law can be considered as a systematic collection of information (through indicators designed for specific purposes) and comparative analysis of the objectives set over legal regulations in comparison with the actually achieved results, and at the same time point out the impacts and limitations/shortcomings of a certain law, the causes and recommendations on the amendment and supplementation to policies and laws or strengthening of the methods to improve the effectiveness of monitoring implementation of law to meet the objectives set.

Article 3, Decree 59/2012/ND-CP dated 23/7/2012 of the Government on monitoring the implementation of law.

According to the regulations of Vietnamese law, monitoring implementation of law is an activity aimed at "*reviewing and assessing the current situation of the implementation of law, proposing solutions to improving the effectiveness of the law implementation and improving the law system*" (Article 3, Decree 59/2012/ND-CP dated 23/7/2012 of the Government on monitoring the implementation of law).

Regarding state management, it is important to assess the impacts of each policy on socio-economic development as well as on the environment. For example, after policies on attracting foreign investment in general and legal documents on foreign investment, taxation, land, labor, environment protection, etc. in particular were promulgated and implemented for a certain period of time, what have these policies contributed to the socio-economic development and environmental issues that we face in practice? Through law implementation evaluation, we will draw conclusions about the impacts of legal policies issued by the state on sustainable development, on economic development, and the implementation of those policies have led to positive or negative impacts on socio-economic development and the environment. What and how to evaluate are always the questions raised for managers in each agency or organization throughout the practice of policy implementation.

Personally, I agree with the viewpoint of Mr. Phung Ngoc Duc (2015) that evaluation is to analyze and compare what has been planned versus what has been achieved and how to proceed to achieve such planned outcomes and at the same time to point out the limitations/ shortcomings and the causes of the shortcomings and finally to propose recommendations. Law implementation evaluation is conducted through analyzing information (through indicators designed for specific purposes), comparing the objectives set (legal regulations) with the actually achieved results (the compliance and application of laws in reality) and pointing out the impacts of legal regulations, shortcoming and causes, and proposing recommendations on amending the legal regulations or enhancing the law implementation to suit the expected objectives.

Law implementation evaluation is a tool for managers to find out whether a certain law has worked in practice (the goals set out). If the specific provisions of a certain law cannot be implemented in practice or they can be implemented but do not lead to the expected results (the impacts to be brought about by the law), then why? (for example, are resources sufficient and efficiently used? Is the implementation capability strong enough and suitable? Is the implementation of activities in line with the plan? what are the actual impacts? What are the disadvantages of the law itself? and what are the other factors that prevent the law from being implemented in practice?).

In the Guide on Monitoring the implementatino of law (issued by the MOJ of Vietnam in 2017), experts say that: when evaluating law implementation in practice in Vietnam, we may consider selecting one appropriate method from a variety of the following methods: Periodically or randomly. Internal evaluation means self-assessment; preliminary evaluation; in-depth evaluation; external/ independent evaluation or a combination of internal and independent/external evaluation. The evaluation will be based on the reality to take the most appropriate approach. However, the best way is to combine the methods above or choose one or more methods depending on case by case.

Thus, in Vietnam, the concept of "monitoring the implementation of law" is generally understood more broadly than "law implementation evaluation". Monitoring refers to the systematic collection of information on law implementation and the establishment of information monitoring mechanisms while "evaluation" is often referred to in terms of analyzing information from the "monitoring" activity. However, these activities are closely inter-related because if there is no accurate information then we cannot have effective and accurate evaluation. At the same time, if we only have accurate information but we do not have adequate and objective evaluation then we cannot provide accurate and convincing recommendations to improve the effectiveness of the implementation of law . Accordingly, these activities are inseparable, closely related and often used together. From the perspective of focusing on and improving the analysis of information, which is very important in coming out with findings and handling results, and based on the reality, this paper refers to law implementation evaluation as a concept inseparable from monitoring the implementation of law.

2.3 The concept of monitoring the land law implementation

2.3.1 Overview of land laws of Vietnam

The concept of land laws

Since the Democratic Republic of Vietnam was established up to now, land laws have been understood in two meanings (Land Law Book, Hanoi Law University, 2016). According to the first meaning, Land Law is promulgated by the National Assembly and guided in detail by the state management agencies on land. According to the second meaning, land legislation is an independent

law in the Vietnamese legal system. In the scope of this paper, the land law of Vietnam is understood according to the first meaning. Thus, within the scope of this paper, the Land Law is understood as a system of land-related legal documents, including legal documents promulgated by the National Assembly and sub-law documents.

Legal documents

The most important legal document and the foundation of the Vietnamese legal system is the Constitution. Article 53 and Article 54 of the Constitution 2013 affirm that land and other important resources belong to the people's ownership and are managed by the State on behalf of the people. That the State manages land on the basis of planning and legislation is an important legal basis for the development of legal documents on land in general and the legal documents on industrial land on this constitutional basis.

In addition to the Constitution as the original law, Vietnam also has other laws as follows:

The Land Law 2013 passed by the National Assembly on November 29, 2013 (effective from July 1, 2014). This is the most important and fundamental legal document in the formulation of the regulations of the land legislation system.

The Law on non-agricultural land use tax passed by the National Assembly on June 17, 2010. This law provides regulations on matters related to non-agricultural land use tax.

The Investment Law passed by the National Assembly on November 26, 2014.

Sub-law documents:

In addition to the documents guiding the implementation of the Land Law 2013 and the documents directly related to land, the sub-law documents related to the implementation of the Investment Law 2014:

Decrees of the Government guiding the implementation of the Land Law

Government's Decree No. 118/2015/ND-CP detailing and guiding the implementation of a number of articles of the Investment Law.

Land ownership belonging the entire people of Vietnam:

In the field of land, the issue of ownership plays a central role in governing land management and use in Vietnam. Every country in the world are based on theoretical and practical reasons in line with specific socio-economic conditions of each country in order to identify land ownership (whether it is in the form of private ownership, collective ownership or state ownership or the ownership of the entire people).

Vietnam is now the only country in the world applying the ownership of the entire people for land management (Land Law, Hanoi Law University, 1998). Most of countries in the world apply private ownership for land management (except for some countries where both state

ownership and collective ownership exist in parallel. In Vietnam, the land relations have particular characteristics because the basis of land ownership is also different from that in many other countries in the world. Compared with most Southeast Asian countries like Laos, Cambodia, Thailand, Myanmar, Singapore, etc., Vietnam is the only country where land privatization has not been completed until the early 20th century.

(1) Theories on land ownership in Vietnam

Vietnam is a socialist country that takes the view of Marxism-Leninism as a foundation and the land legislation of Vietnam is also a part of it. According to Marxism - Leninism, land is not created by anyone, and it had existed before the appearance of humans on earth and is the gift of nature to humans, and everyone has the right to use it. No one has the right to turn the land - the shared property of humans, into his own property (Karl Marx and Friedrich Engels, 1994).

In Marx's view, the right to private land ownership is an excuse for the occurrence of land rent, which was the basis of the subtle and vicious exploitation of the ruling class over the working class and the poor laborers. Capitalists never deny land ownership and differential and absolute land rent. But they have to face the requirements of land consolidation, apply collective labor forms and scientific and technical advances in farming. Therefore, "*land nationalization will become a more and more important issue*". (Karl Marx and Friedrich Engels, 1994, p. 204).

On the other hand, private ownership in general and private land ownership in particular are inviolable. Ruling classes always try to cover up the nature of exploitation by explaining the land rent in a new way, and they argue that land is a commodity so "land ownership is legitimate", and they excuse that "*land buyers have already paid an equivalent asset/amount to buy the land as if buying any other goods*" and "*most of land properties have been transferred from one person to another in that way*" (Karl Marx and Friedrich Engels, 1994, p. 202,203)

According to Marx, the nature of the class nature in land ownership under the capitalist society is very clear. The monopoly of land is inevitable. However, under the capitalism, the decision on the statutes is made by the parliament, which is mostly landowners. Thus, by all arguments and means, the bourgeoisie is determined to defend the interests of his class associated with private land ownership. From that fact, Marx has concluded that "possession of land - the first source of all wealth - has become a big issue, and the handling of this issue will determine the future of the working class" (Marks. , An Anthology, Hanoi, 1983, p. 202). (Karl Marx and Friedrich Engels, Collection, Volume 5, Truth Publishing House, Hanoi, 1983, p. 202).

Adhering to Marx's point of view, in the book namely "A Primer on Land" by Lenin, Lenin proposed measures to nationalize land. According to Lenin, without the establishment of the dictatorship of the proletariat, nationalization of land is only a form of capitalism. Under the

conditions of dictatorship of the proletariat, nationalization of land would contribute to the elimination of the bourgeoisie, landowners and the remnants of feudalism, liberating peasants from being the slavery of/dependent on land. This is an important condition for building a modern agriculture. (Marxism – Leninism Political Economics, the National Political Publishing House).

To accord with the Marxist-Leninist's view of land ownership, Vietnam has developed a regulation on land tenure in the Constitution of Vietnam (1980) and continues to recognize it in Article 53 of the Constitution of Vietnam (2013): *"The land, coming under ownership of the entire people represented and uniformly managed by the State"*. The Land Law of Vietnam (2013) also provides more details in Article 4 *"Land belongs to the entire people with the State acting as the owner's representative and uniformly managing land. The State shall hand over land use rights to land users in accordance with this Law"*.

(2) The way to express the right of the State of Vietnam in representing the entire-people ownership of land

According to the regulations of Article 4 of the Land Law of Vietnam, the State exercises the ownership in two aspects: (1) being the representative of the entire people to manage land, and (2) consistently managing land in the whole territory of Vietnam.

The Land Law of Vietnam (2013) has specific regulations on the role of the State in land ownership. Under Clause 1, Article 5 of the Land Law (2013), *"Land belongs to the entire people with the State acting as the owner's representative and uniformly managing land"*. At the same time, the Land Law (2013) additionally provides regulations on the State's right to represent the entire people in land ownership in relation to the State's land management responsibilities. Thus, as the representative of the entire people in land ownership, the State shall exercise the following powers:

The State shall exercise the right to make decision on land, including: decision on land use purposes (through deciding and approving land use zoning and planning); issue regulations on land allocation limits/thresholds and land use duration; make decision on land allocation, land lease, land recovery, land valuation; and issue permits on changing land use purposes;

The State exercises the right to regulate land resources through financial policies on land, such as: collecting land use fees, land rent; collecting land use tax, income tax from transfer of land use right; regulating the added value of land (this added value is not attributed to the investment of land users).

The State assigns land use rights to land users and prescribes the rights and obligations of land users. Individuals and organizations do not have the right to own land but only have land use rights. Land use rights of these subjects are established by the State allocating land, leasing land or recognizing the land use right. Although land use right holders do not have ownership over the land, in certain cases they can still convert, transfer, lease, sublease, inherit, donate the land use right; mortgage, guarantee or

contribute capital in the form of land use right; and they have the right to compensation when the State recovers land.

Apart from being the representative of the entire people in land ownership, the State has the function of unifying the management of different areas of social life. Therefore, the State also has the function of unifying the land management. This is very important because the State represents the land owners but does not directly use the land. As the sole state management of land, the State shall exercise the following powers:

- (1) Promulgating legal documents on land management and use and organizing the implementation of such legal documents;
- (2) Identifying administrative boundaries, preparing and managing administrative boundary dossiers and administrative maps;
- (3) Surveying, measuring, evaluating and classifying land; making cadastral map, current land use maps and land use planning maps;
- (4) Managing land use planning and plans;
- (5) Managing land allocation, land lease, land recovery, change of land use purpose;
- (6) Registering land use rights, preparing and managing cadastral files, issuing certificates of land use right;
- (7) Land statistics and inventory;
- (8) Financial management of land;
- (9) Managing and developing the land use right market in the real estate market;
- (10) Managing and monitoring the exercise of rights and obligations of land users;
- (11) Inspecting and examining the observance of the laws / regulations on land and handling violations of the land legislation;
- (12) Settling/resolving land disputes; complaints and denunciations about violations in the management and use of land;
- (13) Managing public service activities on land.

As representing the land owners and being the sole state management of land, the State shall manage land through the activities of the State agencies from the central to the local levels:

- (1) The National Assembly promulgates laws on land, decisions on land use planning and plans of the whole country; exercises the supreme control over the management and use of land throughout the whole country;
- (2) The Government makes decisions the land use zoning and planning of the provinces and centrally-run cities, and makes decisions on zoning/ planning land for national defense and public security purposes; being the sole State management over land throughout the country. The General

Department of Land Administration (GDLA) under the MONRE is responsible to the Government for the state management of land;

(3) People's Councils at all levels shall exercise the right to monitor the implementation of the land legislation in their respective localities;

(4) People's Committees at all levels shall exercise the right to represent land owners and exercise State administration of land in their respective localities according to the competence/power decentralization.

In short, as the sole representative of land owners, the State has full power to possess, use and make decision on land. Organizations and individuals are only the persons performing specific land use tasks. The relationship between the State and land users is the relationship between the owner, the manager, the specific user of land and the implementer of the land use planning and plans of the State. As such, all land legislation in Vietnam will be based on the principle that the State is the representative of the entire people in land ownership through its consistent/ unified management of land but the State does not directly use land but assign organizations and individuals in the society to use and exploit the land.

2.3.2 The concept of monitoring the implementation of land law and criteria for monitoring the implementation of land law

The concept of monitoring the implementation of land law. This concept is not beyond the understanding of monitoring the implementation of law in general. As discussed above, the basic characteristic of the land legislation in Vietnam is the system of land ownership by the entire people, represented by the State. The State exercises the rights of representing land owners through its unified management and use of land in the Vietnamese territory.

Monitoring the implementation of law is to monitor the implementation of laws on state management of land. However, as noted above, the State is the sole land manager but not a direct land user. The State will assign land use rights to organizations and individuals under the common name of "land user" (as stipulated in Article 5 of the Land Law 2013). As a result, monitoring activities need to be carried out not only by state agencies (land law issuing agencies, land law implementing agencies) but also by organizations and individuals under the Land Law of Vietnam, which are referred to as "land users".

Based on the concept of monitoring the implementation of law as described above, I hereby introduce the concept of monitoring the implementation of land law as a continuous function of management and use of data to help managers and relevant stakeholders see the level of changes and achieve land management objectives as well as make progress in the use of resources allocated for the ongoing implementation of land policies and laws.

The development and enforcement of land legislation are based on the objectives and results of implementing policies to solve the problem in the reality and promote the socio-economic development. Therefore, land law implementation monitoring is a result-based management activity of both the "life cycle" of law development and enforcement. This is the management mode through which the state shall identify the results that need to be achieved in a concrete, clear and long-term way and all resources and activities to be implemented towards achieving results efficiently and effectively.

Criteria for land law implementation monitoring

Criteria are norms and signs that serve as a basis for identifying and classifying a thing, phenomenon, and assessing if it is good or not, has been achieved or failed to be achieved and demonstrating the degree of impacts of a certain policy on political and socio-economic activities (Nguyen Tien Thanh, Improving the Grassroots Democracy Implementation Mechanism in Vietnam, 2016)

Criteria are standards used to test or evaluate a number of objects that include requirements for quality, degree/level, effectiveness, capacity, compliance with rules and regulations, final results and the sustainability of such results (Department of Land Use Management and Control, Study on the scientific and practical bases for proposing the evaluation sequences and contents for land use and management at all levels, 2017).

Within the framework of this paper, I define criteria for land law implementation monitoring as standards to serve as the basis for ranking and assessing if a certain land law is good or not, has achieved its objective(s) or not, and its impacts on the socio-economic development of the country.

According to Nguyen Minh Doan (2002), criteria should be defined as the basis for assessing the following factors: the initial state of social relations when these relations were not regulated in the law; the purposes, requirements and directions of the law; the quality of the law; The actual results achieved thanks to the impacts of the law; the level of cost (financial investment) in order to achieve the actual results.

According to the Guidance on Monitoring the implementation of law (MOJ, 2017), the criteria for monitoring the implementation of law are a matrix which provides instructions on which information to be selected/ collected for monitoring and sufficiently describes the law implementation monitoring activities, which clearly defines: the objectives and scope of the monitoring, what to be measured, who will be responsible for what, the frequency of monitoring and reporting each level of inputs, outputs, results and impacts.

According to the Study on the theoretical and practical bases for developing a Toolkit and Project for Monitoring the implementation of law under MONRE (Doan Thi Thanh My, 2017), the

criteria for monitoring the implementation of law should ensure the followings:

Being in compliance with the current laws /regulations related to monitoring the implementation of law;

Being in line with the functions and tasks of the law implementation agencies in accordance with applicable laws;

Must be evaluations that can assist the state management of the agencies in charge of monitoring the implementation of law.

Ensuring the coherent cooperation/ coordination of stakeholders.

According to Chu Thi Thoa (2016), the criteria for monitoring the implementation of law should include the criterion for assessing the implementation of laws; the level of achieving the set-out policy objectives; whether the costs of law implementation are reasonable or not; whether law implementation ensures the respect for human rights; whether the organization of law implementation is compatible with the legal system and ensure fairness, consistency, strictness and transparency. Measurement of effectiveness of the implementation of laws must be based on both quantitative and qualitative factors. Taking into account the criteria for assessing law implementation, the activities of law implementation of state administrative agencies are now performed in the following main areas: (1) Promulgating documents guiding law implementation; inspecting and handling legal documents; (2) Promulgating plans and implementing measures, including law information dissemination activities; (3) Organizing the inspection and monitoring the implementation of law; (4) Ensuring the implementation of law conditions such as resources, finance, organizational structure and staff; (5) Settling complaints, denunciations and petitions from citizens.

Relating all of the above areas to monitoring land legislation, I find that criterias in monitoring the implementation of law must be consistent with the characteristics of the land law relationships and satisfy the conditions requiring the implementers to ensure the achievement of set-out objectives. Develop and promote the role of state management of land. Specifically, the criteria for monitoring the implementation of land legislation should be built in the following directions:

(1) Criterias for evaluating the issuance of documents detailing land law implementation:

For the criteria of the group should be built in the following direction: currently the evaluation is mainly based on a quantitative assessment of the number of documents which was already issued, or delayed (issued not in accordance to the schedule), or not promulgated yet. Thus, in this group of criteria, the evaluation only looks at the timeliness and completeness of the promulgation of documents detailing the uniformity and consistency of legal documents. The assessment of the implementation and feasibility of legal documents has not been sufficiently

focused in practice. On the other hand, in terms of the effectiveness of law implementation, criteria as such *"Do the implementation of law achieve the stated policy objectives? Is the cost of implementing the law reasonable?"* are not taken into consideration at all. Whereas, the measurement of validity and effectiveness of law implementation must be based on the analysis of the effectiveness of the implementation of law in practice, not only based on the issuance of documents or regulations on paper.

The purpose of this group is to: Review regulations of authorization in documents that need to be detailed and guided (authorized organizations stipulate details and guidelines by issuing specific legal documents) to know the number, type and the name of the documents, responsibility of each subject in drafting and issuing the guiding documents; Review, compare programs of making legal documents of the state agencies to catch the information about the number, type and the name of documents that have not been issued or in slow progress, and identify the reasons and propose solutions.

(2) Criterias for evaluate the implementation of the provisions of land legislation:

For the criterias of the group should be built in the following direction:

The timely and adequacy in law implementation of the state agencies and the authorized persons: The responsibility of the state agencies and the authorized persons is to implement fully and timely regulations of law. Late and inadequate law implementation in many cases will influence directly on the rights and benefits of citizens. To evaluate timely and adequately the law implementation, the implementer review and check regulations, cases that the state organizations and the authorized persons do not implement timely and adequately, and analyze the reasons and propose the solutions.

The accuracy and consistency in guidelines for applying the law and in law practices of the state organizations and the authorized persons: To make law be effective in the state management and social management, the law must to be applied exactly and consistency. The state organizations and the authorized persons apply the law via issuing the decisions of law implementation (verdict of the judge, decisions to sanction administrative violations and other administrative decisions of the state organizations or the authorized persons). Therefore, the accuracy and consistency in applying the law is shown clearly in the accuracy and consistency of the decisions of law implementation passed by the state organizations or the authorized persons according to the law. To evaluate the law implementation situation, the implementer needs to collect information about the issuing of decisions of law implementation in which the decisions mentioned have violations in procedures, processes and authorizations, decisions not ensuring the accuracy from regulations; especially ones not ensuring the rights of citizens and causing grievances.

The law compliance degree of agencies, organizations and individuals: This aspect can be evaluated via many criteria and different factors, however, evaluating exact, detailed and clear law compliance is based on reviewing, evaluating the law violations situation. The responsibility of those who monitor is to know the information, data about law violations and the extent of violations, types of violations, reasons, and to recommend solutions for limiting the violations. Accurate and reliable information, data about the law violations is from the providing of the related state organization or the authorized persons.

In addition to the information and data on the situation of law violations, those who monitor may collect information on the situation of law violations provided by agencies, organizations or individuals or by the mass media. However, this information is only used to evaluate the situation of law implementation after being compared, checked and confirmed on the accuracy and objectivity. The review and evaluation focus on regulations with low compliance; reasons such as: feasible law implementation, demands of the majority are not reached, at the same time, propose solutions.

(3) Criterias for ensure the implementation of land law monitoring

For the criterias of the group should be built in the following direction:

Timely, adequate, relevant and effective training and dissemination of law. Training and disseminating law is an important activity of law implementation. To make legal documents enter into force, first the law needs to be known by agencies, organizations and individuals who need to understand their duties, responsibilities and rights. It depends on purposes and targets, the training and dissemination is conducted in many ways, methods with relevant content. The ways might be workshops, training classes, publications, testing the understanding of officials, etc. To citizens, the ways of dissemination include press conferences, press release, direct information disclose; consultation and instruction on learning law; providing information and legal documents; media, radio, internet, posters, bulletin boards, etc. In addition, there are methods for specific targets. The effectiveness of legal training and dissemination depends on methods, types, content and targeted persons. To evaluate the legal training and dissemination, those who monitor the law need to evaluate this activity timely, adequately and relevantly.

To quantify the result of training and dissemination on law is a difficult requirement that needs resources and time consuming although it is able to emphasize on some specific regulations. The results only submerge after a long time. With limited resources, we should encourage the inspection, survey and positive influence of the training and dissemination of law towards improving the effectiveness of law implementation.

The suitability of organization system, the insurance of human resources for law implementation. The organization system and human resources are necessary factors in securing

law implementation. Passing legal documents always stick to allocating responsibility to a specific organization. It depends on the quantity and quality of work, the state establishes the model of organization system and invests human resources adequately. The law only can be implemented fully, transparency and comprehensive when organizations and resources meet the mandate requirements. In the process of monitoring law implementation, the implementers have the responsibility to evaluate the suitability of the organization and the quality and the quantity of work. Hence, recommendations for the authorities are proposed in arrangements for ensuring law implementation adequately, transparency and comprehensive.

The extent of ensuring budget, materials for law implementation. The extent of adequacy of financial and material and technology investment is an essential factor in securing law implementation and the effectiveness of the law. The implementer has the responsibility to evaluate, review the extent of ensuring financial, materials and technology in implementing every legal document or every specific regulation, and to compare the scope of investment in practical and propose recommendations for suitable and necessary investment.

2.4. Literature review relating to criteria for M&E of land law implementation

In term of legal science, there are studies on monitoring law implementation in general and monitoring land law implementation specifically. However, the criteria for monitoring land law implementation have not been studied much, which is a difficulty in learning theories and issues that my research topic is focusing on.

This section is literature review with domestic and international studies. I analyze approaches and the content of studies relating to monitoring land law implementation in Vietnam and in the world in order to be able to identify the research questions.

2.4.1. International research review

Monitoring the implementation of EU law: tools and challenges

Marta Ballesteros (2017) et al focused on studying the importance of carrying out the implementation of law in EU, especially in implementing EU Directives. Directives are issued by the authority agencies of EU. Different from regulations, Directive has no direct enforcement to country members. However, country members interpret the regulations of EU directives into their domestic legal system (transposition). This creates differences in implementing the directive in country members. Marta Ballesteros et al supposed that EU law has not been enforced uniformly, which makes EU could not achieve its common goals and policy objectives. Hence, it creates inequality amongst EU members, influencing the EU reputation.

Therefore, many authors have indicated the results of EU law implementation in each country member, simultaneously identified the challenges. They also analyzed the roles of EU agencies such as European Commission, European Parliament and the roles of European citizens in the complaints mechanism to EU law implementation. Then, they analyzed the tools ensuring EU law implementation, including measures for monitoring law.

However, monitoring law implementation in EU is significantly different from those in other countries like in Vietnam. EU legal system is special, it belongs to the multinational organization. The legal system coexists with and has stronger effect than country members' legal systems. Nevertheless, the implementation of the EU legal system eventually depends on country members. Hence, Marta supposed that monitoring the EU legal system implementation is reviewed and agreed by the dialogues amongst the European Committee and country members in order to identify wrongdoings. The European Parliament is invited to join the dialogues.

Nadezhda Viktorovna Prokopyeva (2015, p.155-160) presents monitoring law implementation in Russian Federation when the Federation has the Order no 657 dated 20/5/2011 issued by the Prime Minister in monitoring law implementation. The authors analyzed information collected from important sources such as the Court practices, administrative agencies of the Federation, civil society and citizens, etc. The research specifically identifies principles of monitoring law implementation of the Federation; for examples, principle of improving the quality of legal documents, principle of ensuring objectiveness, transparency, disclosure statements and the principle of making plan for monitoring. However, this research does not present specifically criteria regulated by the Federation laws in monitoring.

Klaus Deiniger (2009) analyzed the consequences of not having appropriate land policies and the necessity of monitoring land law implementation. The author believes that land policies may constrain the economic and social development, especially in developing countries. Regulations on land ownership are backward, restricting private investment and reducing the possible tax charged by the state. In addition, the inadequate distribution of land ownership relations and gender and ethnic based discrimination in accessing land will limit the effectiveness of land use. Klaus supposed that there is the discrepancy in the historic development and the relations of land ownership in countries, resulting in the significant discrepancy in land management mechanism in different countries. Even these discrepancies appear in different regions in one country. Therefore, land policy making and improvement of land policy in each country have to be analyzed attentively, which is based on conditions and objective demands of each country or each region. Actually land policy making process become complicated and time-consuming. Because land and land use rights have higher value than other assets, reforming land policy causes political

arguments. From all points analyzed the author emphasizes the importance and necessity of monitoring land policy and reforming institutions.

Specifically the article of Klaus Deiniger focuses on analyzing the importance of PSIA (Poverty and Social Impact Analysis) in monitoring land law implementation. The author added an annexe with sampling questions that have been applied in different cases. These questions help to develop the PSIA system and to do survey on land policy with household level. Principles of sampling, designing questionnaire and analysis are applied during PSIA in order to monitor the land policy making.

The research of Klaus focuses on analyzing the roles of PSIA in monitoring land policy and answering the question of how to develop appropriate land policies by using information collected from surveys and households' opinion.

Xiaoyan Chen (2009) present the monitoring and evaluation in China's Urban planning system. In China, monitoring modern urban planning has been started since the last of 1970s. This activity plays an important role in developing cities and strengthening the sustainable development, along with the fast growth of Chinese economy. However, urbanization has significantly influenced on developing Chinese cities. Urbanization and industrialization in China are expanding at larger scale. This process is complicated and different from urbanization process in other countries. In order to ensure the fast urbanization, plans were prepared for planning city development.

The author supposed that in China, M&E is not emphasized in planning. The author analyzed policies and practices in monitoring and evaluation of Urban planning in China through analyzing M&E of master planning of Xuzhou city. Simultaneously the author proposed recommendations to improve the tools of M&E in urban planning and urban sustainable development.

Xiaoyan Chen presented the practice of monitoring urban planning in China. Monitoring includes continuous assessment of activities of making policies, procedures and plans. Before 2002, local authorities were responsible for monitoring the planning. The monitoring focuses on city master planning, scenic reserve planning, historic city planning and detailed planning. The author claimed that in general monitoring urban planning plays a minor role in planning management in China. The reasons include: (i) methods of monitoring are not appropriate and (ii) monitoring is implemented after the development of the urbans has been implemented or finished. The evaluation is implemented only after problems of urban planning are raised by the public or the media. Therefore, negative impacts and economic damages are inevitable.

Xiaoyan Chen introduced the individual monitoring system which firstly was implemented by Ministry of Housing and Urban-Rural Development in 2006 in China. In this system, those who

are retired planning makers and who are working in city planning are familiar to regulations and standards of planning and the process of monitoring. The author supposed that implementing this monitoring system creates positive impacts and improves the effectiveness of planning.

In China, regulations on M&E had not cited in legal documents until 2006. The Chinese Urban Planning Act does not have specific regulations on M&E. Therefore, M&E rarely has been implemented. In 23 February 2006, the Ministry of Housing and Urban-Rural Development issued the decree on improving the quality of master planning. The decree regulates two strategies for monitoring city planning. The first is to enhance the monitoring through applying a monitoring system in the whole country and improving information of urban planning. The monitors have practical experiences in urban planning. They have authorization to monitor the planning implementation and prevent illegal construction. The second is that the Ministry monitors urban planning carefully in order to identify illegal construction, as well as adjustment of urban planning without reporting to higher administrative agencies.

In this research, the Urban and Rural Planning Act had effect on 1 Jan 2008. The Act stipulates specifically the monitoring. In the article 51 and 52 of this Act, the system for monitoring the planning is established by three levels. The monitoring is implemented by local administrative agencies, local people and local representative organizations, and community. The monitoring is deployed in the whole process of planning, which includes making process, approval, implementation and revision.

These regulations also guide monitoring the implementation of planning-related regulations in practice. The author supposed that there is progress of monitoring of urban planning in China and emphasizes the importance of M&E in planning and implementation. In this research, the author chosen one locality – the case of Xuzhou, China – to analyze the M&E of urban planning and provide recommendations for improving the M&E of Xuzhou city planning.

Auzins & al (2014) confirmed the effective use of land resource and monitoring of land use is a concern in Latvia and in the world. The authors also indicated that in order to evaluate the results of the land policies, specific indicators are necessary to show basic changes in quantity and quality. The article aims at identifying and discussing the criteria that are used for evaluating the effectiveness of land use and promoting the making decision process for effective land use and management. The authors analyzed and compared modern approaches systematically in order to identify sets of indicators. These indicators are used for research in making land policies. The authors created a hypothesis. If we are provided appropriate evaluation systems in the effectiveness of land use, it contributes to improve significantly the effectiveness of land use. The authors stated

that the objectives of indicator system are linked to the support in making decisions of land use and land management.

The article emphasizes on evaluating and analyzing the system of criteria in order to evaluate the effectiveness of land use by using modeling approach. The system of indicators includes the socio-economic indicators, environmental indicators and institutional indicators.

This is one of several studies in the world which emphasizes on analyzing deeply the system of indicators in monitoring and evaluating the effectiveness of land use. This study applies diverse research methods such as: the logical-constructive, the graphic, the monographic, the analysis and synthesis, the historical approach method, the sociological research method, the analysis of documents and collecting of information, etc. This research is a valuable reference for my research on criteria for monitoring land law implementation. However, for the limitation of the article with 9 pages, the authors only focused on some key points relating to the system of indicators in evaluating land use, but not concentrate on monitoring land law implementation in Latvia.

The World Bank handbook (year) indicates the 10 steps of M&E based on results of Kusek and Rist research. Main points in results-based M&E should be agreed from step 2 to step 9. The 10 steps do not need to be followed in order. Normally we can combine many steps or start at any step. These steps can be applied at any levels such as organizing, policies, programs or projects.

However, during the projects' implementation, World Bank warns we need to use bottom-up approach. In this approach, the local managers collect local data and have their autonomy in using this data in making decision. They aim at managing the results and top-down approach. The managers are responsible for the results. These results are gained from indicators which are sum up at organizing level.

In short, in the world, there are studies on monitoring law implementation in general and land law implementation in particular. Due to complexity and specificity of land value, all authors emphasize on the necessity of having an indicator system in monitoring land law implementation to ensure effective land use and management.

Through the results of International research review, has two researchs can not information needed for my thesis and only this researchs is reference. Study for the PETI Committee – 2017 European Parliament identified the challenges for law implementation of EU and the tools ensuring EU law implementation, including measures for monitoring law. But the way of perform this activity reviewed and agreed by the dialogues amongst the European Committee and country members by Marta Ballesteros, Senior Lawyer and Consultant. World Bank – handbook for development practitioners indicates the 10 steps of M&E. However, about this work does not matching with the middle of middle of Monre.

Monitoring and evaluation of land policies and land reform – Klaus Deiniger help me to make the sores to develop appropriate land policies. Unfortunately, this research only using information collected from surveys and households'opinion and It does not cover other objects in society.

Research of Xiaoyan Chen (2009) introduced the individual monitoring system and the operation of this system is done by who retired planning makers and who are working in city planning. This research help me understanding monitoring activities but It does not mention how to build criteria.

Nadezhda Viktorovna Prokopyeva (2015) presents monitoring law implementation in Russian Federation and. Regrettable, this article does not address the criteria for monitoring the implementation of land law. Anyway, this is also a very suggestive article for me to do this Thesis as principle of transparency, disclosure statements and the principle of making plan for monitoring.

Auzins&al (2014) is a valuable reference for my research on criteria for monitoring land law implementation. Because of the limitation of the article with 9 pages, the authors only focused on some key points relating to the system of indicators in evaluating land use, but not concentrate on monitoring land law implementation in Latvia.

However, I have not found any research relating to completion of the system of indicators which is only used for monitoring land law implementation in the world and in Vietnam.

2.4.2.Domestic studies

There is the significant number of articles in specialized journals which study monitoring law implementation. The following are some remarkable studies.

Hoa Phung (2015) presented specifically the experiences of some countries in monitoring law implementation. There are three groups of countries: (i) the group with the economy developed, which is based on judicial precedents (such as England, Canada, America, Australia and New Zealand); (ii)the group with reforming economy and following the legal system of European mainland (such as Russian Federation); and (iii) the group with ASEAN members (such as Singapore, Thailand and Philippines).

The author supposed that the group with legal system of European mainland countries like Russian Federation and China would provide good lessons learnt for Vietnam in the establishment of monitoring system of national law implementation. Moreover, Vietnam can gain a lot of lessons learnt in legal systems of these two countries.

In her 2015 research on the monitoring system of law implementation in the world, Hoa Phung indicated that monitoring law implementation in Russian Federation includes collecting information, synthesizing, analyzing and evaluating the practices of law implementation. The author

analyzed criteria for monitoring law implementation in Russian Federation. They were classified into three groups: (i) criteria for implementing, reforming or cancelling the Federal legal documents, (ii) criteria for implementing policies against corruption and even corruption in developing and implementing the legal documents, (iii) criteria for eliminating inconsistency in legal documents which have the same legal effect. The author claimed that Russian Federation gives much attention in monitoring law implementation. Monitoring law implementation in Russian Federation has been described in the formal document issued by the president, which promotes the process in a comprehensive way and ensures the effectiveness of law implementation in Russian Federation. In addition, the classification of the criteria helps the monitoring process get more advantaged.

The article also analyzes the monitoring of law implementation in China which has similarities to Vietnam in developing and implementing policies. Currently China is making effort in reforming and controlling the roles of organizations and individuals in monitoring law implementation. However, China has not had any specific legal document that regulates the order, procedure and process of social organizations in monitoring law implementation. The participatory and influence of social organizations are still limited, the state and the communist party are studying the roles of social organizations in making policies and considering the influence of social organizations in developing laws and policies.

The author sums up several experiences for Vietnam in monitoring law implementation. At the same time, the author confirmed developing criteria in line with the detailed objectives of the M&E. These criteria ensure the information and data collection adequately and timely, which pushes the analysis and proposes recommendations or solutions for making policies. However, the article has not analyzed or proposed any criteria.

Nguyen Van Cuong (2013) presents specifically the development of the national set of index for evaluating the effectiveness of law implementation (MEI – Ministerial Effectiveness Index). MEI indicates the effectiveness of developing and implementing business law of ministries. MEI is developed by Vietnam Chamber of Commerce and Industry (VCCI). This index is made by the annual evaluation of more than 400 associations representing for approximate 500,000 enterprises in Vietnam. Therefore, this index is used only for monitoring in business sector. The components of MEI are criteria directly reflecting the quality of law making and implementation.

The author presents criteria used for MEI as follows:

Firstly, criteria for evaluating law making:

(1) The quality of drafting the legal documents with criteria on the necessity and impact assessment – RIA.

(2) The quality of collecting comments of those who are impacted by policies with criteria on methodology for collecting comments, information disclosure for comments and proportion of comments of VCCI.

(3) The quality of issued legal documents with criteria on transparency, comprehension and feasibility and rationality.

Secondly, criteria for evaluating law implementation:

(1) The quality of information disclosure, law communication with criteria on methodology of providing information, the extent of information disclosure and law communication and propaganda.

(2) The quality of law implementation with criteria on organizing basic activities, adopting guiding documents, resolving problems and accountability.

(3) The quality of review, supervision and evaluation of law implementation with criteria on monitoring and supervision of law implementation, and review legal documents and practices.

Criteria were used in MEI 2011 report; they are equivalent to six groups of criteria.

The six groups of criteria of MEI have been designed, which is based on requirements of current regulations on drafting, adopting and implementing legal documents. All ministries have to adhere these regulations. In order to get high index, ministries have to implement legal documents effectively and legal implementation should be friendly to enterprises.

However, in this article, the author focuses only the M&E particularly on business law making and implementation of MOJ by using MEI, and does not implement general evaluation of other ministries. The article indicates the reasons for the evaluation of businesses about the quality of business law implementation and law making of MOJ at average level, and the article also proposes some solutions for this evaluation.

Ngoc Duc Phung (2013) clearly identifies the term “monitoring law implementation”. Then, the article analyzes particularly two tools that are likely to be used in monitoring law implementation. These two tools are the logical frame model and monitoring plan. The author indicates that the logical frame model shows a range of results. The frame connects activities of implementers towards the objectives. This logical frame model guides the M&E on policy and legal documents implementation after they are adopted. The author emphasizes the importance of adhering defined criteria. He chooses Spatial Monitoring and Reporting Tool (SMART) which includes specific, measurable, assignable, realistic and time-related. The frame for monitoring law implementation needs to base on specific regulations relating to monitoring law implementation in Vietnam, for example, the decree 59/2012/NĐ-CP dated 23/07/2012 issued by the Prime Minister on monitoring law implementation.

Besides, there are many articles of domestic scholars which are related to monitoring law implementation such as Quang Huy Ho (2015); Dinh Luong Do (2013); Quoc Tuan Nguyen (2017); Tuan Quang Nguyen (2017); Thanh Son Dang (2015).

The project AusAID has supported the Foreign Economic Relations Department, MPI to develop an effective M&E system. This project aims at assisting the implementation of decree 131/2006/ND-CP dated 09/11/2006 on using ODA in Vietnam, the project named VAMESP II. The project published the set of handbooks on national M&E, which includes one handbook guiding the development of the M&E system in Vietnam and one handbook on implementing M&E and one handbook on training and capacity building for implementers. The set of handbooks consists of four modules as follows:

- (1) Guiding the development and operation of M&E system in Vietnam;
- (2) Documents for leaders;
- (3) M&E practice;
- (4) Training manual on M&E in Vietnam.

The set of handbooks provides principles, concepts, methods and tools for M&E with specific examples prepared by VAMESP II experts and officials. In the scope of my research, this set of handbooks is a reference for M&E in practice.

This overview shows that M&E of law implementation in Vietnam has gained attention of legal researchers, especially after the Decree 59/2012/NĐ-CP on monitoring law implementation entered into force. However, these studies are only published in articles with limited scope. These articles use different approaches in monitoring law implementation in Vietnam, but there is no comprehensive study on monitoring law implementation in general and specific criteria for monitoring land law implementation.

3 Research methods

In order to develop criteria for monitoring land law implementation, the author combine several methods. The author used both of qualitative and quantitative methods to conduct the research, which are desk review, reviewing legal documents and statistics, collecting numerical data, doing semi-structured and unstructured interview.

First, monitoring land law implementation is strongly linked to daily life and impact directly on the rights and benefits of people. Studying this topic needs a comprehensive approach. Second, developing criteria for monitoring land law implementation is used for evaluation of policy. Therefore, the qualitative methods were used more than the quantitative methods to identify, evaluate and analyze reasons and suitability of law implementation. Third, with current job, the author have experiences and good conditions to seek support and comments for my hypothesis from experts, researchers. That's why the author focused on doing the interviews.

3.1 Desk review

The method of studying, collecting and analyzing secondary data is very important. Scientific and suitable methods decide the quality of the research.

I used documents from my workplace, experts, and colleagues and from some libraries such as the library of University of Tampere (<http://www.uta.fi/kirjasto/en/index.html>), the library of Monash, Australia (<https://www.monash.edu/library>), Vietnam National library, the library of Ministry of Justice, Hanoi Law University and sources from the internet. After collecting a range of documents, I reviewed and classified them into groups:

Regarding legal studies, any topic concerns basic concepts of legal science. Therefore, the research started reviewing primary documents with basic concepts such as law implementation, monitoring law implementation, the features of land law, so on. Then, the research reviewed domestic or international documents directly relating to monitoring land law implementation. In addition, legal documents and by-law documents directly regulate monitoring land law need to be studied in this research.

Hence, I collected and classified groups of documents as follow:

(1) Articles and studies of domestic and international related to theories for the implementation of law and monitoring the implementation of law and overview of land laws in Vietnam. These documents are listed in detail in Part 1 of the References.

(2) Articles and studies regarding specific issues of monitoring land law implementation. In 2008, the national assembly passed the law on promulgation of legislative documents which stipulates ministries and ministerial-level agencies are in charge of monitoring and evaluation of

implementing legal documents issued by their agencies. MOJ is responsible for guiding and urging the other ministries and agencies in monitoring law implementation and reporting the government at country level. Law on promulgation of legislative documents is an important legal base which ministries use to deploy monitoring law implementation. However, monitoring law implementation is quite new and important. We have not had experiences in this aspect while it has social impacts and impacts on the organization and operation of governmental agencies from the central to local level. In 2010, the MOJ has adopted the Circular no. 30/2010/TT-BTP dated 03/03/2010 on guidance of monitoring law implementation. It is considered as the first specialized legal document on monitoring law implementation. The Circular stipulates that monitoring law implementation is run with five points: (i) the state of issuing legislative documents on detail regulations and guidance, guiding documents of the state agencies; (ii) the level of adhering law of agencies, organizations and individuals; (iii) the effectiveness of law communication and propaganda; (iiii) the rationality of legal regulations; and (iiiii) methods and conditions for implementing law. However, this circular is only applied for judiciary in monitoring law implementation, and there is no the other guidance for the other agencies or fields. In 2012, the government issued the decree no. 59/2012/NĐ-CP on monitoring law implementation. The decree stipulates that monitoring law implementation consists of the following points: (i) review and evaluate the situation of law implementation, (ii) recommendations for improving the effectiveness of law implementation, (iii) perfect the legal system. After three years of implementing this decree, the report no.65/BC-BTP on the wrap-up of three years of implementing the decree indicates that monitoring law implementation has many constraints and weakness. The state agencies confused and faced difficulties while they lacked detail guidance and criteria for implementation from the central to local level. Besides, I find it difficult to collect secondary sources in Vietnam. Vietnam has not had many articles or studies on monitoring law implementation, especially on land law implementation. These documents are listed in detail in Part 2 of the References.

(3) Guidelines of Vietnam agencies in monitoring law implementation and land law implementation. These documents are listed in detail in Part 3 of the References.

(4) Legislative and under-law documents on monitoring land law implementation. Legislative and under-law documents include policies, regulations and specific methods issued by authorities such as constitution, laws of The National Assembly, decrees of Government and circulars of Ministrys. These documents are only linked to the development of monitoring land law implementation and collecting data on websites. There are some websites as follows:

Data base on legal documents of national assembly
<http://quochoi.vn/cSDLth/vanbanphapluat/Pages/Home.aspx>

Data base on Vietnam law of national assembly office

<http://www.vietlaw.gov.vn/LAWNET/>

National data base on legal documents of the government

<http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban>

National data base on the state legal documents

<http://vbpl.vn/TW/Pages/Home.aspx>

National data base of Ministry of Justice

<http://www.moj.gov.vn/pages/vbpq.aspx>

Data base on legal documents of MONRE

<http://tracuu.monre.gov.vn/>

Legal library website

(<https://thuvienphapluat.vn/>)

Legislative documents issued by the National Assembly

(i) Constitutions in 1946, 1959, 1980, 1992 and 2013 (5 documents) are fundamental law issued by the National Assembly, which stipulates the system of state structure and the authority of the state agencies from the central to local levels, and the rights and duties of citizen (cited in Vietnam constitutions, Law Faculty, Vietnam National University, 2006, page 27).

(ii) Law on promulgation of legislative documents in 2008 and 2015. This law stipulates principles, authority, form, sequence and procedure for drafting and issuing legislative documents, and the responsibility of the state agencies, organizations and individuals in drafting laws and also stipulates the evaluation of law implementation.

(iii) Land law in 1987, 1993, 2003 and 2013 (4 documents) stipulates land ownership, the right and responsibility of the state (representative of people to land ownership and land management), land use and management, the rights and responsibilities of land users in Vietnam, in which stipulates monitoring land law implementation.

Decrees issued by the Government are arranged regarding time of issuing

The government has authority to adopt by-law documents which detail the law and resolutions issued by the national assembly, the decision and resolutions issued by the national assembly standing committee, the order and decisions of the president. The government stipulates specific methods to implement legal documents and policies on all fields such as defense, security, finance, currency, tax, ethnicity, culture, science and so on. The government also stipulates the authority and duties of ministries and its system. Before the government adopts the decrees, these documents must be approved by the National Assembly Standing Committee (cited in article 19 of the law on promulgation of legislative documents in 2013).

Circulars issued by MOJ and MONRE

MOJ is the government agency which is responsible for monitoring law implementation and reporting on monitoring law implementation in the whole country. Criteria for monitoring land law implementation are developed, which is based on criteria for monitoring law implementation in general. Therefore, understanding circulars issued by MOJ on the development of criteria of monitoring law implementation is essential. I used some circulars.

MONRE, the government agency, is in charge of the state management in land matter. Therefore, collecting circulars issued by MONRE regarding monitoring land law implementation is essential in this research.

These documents are listed in detail in Part 4 of the References.

(5) Statistic reports of administrative data: these reports use secondary data sourced from current administrative data. The statistic reports are made, which bases on the current systems of the state agencies for collecting data relating to the development of criteria for monitoring land law implementation. Since I am working at GDLA, MONRE, I have favor conditions to collect these documents. Therefore, reports collected are reliable, including reports and documents of MONRE and MOJ relating to monitoring law implementation. These documents are listed in detail in Part 5 of the References.

After classifying documents, I reviewed contents relating directly to my research topic, and took notes.

Using data, information and reports from the state agencies is very useful for the research. Especially, The documents I collected are official and related to monitoring land law implementation. However, I recognize that these data could not fully reflect all aspects of the monitoring law implementation. Therefore, the research needs to figure out and collect other sources of information to compare, and then results of the research could be scientific and objective.

This is why I used interview methods to collect more information, perspectives and practices about the research topic.

3.2 Interview methods

Interview method is the most widely used method in scientific research. This method is most appropriate and effective in the research to clarify the nature of the problem, the motive of action (Mai 2013, 35). In general an interview is the contact between the subject (the interviewer) and the object (interviewee, respondent). However, interviews in the research to develop criteria for land law implementation monitoring differ from interviews in the media or interviews between physicians and patients. It is not purely a question and answer, but the interview content should be

prepared in advance, subject to the research objectives, selected objects. Authors should be well prepared in terms of skills and expertise, and recording should be implemented systematically in accordance with the program prepared in advance to provide the best conditions for processing information later. The information sources in the interview are not simply responses that reflect the subject's perceptions and views, but also other factors such as the behavior, gestures, body language of respondents observed during the interview by the interviewer.

According to Quyet and Thanh, (2001), in the scientific research, based on the level of preparation and characteristics of the collected information, the interview method is divided into different categories: unstructured interviews, semi structured interviews and structured interviews. Therefore, interviews in scientific research also come in many forms. In terms of this topic, the author used only 3 in-depth interview methods.

With 13 year experience in the field of land law implementation, the author has many advantages in doing this method because of the acquaintance and relationship with many people in the work of law development and enforcement. In particular, the author received the support from his leaders, his colleagues and the assistance of collaborators who are students of Hanoi Law University. In addition, the author had opportunities to meet with experts in workshops, conferences and proposed a short interview on the development of criteria for monitoring the land law implementation if consent was obtained. In order to be able to exploit the information effectively and objectively, in this research the author ensures that the information of the interviewees will be kept strictly confidential if required.

3.2.1 Structured interview

Structured interview is a kind of interview that uses questionnaires during the interview, including questions based on direct requirements of the research and focus on respondents' ability for the information collection. Each interviewee was asked the same question for comparison or scoring (Ngoc, 2011, 38).

The advantage of structured interview is the quick and appropriate approach to interview many people, and all the results are standardized to help the author compare answers easier. The disadvantage of this method is high cost and time consuming.

The design of questions for the questionnaires was based on ongoing work on monitoring the implementation of land laws, from the simulated results of the previous research, from suggestions in the statistical reports from administrative data, from the current law provisions related to land law implementation monitoring and finally from the author's idea on the development of criteria for the land law implementation monitoring as stated in the theoretical framework and literature review.

There were many advantages when the author implemented survey. Since the author is working at the MONRE (at the central level, vertical professional management), he has relationships with local authorities. At the same time, the MONRE is now assigned by the Prime Minister to take the lead to propose and develop the Land Law amending and supplementing the Land Law 2013. The author is one of the members sent by the MONRE to a number of localities to collect comments on amendments and supplements to the Land Law in 2013. This also an advantage for the author to conduct the survey.

Regarding areas for survey collection, Vietnam is divided into 7 economic regions, and 63 provinces and cities according to administrative divisions. Since the time for surveying was not much, the author selected 5 provinces/ cities for each region to survey, totaling 35 provinces/cities¹. The selected provinces and cities are areas where there are many issued legal documents on land or many problems, complaints and denunciations about land.

Three groups of interviewees

(1) The group of people who are doing land law implementation monitoring, according to the report of the MOJ on civil servants doing legal works, there were 2059 people in the whole country doing works related to monitoring the implementation of law in 2016, so there were about 33 legal people in each province. The author selected 18 people for each province or city. This is a group that understands the law, the actual situation of the implementation and monitoring of general law implementation. At the same time, the author selected officials doing legal work at the Department of Natural Resources and Environment, because these people were directly involved in the land law implementation. The author selected five people for each province to collect survey. The main contents to develop the criteria for land law implementation monitoring in the survey were mainly exploited information from this group.

(2) Groups of socio-political organizations such as the Communist Party of Vietnam, Vietnam Fatherland Front, Vietnam Farmer's Union, Vietnam Women's Union, Vietnam General Confederation of Labor, The Ho Chi Minh Communist Youth Union; Professional associations such as Vietnam Lawyers Association, Vietnam Real Estate Association and Vietnamese non-governmental organizations such as LANDA, OXFAM, CAP-IPSARD, FORLAND, CISDOMA (6 surveys per organization). The selection of these organizations is due to the fact that initiatives on

¹ Northern midland and mountainous: Dien Bien, Son La, Lao Cai, Bac Giang and Quang Ninh; Red River Delta: Ha Noi, Hai Phong, Vinh Phuc, Hai Duong and Ninh Binh; North Central Region: Thanh Hoa, Nghe An, Ha Tinh, Quang Binh and Thua Thien-Hue; Central Coastal Region: Da Nang, Quang Nam, Phu Yen, Khanh Hoa and Binh Thuan; Central Highlands: Kon Tum, Gia Lai, Dak Lak, Dak Nong and Lam Dong; South-eastern Region: Ho Chi Minh, Binh Duong, Tay Ninh, Dong Nai and Ba Ria-Vung Tau; Mekong Delta: Can Tho, Bac Lieu, Dong Thap, Kien Giang and Ca Mau.

law implementation of these organizations have been very effective in the past, reflecting the assessment, monitoring and social justice of law implementation of state management agencies.

(3) Land user groups include economic organizations, individuals and households using land for agricultural farms and traditional craft workshops. The reason for selection of these organizations is that they are the direct ones to the impact of the regulations on land legislation. Only these people show true information about whether the land law is appropriate or not in line with reality and only they create the objectivity in the investigation by the survey questionnaire. The author argues that without interviewing the group, it is a big mistake. About this group, the author was not limited in number and had no limit on scope. The author interviewed through the introduction of land management agencies at the grassroots level or by socio-political organizations.

The author play an important role as a leader of a group which has duty on monitoring the implementation of land legislations in MONRE. Thus, in the process of carrying out the research, the author have condition and resource to be supported by a group of MONRE's collaborators. To conduct a survey for the study, the author acknowledges the vitality of preparation. During the preparation work, the author developed a master plan to ensure the quality and effectiveness of an investigation, which is so-called interview plan and includes: purpose, requirement, content and timing; objects, units in charge of investigation; design survey forms; selection and training of collaborators; plan to conduct the actual investigation; survey results processing.

In order to implement the structured research method, the author had to rely on voluntary collaborators. The author's research is related to land law, so the author wants to choose the collaborators who must also understand the law, be enthusiastic and effective. Collaborators of 1 to 2 people are students studying at law universities or studying at the Faculty of Law of local universities, specifically: Northern Midland and Mountainous and Red River Delta is the Hanoi Law University, the North Central is the Vinh University, the Central Coast is the Da Nang University, the Central Highlands is the Central Highlands University, the South East is the Ho Chi Minh City University of Law and the Mekong Delta is the Can Tho University. The total number of collaborators is 12.

For the interview process, the author assigned the collaborators to carry out the survey in 27 provinces. Concurrently, local interviewers will handle the output of the corresponding provinces, then send to the author for summary. The author collected data directly for the research in the rest of 8 localities in the rest of 8 localities.

The total number of delivered surveys was 1,139 and the number of collected surveys was 1,094. During the synthesis process, the author found that seven surveys belonged to the land user group had the same answer, so these surveys were eliminated. Thus, the total number of surveys was 1,084. Sample surveys are included in the annexes of this research.

When it comes to plan development, the author found it most difficult to design the questionnaire and time of implementation. Initially, many questions were raised with the ambition of gathering as much information as possible. However, after receiving comments from some of the direct interviewers, the author adjusted the methodology. In addition, when conducting interviews in the first four provinces of Dien Bien, Son La, Hanoi and Vinh Phuc, the authors found that there were some questions being irrelevant to the real situations or confusing the interviewees. So, the author also changed them. In terms of the time taken to conduct the questionnaire, the actual implementation lasted longer than the original intention of the author. Therefore, the handling of the results of the investigation had to be made more urgently. Some collaborators complained and expressed their dissatisfaction

The structure of the survey was divided into three parts (*Survey in Appendix 1*):

Introduction: This section briefly explains the reason, the purpose of the questionnaire, and the willingness of the interviewees to create the psychological comfort of the interviewer as well as suggest that they are ready to answer the questions asked.

Content: the author asks questions to collect information on the criteria for monitoring the implementation of land laws. In this section, the questions should be presented in accordance with the principles so that respondents can easily give their opinions on the issue of the author's concern.

Conclusion: The aim is to remove the established contacts and to end the survey, but to remain respectful of the respondents, to end the information collection. Final is acknowledgment.

3.2.2 Unstructured interview

Unstructured interview is a type of interviews that the interviewer gives a series of questions about a topic and is completely free in leading the interview (Quyet & Thanh, 2001, 16). This method has the advantage of allowing the author flexibility to change the interview structure depending on the context and characteristics of the subject, and is especially useful in cases where the interviewer wants to interview the informants repeatedly, in a variety of contexts. In addition, by using this method, the author will receive detailed information about the technical or professional issues that the interviewees bring. The disadvantage of this method is that there is no ready-made template, so every interview is a non-repetitive conversation so it is very difficult to systematize the information and analyze the data.

With his career, through his work at the Ministry of Natural Resources and Environment, the author has many advantages to conduct interviews with experts in different contexts. First, the author identified the interviewees - experts. Initially a list of experts was introduced, after which these people were interviewed. During the interviews, if the interviewees did not agree or could not provide the information, the interviews would not be conducted. For those cases, the author would

recommend other people to match the content of the interview. The process was repeated when the desired result was obtained. The interview method was mainly direct-response through appointments and for those who could not arrange appointments the interviews by telephone were implemented. In addition, while attending seminars and conferences related to the work he or she was doing, the author was approached by a number of experts and asked for a short interview about the contents he was studying or consulted experts if the agreement was received. These interviews were natural, maybe just a few minutes of talk or a follow-up meeting. The questions given to each expert may be different in terms of content and number of questions.

The selection of experts to conduct unstructured interviews was conducted at the final stage, ie after the structured interview. The reason is that after the results of the questionnaire have been synthesized, the author will develop a draft of the criteria for monitoring the land law implementation and wish to finalize the draft by consulting the comments of experts before publication. Therefore, the author selected experts who are experienced in the work related to state management of land and have knowledge of land law, experience in law implementation of Ministries, branches, non-governmental organizations, professional organizations or those who are teaching land law at the universities of law.

The list of experts interviewed included 137 people, of which 47 people are legal specialists in general and legal experts on natural resources and environment in 35 provinces in the survey area; 39 current and former leaders and officials involved in the field of land, such as the Ministry of Natural Resources and Environment, the Ministry of Finance, the Ministry of Planning and Investment, the Ministry of Construction, The Ministry of Transport, the Ministry of Agriculture and Rural Development, the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of Public Security and the Ministry of Justice; 43 people are working for non-governmental organizations, professional organizations, 8 people are university lecturers.

I have prepared the five questions that are available to the contributors. They can add or subtract questions depending on the context of the interview and the need for more information(in Appendix 3).

4 Results

4.1 Criteria for monitoring the implementation of land laws in accordance with Vietnamese Law

In this section, the author focuses on analyzing regulations in force at the time of research, more specifically:

4.1.1 The Constitution 2013 of the Socialist Republic of Vietnam in 2013

The Constitution is the nation's highest law, so this document recognizes the fundamental principles of implementation of law. The Constitution clearly stipulates the competent authorities in monitoring the implementation of the law of the state apparatus.

Article 94 of the Constitution of the Socialist Republic of Vietnam states that the Government is the executive agency of the National Assembly, which is the highest state administrative unit and is responsible for exercising the executive power and for ensuring the implementation of the Constitution and the law by state agencies, economic organizations, social organizations, armed units and citizens. As the state's highest public administration body, the Government has been demonstrating its position and role stipulated by the Constitution and the law in ensuring enforcement of law, and it has ensured the proper and unified enforcement of law by organizations and individuals.

In addition, the Constitution stipulates that the Supreme People's Court and the Supreme People's Procuracy shall be responsible for the exercise of judicial power (Article 102). The People's Procuracy shall exercise the prosecution and procuratory power on judiciary activities (Article 107). The courts are the judicial agencies which, through their activities, are responsible for protecting the socialist legislation and ensuring that the agencies, organizations and individuals respect and comply with the provisions of the law (Article 106). These agencies are under the supervision of the National Assembly, the highest state-power body. In addition, the Vietnam Fatherland Front and its member organizations are responsible for supervising the activities of state agencies, people-elected deputies, state officials and employees (Article 9).

Thus, based on their respective legal roles and positions, each agency or organization has a certain function, task and authority in ensuring the enforcement of law. Although implementation of law and ensuring implementation of law are defined as the tasks of all state agencies, political organizations, social organizations, socio-political organizations and of the whole political system, it can be said that state administrative agencies play the key and the most important role in the implementation and enforcement of law.

Article 99 of the Constitution provides that "organizing and monitoring the implementation

of laws relating to branches and domains nationwide" shall be the responsibility of ministers and heads of branches, as a constitutional principle. Accordingly, the primary responsibility for monitoring of implementation of law will be assigned to the ministers.

4.1.2 Legal documents regulating the monitoring of implementation of general law

Monitoring of implementation of law is one of the important tasks that are key steps in the process of implementing social management by law. Article 8 and Article 9 of the Government's Decree No. 34/2016/ND-CP of May 15, 2016 detailing a number of articles and measures for the implementation of the Law on the Promulgation of Legal Documents also specify the responsibilities of competent agencies in promulgating documents detailing and guiding on the implementation of Law and other legal documents of superior competent agencies, such as:

Detailed legal documents can only be issued if the articles assign an agency to promulgate or to jointly promulgate the document in affiliation with another agency. The contents of the detailed document shall not be repeated in the assignment document.

The agencies assigned to promulgate detailed documents may not authorize other individuals or agencies to promulgate the documents.

The draft detailed legal documents shall be submitted simultaneously with the Bill and shall be enacted at the same time as the Law.

In particular, on July 23, 2012, the Government issued Decree No. 59/2012/ ND-CP on monitoring of implementation of law. This Decree specifies the contents and activities of monitoring of the implementation of law and responsibilities of state agencies in monitoring the implementation of law and preliminary legal documents regulating the criteria for monitoring of implementation of law.

Decree No. 59/2012/ND-CP regulates general issues, issues on monitoring of implementation of law, issues of implementation of law activities and specifies responsibilities of The ministries, ministerial-level agencies and governmental agencies, for the organization and implementation of the monitoring of implementation of law in the branches and domains under their respective management. (Article 2, Article 5). At the same time, the responsibilities of ministries, ministerial-level agencies and government-attached agencies are also set out in six groups of tasks: (1) To direct, guide, urge and inspect the affiliated agencies and units in monitoring the implementation of law; (2) To issue sectoral statistical indicators as a basis for the review and assessment of implementation of law; (3) To promulgate and organize the implementation of the Plan for implementation of law situation monitoring of the agencies themselves; (4) To handle the results of monitoring of implementation of law in accordance with the provisions of Article 14 of this Decree; (5) To guarantee the conditions for implementation of monitoring of implementation of law; (6) To report to the Ministry of Justice annually on monitoring of implementation of law (Article 14).

Decree No. 59/2012/NĐ-CP is the first decree introducing the criteria for monitoring the implementation of the law. Specifically, Article 7 outlines 3 criteria for reviewing and evaluating law implementation monitoring activities as follows: (1) the issuance of documents detailing the implementation of legal documents; (2) the guarantee of the conditions for implementation of law; (3) the compliance with the law. On the basis of these three criteria, Decree No. 59/2012/NĐ-CP also provides specific contents of each criterion. Accordingly, the contents of reviewing and evaluating the situation of promulgation of legal documents detailing the implementation of legal documents (Article 8), consist of: (1) The timeliness, completeness of the issuance of the detailing documents; (2) The uniformity and consistency of the documents; (3) The feasibility of the documents. The contents of reviewing and evaluating the guarantee of the conditions for implementation of law (Article 9) consist of: (1) Timeliness, completeness, suitability and effectiveness of training and dissemination of law; (2) suitability of organizational structure; the level of response of human resources for implementation of law; (3) level of satisfaction of funds and facilities to ensure implementation of law. The contents of reviewing and evaluating the compliance with the law (Article 10): (1) Timeliness and completeness in implementation of implementation of law by state agencies and competent persons; (2) the accuracy and consistency in the guidance for application of law and in application of the laws of state agencies and competent persons; (3) level of law compliance of agencies, organizations and individuals. However, Decree No. 59/2012/NĐ-CP does not explain the contents of the criteria. This has led to the fact that agencies monitoring the implementation of law in different localities have different interpretations and implementations, as do agencies monitoring implementation of land laws.

4.1.3 Legal documents regulating the criteria for the monitoring of implementation of land laws

Thus, it can be seen that Decree No. 59/2012/NĐ-CP provides the legal basis for monitoring of implementation of law in general. In addition, in specialized legal documents in the field of land, there are also specific regulations in monitoring of implementation of land laws.

Article 200 of the Land laws 2013 regulates the monitoring and evaluation system for management and use of land, specifically: (1) Monitoring and evaluation system for land use and management is used to assess the implementation of land laws, the effectiveness of land use and management, the impact of land policies and laws on socio-economic situation throughout the country and in localities; (2) The Natural Resources and Environment Agencies are responsible for managing the monitoring and evaluation system, for organizing the assessment of law implementation, the effectiveness of land management and use, the impacts of land policies and laws on socio-economic and environmental issues throughout the country and in localities; Evaluation results are sent periodically to the Government and the National Assembly. (3) State agencies keeping information as provided for in Clause 2 of this Article shall be responsible for

providing full, accurate, up-to-date information to the management authority of the monitoring and evaluation system. The Natural Resources and Environment Agencies are responsible for updating the information in the monitoring and evaluation system to the land information system. (4) The monitoring and evaluation system for land use and management shall be publicized so that organizations and individuals may seek information in accordance with the law.

For detailed guidance in Article 200 of the Land laws, Decree No. 43/2014/ND-CP stipulates:

Functions of the monitoring and evaluation system (Article 92): (1) To monitor and synthesize the implementation of land laws; Analysis and assessment of management effectiveness, land use and impacts of land policies and laws on economic, social and environmental aspects. (2) To receive the opinions of organizations and citizens on the management and use of land and to send these opinions to the competent authorities for settlement. (3) To publicize information obtained from land management and use and the results of the settlements as provided for in clause 2 of this Article on the website of the management and assessment system. (4) To propose amendments and/or supplements to land policies and laws as well as measures to organize the implementation of land policies and laws.

Principles of designing and operating the monitoring and evaluation system (Article 93): (1) The monitoring and evaluation system for land use and management is part of the land information system; It is established with consistency from the central to local level and is published on the national information network in accordance with the law. (2) the monitoring and evaluation systems for land management and use must reflect the scale, quality and effectiveness of land management and use; the impacts of land policies and laws; the level transparency and participation of people in the management and use of land through quantitative and qualitative indicators.

Providing and reflecting information on land management and use (Article 94): The provision and reflection of information on the management and use of land shall comply with the following provisions: (1) The natural resources and environment body shall be responsible for reporting and providing full, accurate, timely and objective information on land management and use; The results of the implementation of land management schemes and projects shall be submitted to the People's Committees of the same level and the superior natural resources and environment agencies for updating into the monitoring and evaluation system. (2) Other related ministries and branches and provincial-level People's Committees shall have to fully, accurately, promptly and objectively make reports and supply information related to the management and use of land within the scope of management tasks of such ministries, branches and localities to the Ministry of Natural Resources and Environment. (3) Organizations and individuals shall fully, accurately, promptly and

objectively report information on land management and use to land management agencies and People's Committees at all levels for updating into the monitoring and evaluation system.

Responsibility for developing and operating a monitoring and evaluation system (Article 95): (1) The Ministry of Natural Resources and Environment is responsible for: Designing, developing a system of criteria for monitoring and evaluation of implementation of land laws; managing and organizing the operation of the system of monitoring and evaluation of land management and use at the central level; Providing guidance on the management and operation of local monitoring and evaluation systems for land management and use; Directing and guiding on the organization of the annual evaluation of land management and use and impacts of land policies and laws; Making regular and irregular reports on the topics of management and use of land and impacts of land policies and laws; Issuing criteria and procedures for assessment of land management and use and impacts of land policies and legislation, reporting forms and reporting responsibility of the system of natural resources and environment agencies. (2) Provincial people's committees shall be responsible for directing the development and operation of the monitoring and evaluation system for the management and use of land in the locality. (3) The local natural resources and environment agency is responsible for managing and organizing the operation of the monitoring and evaluation system for the management and use of land in the locality; reporting to the People's Committees of the same level and to the higher-level natural resources and environment agency on the management and use of land and the impact of the land laws and policy upon request.

In particular, in accordance with Decree 36/2017/ND-CP dated April 4, 2017 defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment, the Ministry of Natural Resources and Environment is a government agency that performs the functions (Article 1) of state management in the fields of: land; Water Resources; mineral resources, geology; environment; hydro-meteorology; Climate Change; surveying and mapping; General management of natural resources and environmental protection of the sea and islands; exploration; State management of public services in the areas under the management of the Ministry and the tasks and powers (Point m, Clause 6, Article 2) for the elaboration of the system of monitoring the land laws, including the development of systems of monitoring criteria and monitoring measures; management and operation of the land laws monitoring system at the central level; guidance and inspection on the operation of the system of land laws monitoring in the localities.

In addition, in the chapter stipulating the organization of implementation of the circulars guiding the implementation of the Land laws promulgated by the Ministry of Natural Resources and

Environment, it is provided for that the Ministry of Natural Resources and Environment has the responsibility to guide and inspect the implementation.

The legal documents on land and the documents regulating the functions, tasks and powers of the Ministry of Natural Resources and Environment have stipulated very clearly the task of monitoring of implementation of land laws. However, to date, the Ministry of Natural Resources and Environment has not yet issued detailed guidelines on this work. Moreover, the system of monitoring of implementation of land laws has not been developed and operated. This has created a loop-hole in the law, causing difficulties in legal basis for localities and diffidence in the monitoring of implementation of land laws (Departments of Natural Resources and Environment of Lam Dong Province, Lao Cai Province, Ho Chi Minh City).

4.2 Actual situation of monitoring of implementation of land laws in Vietnam

By documenting administrative reports over the years of monitoring of implementation of land laws, the practice is divided into two phases: Before 2012, when there are no regulations on monitoring the implementation of law and from 2012, the phase of implementation in accordance with Decree No. 59/2012/ND-CP on monitoring on monitoring law implementation.

4.2.1 The phase before regulations on monitoring of implementation of law

The monitoring of implementation of law is a task that has only been implemented in recent years. Before 2012, the legal basis for monitoring of implementation of law are only scattered regulations and there had not yet been a specialized legal document to regulate this activity. Article 63, Decree No. 24/2009 /ND-CP stipulates the responsibility for assessing the implementation of legal documents. Accordingly, the ministries, ministerial-level agencies and agencies attached to the Government are responsible for conducting annual assessment of the implementation of documents drafted or promulgated by themselves in order to promptly urge, organize and guide the implementation of the documents or propose competent agencies to amend and supplement them and to abolish the regulations that are no longer appropriate. The legal organizations of ministries, ministerial-level agencies and government-attached agencies shall be responsible for monitoring and urging units under ministries, ministerial-level agencies and government-attached agencies in assessing the implementation of such documents. The Ministry of Justice shall have to guide and urge the ministries, the ministerial-level agencies and the agencies attached to the Government in assessing the implementation thereof; To monitor and urge ministries, ministerial-level agencies and government-attached agencies to elaborate documents detailing the implementation of laws, ordinances, decrees and decisions; To sum up and report to the Government on the implementation of legal documents throughout the country.

For the Ministry of Natural Resources and Environment, the task of ensuring the implementation of land laws is reflected in the following aspects: To promptly promulgate or submit to competent authorities for promulgation of legal documents for the implementation of land-related laws and ordinances. To perform the above tasks, the Ministry of Natural Resources and Environment has submitted to the Government for promulgation of Decrees, submitted to the Prime Minister for promulgation of Decisions and has promulgated Circulars according to its competence or coordinated with relevant Ministries to issue joint circulars on land. The documents detailing the implementation of laws and ordinances must meet the requirements in a timely, accurate, practical and feasible manner, in order for the localities and units, organizations and individuals to implement these documents. The promulgation of the document must also ensure the constitutionality, legality and uniformity of land legislation as well as the legal system in general. In addition, the task of ensuring the implementation of law is reflected in the instruction on the implementation of land laws for agencies, organizations and individuals.

At the same time, ensuring the implementation of land laws is also reflected through the review of documents and inspection of legal documents on land issued by the Ministry of Natural Resources and the documents on land issued by the provincial People's Committee in accordance with Decree No. 135/2003/ND-CP of the Government on inspection and processing of documents. However, it was only when stipulated in Decree No. 24/2009/ND-CP, were the responsibility to annually review the implementation of legal documents to promptly urge, organize and guide to implement the document or propose competent agencies to amend, supplement or abolish regulations that are no longer appropriate, and the task of monitoring and assessing the implementation of land laws, actually legalized into particular tasks for Ministries, including the Ministry of Natural Resources and Environment.

At this stage, however, the functions of assessing the implementation of land laws in the field of state management are just at the step of assigning tasks for implementation. Also at this stage, although the tasks were assigned, specific regulations on the contents, methods of assessment, criteria for assessment of implementation of land laws had not been specified.

The results at this stage only focused on the development of legal documents guiding the implementation of the Land laws, the dissemination of land legislation and the compilation of land laws compliance by inspection and investigation. These results reflect only part of the monitoring of the implementation of land laws.

4.2.2 The phase of implementation according to provisions of Decree No. 59/2012/ND-CP by the Government

Since the effective date of Decree No. 59/2012/ND-CP (2012), the MONRE has issued a plan to monitor the implementation of law on natural resources and environment, including the domain of land, specifically: in 2012: Decision No. 885/QD-BTNMT (dated June 19, 2012); in 2013: Decision No. 811/QD-BTNMT (dated May 27, 2013); in 2014: Decision No. 744/QD-BTNMT (dated 28 April 2014); in 2015: Decision No. 3508/QD-BTNMT (dated 30 December 2015); in 2017: Decision No. 607/QD-BTMT (dated 29 May 2017).

On the basis of the approved plan, the MONRE has organized the inspection and investigation of the situation of monitoring the implementation of land laws in localities. From 2012 to the first 6 months of 2014, the Ministry of Natural Resources and Environment conducted surveys and inspections on the situation of implementation of law in the localities. In 2014, after the issuance of Circular No. 14/2014/TT-BTP detailing the implementation of Decree No. 59/2012/ND-CP by the Ministry of Justice, the monitoring of the implementation of law gradually went in order. The Ministry has conducted the monitoring of the implementation of law with three main contents: (1) Monitoring the issuance of documents detailing the implementation of legal documents; (2) Monitoring the guarantee of conditions for implementation of law and (3) Monitoring the compliance with the law.

Prior to monitoring the implementation of the law in the locality, the Ministry of Natural Resources and Environment prepared the report form and sent it to the localities for reporting. On that basis, the ministry grasped the situation of implementation of law on natural resources and environment in the locality.

In general, the monitoring activities of implementation of law in these domains have been implemented by combining survey, direct survey, and report of self-assessment results by the subjects. With the above method, the information received from different subjects should be objective, true, accurate and reflect the reality of the implementation of the legal documents on land.

The monitoring of the implementation of legal normative documents of the fields is carried out in accordance with the general process of the Ministry of Natural Resources and Environment, guided by the decisions of the Ministry of Natural Resources and Environment on the issuance of the Annual Plan on monitoring the implementation of land laws. More specifically:

- (1) Issuing documents guiding and requesting the concerned agencies, units and/or subjects to conduct self-assessment (as instructed);
- (2) Aggregating, analyzing and drawing preliminary conclusions from the reported information;

(3) Developing survey plans: Identifying the survey respondents, survey sites, survey size (number of questionnaires), and designing survey forms in accordance with objectives, requirements, objects and scope of each assessment activity;

(4) Surveying and exchanging directly with respondents to collect necessary information, clarifying the highly specialized information, the obstacles and shortcomings in implementation and verification of qualitative information;

(5) Collecting information from published reports and documents;

(6) Developing survey reports and assessment reports on implementation of law in each domain;

(7) Organizing meetings for publication and collecting public comments (from respondents and relevant state management agencies);

(8) Completing the assessment report.

Thus, since the effective date of Decree No. 59/2012/NĐ-CP, the monitoring of implementation of land laws has been implemented by the Ministry of Natural Resources and Environment in reality, and certain results has been achieved.

4.3 Results of land laws enforcement monitoring

4.3.1 A number of achievements in land laws enforcement monitoring

Firstly, in terms of institutional improvement on Land laws Enforcement Monitoring

In order to actualize Decree no. 59/2012/NĐ-CP, within the scope of their authority and liability, Ministry of Natural Resources and Environment has taken the initiative in developing a plan for monitoring land laws implementation, and urged relevant ministries and to report on the contents of monitoring land laws implementation based on available instruction. As guided by Ministry of Justice, Ministry of Natural Resources and Environment has required local cities to form Regulations on Land laws Enforcement Monitoring under management of Ministry of Natural Resources, which includes land issues. According to Report no. 65/BC-BTP², 13/63 provinces and municipalities have issued Regulations on Cooperation in Monitoring the Implementation of Laws on Natural Resources and Environment in the local cities or Regulations on Performances of Implementation of Laws on Natural Resources and Environment in the localities, 08/63 provinces and municipalities have been drafting or collecting consultancy from relevant agencies to develop Regulations Monitoring the Implementation of Laws on Natural Resources and Environment in the localities.

²Report no. 65/BC-BTP on 31st March 2016 by Ministry of Justice preliminarily reviewing of 03 years of implementation of Decree no. 59/2012 / ND-CP on monitoring the land laws enforcement.

Secondly, in terms of organizational situation, the plans for monitoring the implementation of laws are jointly organized periodically, annually or by specific topics

In 2012, Ministry of Natural Resources and Environment reviewed Land laws 2013 implementation for Draft of Land laws. Via recent participation from ministries, sectors, and localities in submitting reports to generalize land laws implementation, it is necessary to set up a system for monitoring and evaluating land legislation enforcement, which is contemporary, convenient, and effective, as well as better support land legislation making.

In 2013, Ministry of Natural Resources and Environment in cooperation with Ministry of Justice issued Plans for Land laws Monitoring, which concentrated on control of land administration in certain localities³. In 2014, there was also collaboration between the two ministries in conducting general observation on land laws implementation with 3 core contents: land, food safety, and health⁴. These are new features of this activity and they were applied nationwide. Based on these outcomes, Ministry of Natural Resources and Environment has adjusted the monitoring of land laws implementation in the form of self-proceeding in accordance with proper legal terms and coordinated with the relevant agencies; combine investigation and survey to capture the information directly and via self-assessment reports, which has brought about positive effects.

Thirdly, in terms of instruction, supervision, and inspection for performances of monitoring the implementation of land laws

In 2015, Ministry of Natural Resources and Environment assigned General Department of Land Administration to execute Report no. 1660/TCQLĐĐ issued on 9th November 2015 on assessment of land administration, land use, and effects of land policies and laws on socio-economic and environment development in 2015 with two major concerns: (1) How regulations on promulgation of legal documents have been implemented and (2) How regulations on management of administrative procedures in the selected fields have been implemented. In addition, Ministry of Natural Resources regularly directs the localities to pay more attention to report activities in line with regulations submit them to the Ministry of Justice after summarizing.

In 2015, Ministry of Natural Resources and Environment received a number of feedbacks on difficulties in implementing land laws observance in accordance with the criteria stipulated in Decree no. 59/2012/NĐ-CP and Circular no. 14/2014/TT-BTP, the Ministry monitored the implementation of law implementation in localities and compiled a report to send Ministry of Justice.

³In the provinces of Lang Son, Thanh Hoa, Ba Ria - Vung Tau, Hanoi capital city, Ho Chi Minh City.

⁴In 2014, the Ministry of Justice selected the field of food safety with the chain of vegetables and fruits to organize follow-up activities

Fourthly, on ensuring conditions to Land laws Enforcement Monitoring activities

Currently, the Ministry has consolidated and strengthened the legal organization pursuant to Decree no. 55/2011/NĐ-CP by the Government, assigned penetrative staff to implement land laws enforcement monitoring. Therefore, skills and professional qualifications, administrative management and political capacity of the staff doing this work is also gradually improved, contributing to improve the quality and effectiveness of monitoring the implementation of land laws.

Initially, expenditures to ensure monitoring process of land laws enforcement until 2015, according to Report no. 1660/TCQLĐĐ-CKSQLSDĐĐ, have been regularly provided in accordance with Law on State Budget, in order to partly meet requirements when implementing the work. Besides expenses covered by State budget, Ministry of Natural Resources and Environment have actively mobilized fundings from social and international organizations, or put this amount into other programs and projects to ensure land laws implementation.

In summary, land laws enforcement activities have been carried out by combining investigation and survey, and via self-assessment reports. Via this method, the information is collected from various sources, which can help ensure the impartiality, truthfulness, accuracy reflect exactly the process of monitoring land legislation enforcement.

4.3.2 A number of limitations in land laws enforcement monitoring

It can be seen that land laws implementation activities have witnessed remarkable results, especially after Decree no. 59/2012/NĐ-CP takes effect. However, by collecting documents, which are statistical data report from administrative records, and through aggregation of information from non-structured interviews, the author has identified some of the basic limitations in monitoring the implementation of land laws as follows:

Firstly, The system of criteria for land laws enforcement monitoring is enacted at slow pace

Although Decree no. 43/2014/NĐ-CP has stipulated functions (Article 92), principles (Article 93) and liabilities informing the system of criteria for land laws enforcement monitoring (Article 95) and Decree no. 36/2017/NĐ-CP has stipulated duties to build and operate the aforementioned system (Clause 6 Article 2), but until now, Ministry of Natural Resources and Environment it is not yet possible to issue specific criteria for monitoring the implementation of land legislation. This limitation has created a gap in the legal basis for this activity and also results in difficulties and confusion to local authorities when conducting land laws monitoring, and prevents this work from achieving high efficiency.

Secondly, Programs and plans for implementation of land laws are slow to be deployed

Through the summary of results from the administrative reports, it is found that although the Ministry of Natural Resources and Environment annually develops a plan for monitoring the law implementation on natural resources and environment, which includes land issues, However, the planning construction work remains passive, it is firstly depending on the Ministry of Justice's plan for monitoring the implementation of law, and the plan for inspection and examination. In the process of monitoring implementation of laws, there is a content on monitoring issuance of detailed documents, however, monitoring issuance of detailed documents also exists in inspection step, leading to overlap in assigned tasks. Nevertheless, in this case, law implementation is being conducted under a land laws system, so it is difficult to distinguish between law implementation in general and land laws implementation activities. This also limits the effectiveness of land laws enforcement (Department of Natural Resources and Environment of Vinh Phuc Province, Nghe An Province, Quang Binh Province, Phu Yen Province, Binh Duong Province and Ca Mau province) (from Question 5 of Results from Structured interviews in Appendix 2).

Thirdly The resources in monitoring the implementation of land laws are still in difficulties

Organizational apparatus for monitoring the implementation of law is still slowly consolidated and not organized synchronously from the central to the local level.

At MONRE, Law Implementation Monitoring Division is established under Legal Department, with 04 officers, 01 of them is the Head and 01 of them is the Deputy Head, The other 2 officers are responsible for eight fields within the scope of state management of the Ministry of Natural Resources and Environment (land is only one of the eight). (Report no. 1660/TCQLĐĐ-CKSQLSĐĐĐ on 09th November 2015). The officers appointed to carry out monitoring the implementation of law tasks are still lacking in quantity, with unequal professional qualifications, their experience in organizing law implementation observation is inadequate, not to mention constant changes in position and unstably concurrent activities, (Ms. Duong Minh Thuy, Head of Law Implmentation Monitoring Division).

Departments of Natural Resources and Environment have not yet set up separated Law Implementation Monitoring on Natural Resources and Environment Division in the localities. These units are operated under Policy Division, or Legal Division of the provincial departments (the information is shared by experts from Dien Bien, Son La, Bac Giang, Hai Phong, Vinh Phuc, Nghe An, Ha Tinh, Quang Binh, Quang Nam, Binh Thuan, Lai Thuan, Ba Ria-Vung Tau, Can Tho, Bac Lieu and Dong Thap). For departments that have not set up a legal department, one of the legal staffs will be in charge of legal activities in general, including inspection on implementation of the law on natural resources and environment. There exist localities that have not yet been able to delineate the

responsibility of the law implementation monitoring situation by sector, by fields and between the justice sector and other specialized management activities. (Report no. 65/BC-BTP, 2016).

Funds for monitoring the implementation of legislation on natural resources and environment are generally allocated to the legal work in general with a very limited budget. Likewise, expenses to monitor the implementation of law in localities are also facing many difficulties, including the fact that local budget can only be used to implement the task of preparing reports and organize some inspection on monitoring the implementation of law (Expert as the Deputy Director of Planning-Finance Department, MONRE, experts Ministry of Finance and Ministry of National Defense).

The process of law implementation observation is lack of participation, firm coordination among relevant agencies, organizations, central and local authorities and management units; between agencies in the administrative system with the People's Courts, the People's Procuracoes, People's Councils at all levels, mass organizations, communication agencies. (from the Head of MOJ).

Fourthly Lack of specific criteria to determine the level of law compliance

Currently, Decree no, 59/2012/NĐ-CP there are three criteria for monitoring law implementation in general, including criteria for compliance with the law.

Article 92 of Decree no. 43/2014/NĐ-CP details the functions of the monitoring and evaluation system, which only covers the implementation of the land laws; Analysis and assessment of management effectiveness, land use and impacts of land policies and laws on economic, social and environmental aspects..

In addition, Circular no. 14/2014/TT-BTP provides guidance on evaluation content such as "importance of training activities, dissemination of legislation on awareness of compliance and level of awareness among agencies, organizations and people ", "Timeliness and completeness in law implementation of state agencies and competent individuals" or the criterion "The accuracy and uniformity in the guidance for the application of law and that of State agencies and relevant authorities "does not provide specific guidance on what the level of compliance is, what activities are included ?.Compliance with the law is considered very general, qualitative, difficult to implement in practice (08 experts from the Ministry of Justice, Ministry of Planning and Investment, Ministry of Foreign Affairs) (from Question 9 of Results from Structured interviews in Appendix 2).

Fifthly, The outcomes from land laws enforcement monitoring has not yet adequately influenced the community, while the response to land legislation through the monitoring activities is still limited.

The land laws implementation monitoring in recent years has only been conducted by State management agencies and their results have not been publicly announced on the mass media. Those who are not civil officers directly carrying out work related to land management may find it hard to access results or reports on monitoring land laws. Thus, it can be understood that individuals and organizations have difficulties in accessing information on the results of land laws enforcement monitoring. As a result, the activity has not yet considerable influence and the consequence is that the response to land legislation from different social classes remain low⁰³ experts from Ministry of Natural Resources and Environment, Ministry of Construction and Ministry of Agriculture and Rural Development).

Social feedback and information from organizations and individuals on the law implementation situation make important contributions to the improvement of management and administration efficiency of the State as well as ensure that the law is implemented strictly and consistently. Practical work has shown that the monitoring of land laws implementation is a complex task with a large scope in large volumes. Meanwhile, the Ministry of Natural Resources and Environment and a number of other ministries and sectors have not yet mobilized non-State individuals and organizations to participate in monitoring the implementation of land legislation. Accordingly, the level of meeting the requirements for the work is still limited and the results of law implementation monitoring are not guaranteed objectivity. (from expert of Deputy Director of Department of General Legal Affairs, Ministry of Justice).

Sixthly, Solutions of results of monitoring law implementation have not yet timely and responsibly implemented

Every year, the Ministry of Natural Resources and Environment has a report on monitoring the implementation of land laws, including the results include: obstacles, inadequacies and recommendations to cope with land legislation questions. However, in fact, these results have not been processed yet (⁰² experts from the Ministry of Defense and the Ministry of Agriculture and Rural Development).

The handling of administrative violations, administrative coercion in the land field of land has not been thorough. The violations are not omitted, the application of land legislation is not in line with the provisions of the land legislation, such as the violation formed of sufficient elements for the handling of administrative settlement, but the handling agency only proposes reminder or improperly applies the fine bracket. The number of violations which been detected and processed tends to increase. The decisions on sanctioning of administrative violations in the field of land have not been strictly enforced and some sanctioning decisions have not been executed (from expert Hanoi Department of Justice).

Meanwhile, Decree no. 59/2012/ND-CP fails to regulate the responsibility for handling the results of monitoring the implementation of law, which will refer to the regulation of normal administrative responsibility. At present, settlements for results of monitoring the implementation of land laws is not clearly defined as the responsibility of the competent authority, Therefore, the handling of violations or proposal for handling of violations are carried out in the same order as other management activities, which are not specific and suitable to the nature of the law implementation activities (from Question 14 of Results from Structured interviews in Appendix 2). As a result, the management agency and the competent person are not responsible for monitoring the implementation of land legislation. Proposed solutions are not timely and inadequate, especially for cases that raise widely public concern (from expert of Ministry of Justice; from expert of Land Control, Use and Administration Department).

Seventhly, Results from land laws enforcement monitoring lack necessary association with land legislation

The most obvious drawback of monitoring land laws implementation at the present is that it has not yet brought about practical efficiency, and fully assisted to propose the fulfillment of land laws, contributed to socio-economic development of the country. At present, some localities have invested a great deal of efforts in monitoring the implementation of law in their management domains and areas so that they can make their opinions and proposals, yet after a few years, these suggestions and recommendations are not well processed. Responding to land legislation by monitoring the implementation of land laws has not witnessed remarkable progress, so it has not become a sharp and fast information channel in making assessments and objections to land legislation (Head of Law Implementation Monitoring Division).

4.4 Developing criteria for monitoring the implementation of land legislation

From the results of section 3 of Research Methods in this thesis, I have developed the criteria for land law implementation monitoring in Vietnam as follows:

Input criteria for the land law implementation monitoring process

(1) Criterion on evaluating the timeliness and completeness of the issuance of documents detailing the implementation of land legislation and measures for the implementation of land legislation.

According to Article 24 of Law on Promulgation of Legal Documents, Minister of Natural Resources and Environment issues circulars to regulate details of articles, clauses and points in the laws and resolutions of the National Assembly, the ordinances and resolutions of the Standing Committee of the National Assembly, the orders and decisions of the State President, the decrees of

the Government, the decisions of the Prime Minister and the measures for the performance of its State management functions.

Thus, Decree No. 59/2012/ND-CP the regulation on reviewing the issuance of legal documents remains inadequate because of the lack of documents stipulating measures to implement the state management functions under the authority fields of the Ministry of Natural Resources and Environment, including land (from Question 2 of Results from Structured interviews in Appendix 2). The author then added a document regulating the implementation of land legislation in this category.

Identify and assess timeliness based on two specific factors:

(1) Time of promulgation of documents detailing the implementation of the Land Law, the document stipulating measures for implementation of the land law compared with the effective time of the Land Law.

(2) The time of promulgation of documents detailing the implementation of the Land Law, the document stipulating measures for implementation of land law compared with the program for promulgation of legal documents issued by the Government, the Ministry of Natural Resources and Environment.

This assessment, if only determined as timely or not timely, does not fully reflect each stage and the meaning of the evaluation (Former Vice Minister of Ministry of Natural Resources and Environment); Accordingly, depending on the requirements of the document, it is possible to divide the assessment into more specific ones, for example: timely (promulgated simultaneously with the Land Law) / not yet timely but still feasible, for example: many problems encountered under 6 months, 3 months ... / delayed issuance leading to long time problems such as 1 year or more. As shared by Deputy Director of Legal Department, Ministry of Construction, this type of assessment should be conducted within 6 months from the effective date of the Land Law or the timeline for the promulgation of legal documents issued by the Government, the Ministry of Natural Resources and Environment. The competent units are supposed to issue documents detailing the implementation of the Land Law, and the document providing for this activity. The author argues that this view is reasonable and helps avoid document issuers taking any reasons for delaying the issuance of documents.

Assessment of completeness means to identify if contents of documents detailing the implementation of land law, documents stipulating measures for implementation of the Land Law mention sufficient contents including the assigned contents specifying the guiding provisions are clearly stated in the Law (For instance: assigning the Ministry of Natural Resources and Environment, the provincial people's committees, etc., to stipulate in detail and clearly guide the

regulations specifically assigned in the Law) and the contents are guided according to their competence, functions and tasks and requirements of management practice. Evaluation is based on the land law development program or through the written document stipulating measures for implementation of land law.

This can be seen as the most important criterion among criteria for monitoring the implementation of land legislation. Since the legal basis for monitoring the implementation of the law is a document detailing the implementation of land law. Without these documents, it is impossible to monitor the implementation of land law (form expert of Ministry of Agriculture and Rural Development). In conclusion, this is the first criterion presented.

(2) Criterion on promulgating programs and plans for monitoring land legislation.

Pursuant to Clause 2 Article 2 Decree no. 36/2017/NĐ-CP, Ministry of Natural Resources and Environment has the tasks and powers to promulgate long-term, five-year, and annual plans on organizing and directing the implementation of land legislation. On that basis, This criterion is designed to evaluate if the authority monitoring the implementation of land laws has fully promulgated programs and plans for monitoring the implementation of land legislation, and whether content is sufficient as the purpose, requirements, methods of implementation, time, funds, human resources as prescribed or not. The Ministry of Natural Resources and Environment, accordingly, can determine the desire of the authorities to monitor the implementation of land legislation, as well as the proper method for this activity. Moreover, Ministry of Natural Resources and Environment The assessment can be made by comparing the set objectives and results achieved over a set period of time, and the Ministry of Natural Resources and Environment will assess the level of implementation of land law implementation

This criterion also serves as a basis for determining which agency will perform which task of monitoring the implementation of land law in general, how the budget is calculated.(form expert of MOJ and from Question 5 & 6 of Results from Structured interviews in Appendix 2). As a result, this criterion should be included in the input of the land law implementation monitoring process.

(3) Criterion on examining, reviewing and systematizing land legislation.

In order to create a basis for the uniform implementation of land law from the central to local levels, the legal documents must also ensure the conformity with the Constitution, the law and the uniformity of the legal system. To make this possible, the inspection, review and the system of land legislation is to detect unlawful contents to timely stop the implementation, to amend or abolish the documents in accordance with the order and provisions of law and to recommend competent agencies or persons to consider and determine the responsibilities of the competent

agencies or persons that have promulgated the unlawful documents (form expert of MOJ and from Question 12 of Results from Structured interviews in Appendix 2).

This criterion is developed by the author based on the following contents:

On the examination of legal documents on land: It is the examination, evaluation and conclusion of the constitutionality, legality and consistency of legal documents which are examined and handling the unlawful documents (Article 3 of Decree No. 40/2010/ND-CP on examination and handling of legal documents. On this basis, the persons and agencies responsible for inspecting the legal documents shall provide data on the contents and quantity of the examined legal documents on land (according to their competence) / the total number of documents promulgated.

Regarding the review of legal documents on land: It is the review, comparison and evaluation of the provisions of the documents reviewed based on the Constitution and the Land Law for review as well as based on socio-economic development situation to detect, handle or propose the handling of unlawful, contradictory, overlapping, invalid or incompatible provisions (Clause 1, Article 2 of Decree No. 16/2013/ND-CP on reviewing and systematizing legal documents). On this basis, the person or agency competent to inspect the legal documents shall provide data on the content and quantity of the legal documents on land reviewed / the total number of documents relating to the Constitution and the land law.

Regarding the systematization of legal documents on land: it is the collection and arrangement of documents which have been reviewed and validated according to the criteria for arranging the documents stipulated in Decree No.16/2013/ND-CP (Clause 2, Article 2 of Decree No. 16/2013/ND-CP on reviewing and systematizing legal documents).

The result of this criterion is whether or not the content and number of detailed legal documents, the legal documents on enforcement measures are determined to be unconstitutional, against the law (against jurisdiction and against regulations), asynchronous, inconsistent, infeasible in the form of administrative reports (from deputy head of land administration in Son La province & form expert of CISDOMA).

(4) Criterion for ensuring organizational structure, human resources and finance for monitoring of implementation of law

Organizational structure in this criterion is construed as the state agencies that are authorized by law to monitor the implementation of land law.

Human resources in this category are construed as persons (who are civil servants or non-civil servants) assigned by the competent authority to monitor the implementation of land law.

Finance for monitoring of implementation of land law is construed as money from the state budget to cover salaries, expenses for equipment and expenses arising from the actual monitoring of

land law implementation.

According to the survey (Question 17 of Results from Structured interviews in Appendix 2), 61% of respondents said that the organizational structure, human resources and finance were insufficient to monitor the implementation of land law. This led to the ineffective monitoring of land law implementation. To overcome this problem, the author thinks that the criteria for ensuring organizational structure, human resources and finance is necessary. As the law of Vietnam has assigned the task of monitoring the implementation of land law, the allocation of the agency, person, and financial resources from the state budget to ensure the requirements for the implementation of this activity is a mandatory condition. This is also a criterion for evaluating the effectiveness and responsibility of monitoring of implementation of land law.

Output criteria for the land law implementation monitoring process

(5) Criterion on the timeliness, completeness, accuracy and uniformity in the application and guidance of implementation of land law

Application of land law is a form in which all individuals and organizations in the society apply land legislation in concrete cases. However, not all individuals or organizations can understand and apply correctly and consistently the provisions of land law. This leads to the need for timely interpretation and guidance from the competent authorities in the state management of land. If the explanation, application and guidance are untimely, incomplete, inaccurate and inconsistent, the consequences can be the loss of trust from the people towards the state (from expert of Vietnam General Confederation of Labor), or conflicts, disputes, complaints and denouncements may appear in the society (from expert of DONRE Hanoi).

This criterion is proposed by the author to assess the responsibility of the authorized person to make decisions in the field of land, the state management agency on land in the application and guidance of implementation of land law. Accordingly, it is possible to assess whether or not the person or agency competent to exercise State management over land has promptly guided on the application of land law in a full, accurate and consistent manner.

The levels of evaluation in this criterion consist of:

The provisions of the documents on land have been promptly, fully, accurately and consistently guided by state agencies and competent persons.

The regulations have not been timely and fully implemented, without guiding or with inaccurate or inconsistent guiding (handling according to their competence and proposing the competent bodies to handle them).

The specific cases are not timely, fully, accurately and consistently applied by the competent authorities and the competent persons.

The results of this criterion assessment are based on the scoring method. Each level is 5 points apart and the highest score is 10.

(See more Question 1 & 2 of Results from Structured interviews in Appendix 2)

(6) Criterion on compliance with land law.

As analyzed on lack of specific criteria to determine the level of compliance with the law in Section 4.3.2-Some restrictions in monitoring the implementation of land law and from Question 9 & 10 of Results from Structured interviews in Appendix 2, with this criterion, the author proposes as follows:

Compliance with laws is construed as the law-abiding behavior of competent state agencies/persons in implementing land laws which can lead to direct changes that make good or bad changes in the situation, improve or not improve the objectives / tasks of compliance with land laws by competent state agencies/authorities (from the Lecturer of Ho Chi Minh City Law University).

Based on the number of law violations detected and handled, including criminal, administrative law violations, etc... in the state management of land, including:

(1) The number of violations due to lack of permits for works that require permits in accordance with the regulations, or the number of violations of works that are not in accordance with the granted permits.

(2) The number of violations due to non-compliance with the regulations and standards of the field of land.

(3) The number of violations detected but not yet processed; the number of remedial measures (if any);

Violations of the law on state management of land.

On this basis comparisons with the number of settlements completed by the competent people or agencies in state management of land will be made to assess the general level of law compliance of the parties in the land relations, thereby identify the shortcomings, limitations and find the subjective and objective causes of the case.

(7) Criteria on the inspection and examination of land law implementation

State inspection are activities of reviewing, evaluating and handling according to the order and procedures of competent state agencies regarding the implementation of policies and laws, tasks and powers of agencies, organizations and individuals prescribed by law. State inspection includes administrative inspection and specialized inspection. (Article 3, Law on Inspection).

Examination is the activity of reviewing the actual situation for evaluation Both inspections and examination are important tools and work as a common function of State management, which is a response to the "management cycle". In broad terms, inspection are a special type of examination,

whereas, in narrow terms, inspection includes both examination. However, as an independent activity, inspection is different from the examination on the subject, on the purpose of implementation, on the method of conducting, on the scope of activity, on the time of conducting, on the professional level. Inspections and examination are seen and assessed relatively. When it comes to inspection, it is often necessary to carry out many operations that are essentially examination. On the other hand, Sometimes, to carry out a check and clarify a certain case, the so called inspection is selected. Therefore, when referring to a concept, both inspection and examination are mentioned. (from the Lecturer of Ha Noi Law University).

Criteria on the timeliness, completeness, accuracy and consistency in the application and guidance of land law implementation process and the criteria for compliance with land legislation have been met. Nevertheless, from Question 11 of Results from Structured interviews in Appendix 2 a specific criterion for inspecting and examining the implementation of land law should be given for the following reasons:

Inspection and examination help ensure uniform enforcement of land laws in the executive system. After the promulgation of the land legislation documents, the inspection bodies can help the agencies, organizations and individuals to be aware of the law. In case they are aware or act incorrectly, they will overcome, thus ensuring that the law implementation is smooth, uniform and unified from the top, ensuring the rights and interests of citizens.(from expert of MOF, from expert of HOHA and from Head of Local Government Department in Binh Dinh Province).

Inspection and examination give compliance with the direction and management by the higher-ranking agencies and the subordinate agencies in organizing the law implementation and State administrative management of land: The system of State administrative bodies consists of a number of state administrative bodies, which are organized in a certain order from the Government, ministries, provincial People's Committees, departments, district-level People's Committees , district-level People's Committees and communal-level People's Committees. With the apparatus of large state agencies organized at administrative levels, one of the requirements to ensure a strong administration is that the administrative apparatus must be smooth, the direction and administration are carried out quickly, the administrative system must be disciplined, subordinate units comply with the higher-ranking units, the administrative order must be issued and followed synchronously; Officials must be responsible, fulfill assigned tasks, devoted to the work (from Deputy Head of Local Government Department in Da Nang city). With their functions, inspection and examination agencies take responsibility for the smooth, uniform and disciplined administration, enhance and spread positive factors and reward agencies, units and individuals with good performances, examine and handle the responsibilities of agencies, organizations and individuals that have

negative performances, thus supports the leaders of the State management agencies of the same level to increase the efficiency of state management on land field (from Deputy Head of Local Government Department in Lam Dong Province).

Inspection and examination will limit the abuse of power, prevention of violations on land legislation among State agencies, officials and civil employees in the state apparatus: Control of the effectiveness of the State administrative apparatus, in particular that the heads of the administrative agencies control the administrative apparatus under and the officials and public employees is an important factor to ensure the legitimacy of the state administrative apparatus. To do so, heads of state administrative agencies are supposed to regularly inspect the officials and public employees under their management. There must be a sector or specialized agency which regularly inspects and evaluates the performance of official and employees in relevant units, organizations and individuals so as to timely prevent law violations committed by the officials, as well as urge and warn the agencies, organizations and individuals committing acts of violation, if necessary handle those violations and set an example for others and prevent power abuse for private purposes (from Head of Local Government Department in, Thanh Hoa Province).

Inspection and examination ensures to provide feedback information related to the implementation of land legislation and propose amendments, and supplement of the land law in line with practical situation in order to take advantages of effectiveness and validity of state power: This is a crucial role for state inspection and examination agencies to help control state power, contribute to prove that state power is used properly, efficiently and effectively. Inspection units not only help organizations and individuals understand land law correctly, correct their existing errors in the legal performances, but also through the inspection, they provide feedback on the advantages and disadvantages that the organizations and individuals have had in the implementation of policies and laws, submit recommendations to competent responsible persons to work out measures to remove difficulties and / or modify mechanisms and policies for improvement of State management efficiency (from deputy director of the Department of Natural Resources and Environment in Da Nang City, from Deputy Head of Local Government Department in Quang Ninh Province).

In brief, via aforementioned analyzes, the presence of criteria for inspection and examination is required in the implementation of land law implementation.

Criteria for assessing the impacts of the land law implementation monitoring process

(8) Criteria for assessing the impacts of land law

Land law and especially the documents detailing the implementation of land law, the document stipulating measures to implement land law, play an extremely important role and effect in social life. They are usually the most detailed and specific guidelines and are issued and used

over a long period of time, so the impact assessment should be scientifically and finely. Assessments of the impact of these documents are usually conducted through the assessment of the effectiveness of legal documents (assessment of the actual results of legal documents in social life). Unlike the impact assessment of draft legislation (predictive assessment of the impact of draft legislation), The development of this criterion is to evaluate the effectiveness of legal documents in the process of regulating social relations, which has the effect of capturing what is actually happening in practice, with an aim to perfect the land legislation in particular, and the legal system for future in general (from expert of Communist Party of Vietnam).

The evaluation of the effectiveness of the legal documents on land should be conducted in accordance with certain criteria with the same measure and within the same scope (from the Lecturer of Hanoi Law University). Each type of evaluation may be conducted by different agencies, organizations and individuals with different criteria; while they also have many similar criteria in evaluating (from Question 14 of Results from Structured interviews in Appendix 2). However, each type of assessment should focus on certain key criteria (from expert of Vietnam national real estate association). According to the author, the criteria for assessing the impacts of land law should be focused on: (i) territorial scope (assessed according to administrative units of provinces and cities), (ii) the time of determination (based on the plan for monitoring the implementation of land law or the reporting year); (iii) as the legal document on land consists of a number of different regulations or documents, the content of this assessment may be based on the allocation of each chapter as stipulated in the Land Law. The results of this criterion is that the body that conducts the monitoring of the land law will be able to point out the impacts of the document in practice (both positive and negative, if any) and the causes of these impacts in the form of administrative reports.

The significance of building this criterion is to evaluate the effectiveness of land legislation after a certain period of implementation (from expert of Vietnam General Confederation of Labor). In addition, this is the basis for comparing the forecasts of the impacts from the draft legislation on all social aspects.(Mr. Tran The Tai, Vietnam national real estate association). As a result, the units responsible for land legislation will study and propose to abolish unlawful regulations that are no longer suitable, or they can amend and supplement incomplete regulations, overlapping rules or conflicts, or propose the development of new legal documents to regulate newly established land relations, or replace old regulations that are no longer suitable.(from expert of Oxfam).

(9) Criteria on the dissemination and education of land law in a timely and complete manner

Law dissemination and education is to communicate and raise the legal knowledge in a

precise, complete, clear, understandable, practical, timely, regular and focused manner which is in accordance with the provisions of law, international treaties to which Vietnam is a contracting party, international agreements, fundamental rights, and obligations of citizens in social relations, powers and responsibilities of state agencies, cadres and civil servants, and newly issued legal documents; sense of law compliance and observance; sense of law protection; benefits of law observance; examples of typical individuals in law implementation (Article 3, Law on Legal Dissemination and Education).

According to from expert of Ministry of Finance, Law education and dissemination is the first and most important step in bringing legal content into social life. In order to raise awareness and sense of law observance in state agencies, public servants, communities, enterprises, and people, the content of relevant legal documents should be widely disseminated. In addition, it is necessary to help them fully understand and strictly follow the legal regulations. Thus, the law provisions must be fully disseminated (to ensure completeness) and must be implemented as soon as the document has been issued (to ensure the timeliness)

Since legal documents relating to the land field in Vietnam have been issued by a number of agencies with increasing quantity and complexity, dissemination and education of land legislation is a mandatory requirement in implementation of State management tasks on land (from Question 3 & 4 of Results from Structured interviews in Appendix 2). In order to assess the adequacy and timeliness of land law dissemination and education activities, the following steps should be conducted:

Evaluating the organization of this criterion through the promulgation of law dissemination and education plans. Evaluation of legal dissemination and education results is based on annual reports of relevant ministries and localities. Accordingly, Ministry of Natural Resources and Environment can summarize if activities of land law dissemination and education is timely, if the content of law dissemination and education is in line with given documents, if forms of implementation of this activity are consistent with the land field, and if related units and individuals are well informed.

In fact, not all people have the opportunity to participate in the dissemination and education of land legislation, or they may have participated but not fully and properly understood the content of legal documents, resulting in obstacles for state management agencies on land. Misunderstanding will lead to the risk of improper implementation and the consequences may be administrative violations. It may become even more serious in case of criminal prosecution.

Dissemination and education of land law is considered the first task in the process of land law implementation. Therefore, the author believes in the vitality of developing this criterion. This

is also a guarantee that the land legislation documents are feasible, specific, practical, and they will bring about socio-economic efficiency in state management activities.

(10) Criteria for coordination in land law implementation monitoring

Coordination is the manner in which agencies and organizations work together to carry out their assigned functions and tasks with an aim to achieve common goals. The ultimate goal of coordination is to create unity, consensus, quality assurance and effectiveness in management and implementation of tasks (Syllabus on Administrative Law, Hanoi Law University).

Land management liabilities in Vietnam are assigned to many ministries and agencies at different levels, as well as decentralized along the vertical of each domain according to the dimension of the territory and assigned to the Ministry of Natural Resources and Environment as the focal point for state management of land throughout the country.

The effective monitoring of the implementation of land law is a success not only due to the efforts of the Ministry of Natural Resources and Environment, but also the contributions and coordination of all agencies, organizations and people through the provision of information, exchange of documents, figures, statistics, and reports...; In examining, inspecting and handling violations of land (from expert of Ministry of Natural Resources and Environment). In order to fulfill its role as the focal point, the Ministry of Natural Resources and Environment should develop this criterion as a prerequisite for assessing the effectiveness of monitoring land law (from Question 16 of Results from Structured interviews in Appendix 2).

This criterion should include content such as: (i) The coordination mechanism among relevant agencies and competent individuals in the implementation of land legislation, (ii) The responsibility of the parties to monitor the implementation of land law, (iii) sanctions in coordination when it comes to monitoring the implementation of land law.

Establishing criteria for coordination in monitoring the implementation of land law will help Ministry of Natural Resources and Environment to obtain data reflecting the level of cooperation and responsibility of the parties in this activity.

(11) Criteria for publicity and transparency with explanation included in land law implementation monitoring

Publicity and transparency are essential requirements for the practice of democracy which help ensure the right of the people to participate in the administration of the country and the society. Transparency in monitoring implementation of the land law is reflected in the publicity and transparency of all activities in this work such as: Disclosure of land legislation documents, decisions, plans, programs and the results on monitoring the implementation of land law (except for parts classified as State secrets as provided for by the law). More importantly, publicity and

transparency are an effective way to prevent and fight against corruption between the upper levels and the subordinates and to exclude subjective judgments on assessing the results of monitoring land law.

According to survey results from the questionnaires, recently, there have been viewpoints stating that the publicity and transparency in monitoring the implementation of land law is at low quality, people remain lack of information on this work. At the same time, according to the results of the questionnaires, interviewees also assume that the publicity and transparency of land law implementation monitoring activities is inadequate. Justification or responses must be made by organizations, residents or anyone who has comments or is unclear about the content stated in the report. or data derived from the results of monitoring the implementation of land legislation announced by the competent authority (from Question 19 & 20 of Results from Structured interviews in Appendix 2).

Publicity and transparency of land law implementation activities will help State agencies better enhance their involvement in performing land management tasks, and become more responsible for ensuring accuracy when it comes to release of information about monitoring the implementation of land law.

5. Conclusion

5.1 Achievements of the Thesis

The thesis has contributed to the monitoring of land law implementation both theoretically and practically.

In theory, the thesis has proposed to Vietnamese land managers a comprehensive approach to specific concepts, requirements, and solutions for the development of criteria for monitoring of land law implementation while the Ministry of Natural Resources and Environment is still in the process of developing these criteria. Basing on theoretical requirements, the author needs to focus on clarifying the fundamental concepts include: the implementation of law; the differences between the concept “the implementation of law” and the “law enforcement”; the definition of monitoring the implementation of land law; the characteristics of monitoring the implementation of land law compared with the monitoring of implementation of law in general; more importantly, the definition of the criteria for monitoring the implementation of land law and the requirements for a set of criteria for monitoring the implementation of land law in Vietnam. With these contents, the thesis is the first study to clarify the theoretical issue of monitoring of implementation of land law in a comprehensive way, based on comparison, synthesis, analysis of the views of international and national researchers. (Most of the researches on this subject by Vietnamese authors are articles in journals, with limited capacity for authors to focus on the basic concepts of monitoring of implementation of law and monitoring of implementation of land law). The theoretical content of the thesis can also be used to support the theoretical foundation for the development of the criteria for monitoring of implementation of law in a particular field.

The thesis also provides an overview of the legal system for monitoring of implementation of law in general and for monitoring of implementation of land law in Vietnam in particular, which in turn becomes the basis for the evaluation on the effectiveness of the monitoring of implementation of law.

After clarifying the fundamental theoretical issues, the author focuses on the studying the actual situation of monitoring the implementation of land law in Vietnam, especially since the Land Law in 2013 took effect and since the effective date of Decree No. 59/2012/ND-CP on monitoring of implementation of law. Thus, ever since the two documents came into force, the monitoring of implementation of land law has not been carried out for a long time nor for quite a short time, but just enough for the author to study and make conclusions about the effectiveness of this activity, and to point out the inadequacies and limitations of the regulations and the implementation, the coordination among the agencies with regard to this problem in reality.

In practice, the thesis has helped assess the effectiveness of monitoring of implementation of law, pointing out the limitations of monitoring the implementation of current land law. These limitations are not only assessed via the review reports of the competent authorities for the monitoring of implementation of land law, but also via the thorough and sophisticated structured and unstructured interviews. This ensures the objectivity of the conclusions drawn in the dissertation. From the practical assessment of the monitoring of land law implementation, the author analyzes the shortcomings and inadequacies in the provisions on monitoring the implementation of land law and the criteria used for the monitoring of implementation of land law. On this basis, the author identifies and develops an appropriate criteria system for monitoring of land law implementation (which has never been proposed in any other research before).

Criteria for monitoring the land law implementation are developed in the direction of a closed process. This process has a new begin and consists of standards for assessing whether documents detailing the implementation of land law, documents on land law enforcement measures are issued promptly with proper contents. Accordingly, the contents are reviewed and checked if there exist errors, conflicts with the Constitution and with the Land Law. I will list the documents according to the time issued and the hierarchy of legal documents on the programs and plans for monitoring the implementation of land laws in order to indicate the purposes, requirements, contents of work, and evaluation of organizational structure, human resources, finance and facilities. The outputs include criteria for assessing the application and implementation of land legislation, whether they are timely, complete, accurate, unified from the central to local levels or not, the level of compliance with land laws and the activities of inspecting and examining the implementation of land law in order to detect and promptly handle land violations. As a result, land law observers assess the impact of land legislation and compare the effects of land legislation with predicted impacts from the start and other impacts, to propose competent persons and agencies to amend, supplement or cancel or annul land legal documents. In addition, the author also presents criteria for ensuring land law enforcement monitoring activities, including the criteria for dissemination and education of land legislation for related individuals and communities, how to coordination when it comes to the implementation of land law enforcement monitoring, and the criteria for publicity and transparency of information on the aforementioned process .

For each specific criteria, I have pointed out an explanation of how to understand that criterion, what actions to take, and what they imply.

It can be said that the thesis is the first comprehensive research on a very specific issue in the legal system of Vietnam - developing criteria for monitoring and implementation of land law. The strength of the thesis is that the author has conducted a thorough and sophisticated structured

and unstructured interviewing method. In the structured interview style, the author provides detailed questionnaires based on the requirements for evaluating the monitoring of land law implementation from the opinion of the three different target groups. The number of people interviewed was 1139, which is equivalent to 1139 questionnaires. However, 45 of them refused to fill in the questionnaires and 7 questionnaires were invalid, so the total number of valid questionnaires was 1084. The groups of interviewees were diverse, and the interviews were conducted in 35 provinces and cities across the country. There has never been a study of any individual in Viet Nam with such a large number of interviewees. This will make the research outcomes more objective and comprehensive.

In the unstructured interview method, unstructured interviewees consist of 137 people who are experts, leaders of ministries, practitioners and specialists at the competent agencies involved in the land law implementation.

5.2 Some advantages and disadvantages in the research process

In the course of completing the thesis, the author has encountered some difficulties, leading to some problems when completing the thesis that are not up to the expectations of the author.

First, the difficulties in accessing international resources related to monitoring and implementation of land laws. The issue of law implementation monitoring has generally been addressed in a number of studies by international researchers, since monitoring of implementation of law is one of the most important issues to ensure the effective implementation of a legal system. The effective implementation of the monitoring of law implementation will promote social development when the state uses the law as a tool for social management. However, in most countries, the issue of monitoring of implementation of law is a relatively new issue. Many countries are only in the process of developing and perfecting the law implementation monitoring mechanism. For example, the Russian Federation promulgated its first legal documents on law implementation monitoring in 2011; In China, there is no official document in the legal system regulating the monitoring of implementation (Phung Viet Nga, 2015). In addition, as the field of land law is a “narrow” field, finding international research on land law implementation in general is difficult, and finding international research on monitoring of land law implementation is even more challenging. Another reason for the difficulty in accessing international resources on monitoring of land law implementation is the limited access to digital resources by international libraries. At Vietnamese libraries, it is almost impossible to find English documents on monitoring of land law implementation. The author has been trying very hard to access the foreign materials related to the thesis through online library systems of Tampere University and Monash University, Australia, but

the number of reliable international studies that the author has been able to access to is still not up to expectations.

Therefore, one of the limitations of this thesis is that it does not have comprehensive access to international studies on land law enforcement monitoring.

Second, the challenges stem from the novelty of the issues on land law enforcement monitoring in Vietnam. As analyzed, these issues began to be officially recognized in a complete document in Vietnam in 2012. Afterwards, a number of guiding documents related to land enforcement monitoring was issued.

Many issues, especially those related to clear definition of criteria for monitoring the implementation of land laws are still not specified in the guiding documents. Criteria for legal monitoring in general have been stated in legal documents in Vietnam since 2012 (from Decree no. 59/2012/ND-CP) and implemented for 5 years. Despite limited period of time, the inadequacies of this document have shown the need for a necessary and reasonable change. In addition, the Land Law is a specialized and typical field, with many differences occurring when it comes to practical implementation. Therefore, the law enforcement criteria generally cannot be applied for a law of a particular field such as the land one. Currently, the Ministry of Justice has not yet issued guidelines on the development of criteria for a separate legal sector, which is also a barrier for the author to search for sources from previous studies. The author has approached a relatively large number of national studies on law implementation monitoring, however, the author fails to find direct research on this issue by other researchers. It can be seen that the study on monitoring the implementation of land laws and building specific criteria in this activity is recent. The author is probably one of the first to go insight, and concentrate on such a new and particular field.

Thirdly, difficulties come when conducting interviews.

The research time for this thesis is very short, so it is initially expected that the author would conduct-structure interviews. However, when it comes to practical interview situation, the author finds that using only unstructured interviews will not help achieve the research goal. Land is a large and complex area that directly affects the rights and interests of people and businesses. The system of legal documents on land is substantial, which requires the monitoring of land law implementation to be built with specific criteria in order to form a basis for evaluation of law enforcement situation across the country, with the participation of many target groups. In particular, comments and opinions from civil society organizations (groups representing the voice of social classes, people) and land users having direct rights and obligations related to the performance of the activity should not be without, under any circumstances.

Therefore, the author determined that there should be a more comprehensive research. Therefore, the author decided to use the structured interview method with questionnaires conducted in 35 provinces and cities of Vietnam, with an aim to capture the situation of monitoring law enforcement in Vietnam and the direction for setting criteria of land law implementation monitoring, including the contents and purposes of the criteria and in accordance with the actual situation. Structured interviews with questionnaires were conducted in relatively short time, however, with favorable conditions of work position, the author tried to achieve an appropriate number of interviews who can help ensure objectivity of the outcomes. However, in a short time for research with a large workload to complete, the author could not conduct interviews on nationwide scales, so the number of people interviewed in certain groups failed to meet initial requirements, especially for direct land users.

Fourthly, the difficulty comes from the provisions on information security. When conducting non-structured interviews with experts, leaders and specialists in different ministries, agencies and local authorities, due to requests from the interviewee for confidentiality, the author are not supposed to publicize their names. Only their opinions are summarized in conclusions of the thesis. This also influenced how the thesis is organized, since it lacks specific quotes and opinions of from professional interviewees.

Fifthly, it is the work position that causes inconvenience for the researcher. One of the author's advantages is when conducting this study, the author is carrying out the work related to monitoring land law implementation activities at the central level so it is easier to access the information, as well as administrative reports. The contents, accordingly, are credible. Furthermore, the author has a working relationship foundation, making it easy to approach structured and non-structured interviewees. However, researcher is working for the state management agency on land, there may be situations when accessing or collecting information and conducting interviews, she lacks comprehensible viewpoint and is affected by the perspective of regulators rather than that from land users. The author tried to overcome this problem by conducting structured interviews from specific groups, which differs from the author's current position as described in the thesis.

5.3 Development orientation for the thesis

In the time to come, I desire to present my research results to professionals (those whom I have been approached to conduct structured or unstructured interviews) through a workshop. I expect them to see and understand the results that they themselves have well contributed.

I highly expect the results of this thesis to be presented to my manager, so that these criteria can be applied in practical situations. Initially, I would suggest putting the results into the annual

land law enforcement monitoring program of the Ministry of Natural Resources and Environment. Then, 14 provinces and cities where monitoring of land law implementation have been well performed will be selected (In 7 regions, each region will select 2 provinces and cities) and in Ministry of Natural Resources and Environment, the representative at central level, the pilot program will last one year. Then, I will aggregate the reflections on the criteria, the results, evaluate the results to find out the advantages and find the cause of the downside. Based on that, I refine the criteria that I have built. Finally, these criteria will be proposed to the competent authorities for issuance of official decisions. My goal is to be proactive in verifying the results of my research in practice and to better contribute to the work I am doing.

I hope that my thesis will be used as a reference for subsequent studies.

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- Circular No. 30/2014/TT-BTNMT dated 02nd June 2014 stipulates dossiers of land allocation, land lease, land use change and land acquisition.
- Circular No. 34/2014/TT-BTNMT dated 30th June 2014 stipulates the development, management and use of land information system.
- Circular No. 35/2014/TT-BTNMT dated 30th June 2014 stipulates land survey and assessment.
- Circular No. 36/2014/TT-BTNMT dated 30th June 2014 stipulates methods for land evaluation, making and adjusting land price, land valuation and consultation for land valuation.
- Circular No. 37/2014/TT-BTNMT dated 30th June 2014 stipulates compensation, support and resettlement in case of compulsory land acquisition.
- Circular No. 48/2014/TT-BTNMT dated 22nd August 2014 stipulates marking administrative boundaries, and making cadastral dossiers at different levels.
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Decree No. 22/2013/NĐ-CP dated 13th March 2013 stipulates the roles, duties, mandates and authority of the Ministry of Justice.

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Appendix 1

SURVEY QUESTIONNAIRE ON DEVELOPING CRITERIA FOR LAND LAW IMPLEMENTATION FOR ORGANIZATIONS AND INDIVIDUALS

IN 2017

RESEARCH AREA			
Province/Capital:.....			
Area: Urban	<input type="checkbox"/>	Rural	<input type="checkbox"/>
Region: Delta	<input type="checkbox"/>	Mountainous area	<input type="checkbox"/>
Islands	<input type="checkbox"/>		

....., date Month 2017

Signed by interviewee

Interviewer

(Sign and full name)

INTRODUCTION:

In order to develop effectively and scientifically the system of criteria for monitoring land law implementation according to the law, we implemented a survey with this questionnaire to collect opinions of related organizations/individuals. Based on the results of the questionnaire, we will summarize and evaluate in order to review and develop the criteria for monitoring land law implementation in Vietnam.

We have some questions that we would like to have your answer. All information you provide is confidential (if you request, your name is incognito). You can refuse to answer any question that you do not want. You can stop the interview at any time if you feel uncomfortable. The interview lasts 20 minutes.

Do you agree to join this interview?

1. Yes

2. No

This questionnaire is implemented:

Directly between interviewees and interviewers

Full name of the interviewee.....

If agreed, continue answering the below questions; if not, stop the interview).

Question 1: What sources of information do you often seek for legal documents and land law implementation? (*tick X for each choice*)

Source of information	The extent of effectiveness		
	Donot meet requirements	Partly meet requirements	Meet requirements well
Request the state agencies provide information about legal documents and guidelines for law implementation (For example: one - top shop for public administration at different levels)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conferences for disseminating law, trainings and guidelines for implementing land law of the state units.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Workshops, training from non-state organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet, websites of state units	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public announcement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lawyer offices, legal consultation, legal aid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acquaintance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Media	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Others (detail): Reports on the results of implementing land law and answering legal constraints	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 2: Which following point is needed for by-law documents regulating land law implementation?

1. Are these by-law documents needed to be issued at the same time with land law?

- Necessary:

- Unnecessary:

2. Do we need to issue all contents? (*tick X for each choice*)

Documents of the land law with detail regulations and guidance for implementing the law	Extent			
	High	Medium	Low	No

Issue all contents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Issue some contents according to reality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Issue some guidance first	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Do these by-law documents need to in line with the land legal documents of higher level units?

- Yes:

- No:

Question 3:How was the activity of checking, reviewing and systemizing land law documents implemented in your locality? (*tick X for each choice*)

Opinion	Extent of implementation			
	Frequent	Moderate	Rare	Not implemented
The content and number of land law documents are checked according to authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The content and number of land law documents are reviewed according to authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The content and number of land law documents are systematized according to authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Every year there is the synthesis of checking, reviewing and systematizing legal documents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recommend on the content of legal documents when these documents are not consistent with constitution, law and not synchronized and not feasible.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 4: Which way do we check, review and systematize land law documents effectively?

.....

Question 5: Please give your opinion on adopting programs, plans to implement land policy in your local area: (*tick X for each choice*)

Content	Extent			
	High	Medium	Low	No opinion
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Timely implementation of adopting programs and plans as assigned task or authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Full and exact implementation of adopting programs and plans as assigned task or authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 6: Do we need to issue programs and plans on monitoring land law implementation? (*tick X for each choice*)

Opinion	Extent			
	High	medium	low	No opinion
Must issue programs and plans as the state management task	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is no need to issue the programs and plans. We just need to implement programs and plans on monitoring land law implementation of higher-level organization or specialized organization for this task.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not necessary to have programs or plans; just base on the law regulations to implement the monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 7: Are the administrative system and staff enough for monitoring land law implementation? Is the system of monitoring land law implementation effective?

.....

Question 8: how does budget play a role in monitoring land law? (*tick X for each choice*)

Opinion	Extent			
	Essential	Normal	Not necessary	No comment
Budget for materials or tools equipping for those who are in charge of the monitoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Budget for building workplace of the system of the monitoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Budget for regular activities of the monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Budget for paying wages of those who are in charge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

of the monitoring				
Budget for unexpected activities of the monitoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 9: How do you evaluate the timeliness, completeness, accuracy and consistency in applying and guiding the implementation of land law of the state agencies or authorized persons, which relates to the fields of state management you know and your working fields? (*tick X for each choice*)

Opinions	Extent of evaluation			
	High	medium	low	No opinion
They implement adequately the rights, duties and are responsible for the results of their performance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guiding law implementation is done timely, fully, exactly and uniformly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applying and implementing the law timely, fully, exactly and uniformly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Solving complaints and recommendations of local people timely, fully, exactly and uniformly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 10: Do you think we need to have the criteria on the timeliness, completeness, accuracy and consistency in monitoring land law implementation? (*tick X for each choice*)

- Necessary: - Maybe: - Not necessary:

Question 11: How do you evaluate your law observance regarding to land law (click X for each answer)? (*tick X for each choice*)

Criteria	Extent			
	high	medium	low	no opinion
Interest in understanding the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Understand and be aware of the duties and responsibility regarding to the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Respect and implement strictly regulations of the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Willing to prepare conditions for implementing the law (time, money and materials)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Denounce violations of law implementers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Solve conflicts by using legal measures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participate in the state management, monitoring, critique on the state activities and practice your legal rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 12: Though observation and practices how do you evaluate the extent of observance and the results of law implementation of the state agencies or authorized persons? (*Tick X for each answer*)

Opinion	Extent		
	Incomplete	Completed	Over requirements
Objectives base on the law regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Task in action plans and programs on monitoring land law implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Targets in action plans and programs on monitoring land law implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Common objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 13: How do you evaluate the effectiveness of supervision on landmatter? (*tick X for each choice*)

Opinion	Extent			
	High	Medium	Low	Could not implement
The amount, the content of supervision of land law implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land law violations of the state agencies, organization or individuals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land law violations of the state agencies, organizations or individuals are recommended for solving via supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 14: How does land law implementation impact on subjects? Please describe the impact in detail? (*tick X for each choice*)

Subject	Extent			
	Positive impact	No impact	Negative impact	No opinion
The legal rights and benefits of people	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect
The legal rights and benefits of organizations	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect
The legal rights and benefits of the state	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect	<input type="checkbox"/> in economic aspect <input type="checkbox"/> in social aspect

Question 15: Do the local officials have full information on land law after trainings? (*tick X for each choice*)

Content	The extent of evaluation			
	high	medium	low	no opinion
Do the training classes disseminate full regulations on land law?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do the training classes have full participation of targets?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the training classes divided into the level of education and awareness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the number of trainees relate to the content of the trainings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 16: Do you think we need to disseminate and educate land policy in comprehensive way with newly issued regulations? (*tick X for each choice*)

Demand	Extent			
	High	Medium	Low	No opinion
Need to disseminate full content	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

According to financial condition, so disseminate full or partly content	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is no need to disseminate full content and depends on the demand of those who are in charge of implementing the monitoring land matter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is no need to disseminate and educate land policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 17: According to your opinion, how do you evaluate the cooperation among the state units and authorized persons in land law implementation? (*tick X for each choice*)

Cooperating activities	Extent of cooperation		
<i>Evaluation</i>	Right authority, clear responsibility	Timely Ensure requirement about time	Effectiveness, Meet purposes and requirements
Exchange and informing the situation of implementing law regarding their duties and power in land field (providing information, document exchange, reports, statistic, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cooperation to check the situation of land law implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cooperation to solve difficulties, conflicts and complexities in understanding and applying land law, organizing land law implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cooperation to advise the authorities to explain land law and recommend revision, amendments and issuing land law documents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Assess the impacts</i>	<i>Extent of impacts</i>		
The impact of cooperation on the results of law implementation	<input type="checkbox"/> positive	<input type="checkbox"/> negative	<input type="checkbox"/> no comment

Question 18: Via your experiences, how do you feel the criteria on transparency and public disclosure of the land law? (*tick X for each choice*)

Opinion	Extent of the feeling			
	High	Medium	Low	No
The state agencies disclose information relating to law implementation and decision making	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Based on their request, citizens are provided information relating to activities and services of organizations and authorized persons who are in charge in solving citizens 'issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The state organizations actively disclose or explain reasons of administrative decisions of organizations and results relating to organizations and individuals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 19: What solutions do the state agencies should have to improve the transparency and information disclosure in implementing their power and mandates?

.....

.....

.....

Question 20: Do you have any further recommendations to improve the monitoring land law implementation? Please detail?

.....

.....

.....

THANK YOU VERY MUCH!

Appendix 2

Results from structured interviews

Note: The synthesis of answers will be rounded up %

Question 1: What sources of information do you often seek for legal documents and land law implementation? (*tick X for each choice*)

Source of information	The extent of effectiveness		
	Donot meet requirements	Partly meet requirements	Meet requirements well
Request the state agencies provide information about legal documents and guidelines for law implementation (For example: one - top shop for public administration at different levels)	0%	31%	79%
Conferences for disseminating law, trainings and guidelines for implementing land law of the state units.	7%	36%	57%
Workshops, training from non-state organizations	53%	19%	28%
Internet, websites of state units	0%	24%	76%
Public announcement	9%	65%	36%
Lawyer offices, legal consultation, legal aid	0%	48%	52%
Acquaintance	18%	31%	51%
Media	26%	39%	35%
Others (detail): Reports on the results of implementing land law and answering legal constraints	3%	13%	84%

From the above results, land law-related information can be found in many sources in which reports on summarizing land law implementation or answering land law constraints account for 84%. In addition, we can request the state units to provide information on legal documents and guidelines for related law implementation (for example: public administration centers, one-stop

shops from commune level to provincial level and the state agencies which account for 79% and the internet and website account for 76%). There is not much legal information collected from workshops and training. The answer indicates that collecting information on land law is mainly based on the requirements of jobs or individual's matter. Therefore, interested people are active in finding land-related legal information.

Question 2: Which following point is needed for by-law documents regulating land law implementation?

1. Are these by-law documents needed to be issued at the same time with land law?

- Necessary: 93%

- Unnecessary: 7%

2. Do we need to issue all contents? (*tick X for each choice*)

Documents of the land law with detail regulations and guidance for implementing the law	Extent			
	High	Medium	Low	No
Issue all contents	82%	2%	0%	0%
Issue some contents according to reality	13%	2%	0%	0%
Issue some guidance first	0%	0%	0%	1%

3. Do these by-law documents need to in line with the land legal documents of higher level units?

- Yes: 31%

- No: 78%

The results indicate that by-law documents of the land law with detail regulations and guidance for implementing the law need to be entered into forced at the same with the land law, which accounts for 93% of the answers. In addition, 82% of interviewee chosen that all contents of the law need to be issued in the by-law documents. Adopting legal documents detailing the land law implementation and legal documents stipulating measures for implementing the land law does not need to be in line with legal documents of the higher level-agencies, which accounts for 78% of total answers. In brief, legal documents detailing the land law implementation and legal documents stipulating measures for implementing the land law need to have the date of enforcement, the contents issued and be consistent with higher level documents.

Question 3:How was the activity of checking, reviewing and systemizing land law documents implemented in your locality? (*tick X for each choice*)

Opinion	Extent of implementation			
	Frequent	Moderate	Rare	Not implemented

The content and number of land law documents are checked according to authority.	25%	49%	19%	7%
The content and number of land law documents are reviewed according to authority.	94%	3%	3%	0%
The content and number of land law documents are systematized according to authority.	97%	2%	0%	1%
Every year there is the synthesis of checking, reviewing and systematizing legal documents.	96%	4%	0%	0%
Recommend on the content of legal documents when these documents are not consistent with constitution, law and not synchronized and not feasible.	64%	31%	4%	1%

The result indicates that the content and the number of land law documents are systematized quite frequent with 97% interviewees agreeing, and 96% interviewee agreed that every year the synthesis of checking, reviewing and systematizing is implemented frequently. These points need to be enhanced in the future. However, only 25% interviewee supposed that the content and number of land law documents are checked frequently. This shows that the checking activity has not got much attention and need to be implemented more frequently. In other word, checking land law documents should be one evaluation criteria on reviewing, checking and systematizing land law documents.

Question 4: Which way do we check, review and systematize land law documents effectively? (*tick X for each choice*)

65% of interviewee supposed that this task should be implemented by inputs and outputs. Inputs are land law documents and outputs are results of checked, reviewed and systematized contents. Then next step is comparing the results with the number of legal documents, which is used to evaluate the effectiveness.

31% interviewees supposed that reviewing, checking and systematizing land law documents should be stipulated in legal documents.

Only 4% interviewees have no opinion.

Question 5: Please give your opinion on adopting programs, plans to implement land policy in your local area: (*tick X for each choice*)

Content	Extent			
	High	Medium	Low	No opinion
Timely implementation of adopting programs and plans as assigned task or authority	22%	63%	14%	1%
Full and exact implementation of adopting programs and plans as assigned task or authority	58%	35%	7%	0%

63% of interviewee supposed that timely implementation of adopting programs and plans is ranked at medium level while 58% of interviewee answered that full and exact implementation of adopting programs and plans is ranked at high level and 35% of interviewee ranked it as medium level. Therefore, adopting programs and plans is slow. There is a need to solve the issue; the solution is that stipulating timely programs and plans is a criterion of adopting programs and plans for monitoring law implementation.

Question 6: Do we need to issue programs and plans on monitoring land law implementation? (*tick X for each choice*)

Opinion	Extent			
	High	medium	low	No opinion
Must issue programs and plans as the state management task	94%	4%	0%	2%
There is no need to issue the programs and plans. We just need to implement programs and plans on monitoring land law implementation of higher-level organization or specialized organization for this task.	27%	33%	0%	0%
Not necessary to have programs or plans; just base on the law regulations to implement the monitoring	0%	3%	0%	0%

94% of interviewees chose that there is a must to issue the programs and plans on the monitoring, while just few people claimed that it is not necessary. Therefore, issuing the programs and plans needs to be integrated in the first step of local authorities in monitoring land law implementation.

Question 7: Are the administrative system and staff enough for monitoring land law implementation? Is the system of monitoring land law implementation effective?

61% interviewees supposed that the administrative system and staff are not enough to implement the monitoring land law implementation. Therefore, monitoring land law implementation is not effective.

25% interviewees supposed that the system is good and effective, but the staff is not enough for implementing the monitoring. They recommended adding more staff.

9% interviewees supposed that the system is not effective, but the staff is enthusiastic and well completes the monitoring at locality.

5% interviewees have no comment.

In brief, the administrative system is not really good, there is a lack of the staff that needs to increase, but current staff is quite enthusiastic and useful.

Question 8: how does budget play a role in monitoring land law? (*tick X for each choice*)

Opinion	Extent			
	Essential	Normal	Not necessary	No comment
Budget for materials or tools equipping for those who are in charge of the monitoring.	93%	6%	0%	1%
Budget for building workplace of the system of the monitoring.	64%	21%	12%	3%
Budget for regular activities of the monitoring	83%	17%	0%	0%
Budget for paying wages of those who are in charge of the monitoring	87%	8%	1%	4%
Budget for unexpected activities of the monitoring.	42%	51%	7%	0%

Budget for all the monitoring activities is essential, especially budget for tools and materials of those in charge in the monitoring and regular activities, wages for the implementers with 83% to 93% of interviewees agreeing on it. 51% interviewees supposed that budget for ensuring unexpected activities is ranked as normal. There are few opinions that the budget is not necessary. Hence, budget is one criterion for the monitoring.

Question 9: How do you evaluate the timeliness, completeness, accuracy and consistency in applying and guiding the implementation of land law of the state agencies or authorized persons, which relates to the fields of state management you know and your working fields? (*tick X for each choice*)

Opinions	Extent of evaluation			
	High	medium	low	No opinion
They implement adequately the rights, duties and are responsible for the results of their performance.	81%	27%	1%	1%
Guiding law implementation is done timely, fully, exactly and uniformly	78%	21%	0%	1%
Applying and implementing the law timely, fully, exactly and uniformly	69%	28%	3%	0%
Solving complaints and recommendations of local people timely, fully, exactly and uniformly	92%	7%	0%	1%

Most of interviewee evaluated well the timeliness, completeness, accuracy and consistency in applying and guiding land law implementation of the state organization and authorized persons. Namely (1) they implement adequately the rights, duties and are responsible for the results of their performance, which is ranked at high level with 81% of interviewee agreeing on it; (2) 78% of interviewees supposed that guiding law implementation is done timely, fully, exactly and uniformly at high level; (3) 69% of interviewees supposed that applying and implementing the law is done timely, fully, exactly and uniformly at high level; (4) the high percentage of interviewee, 92%, chose that solving complaints and recommendations of local people is done timely, fully, exactly and uniformly. However, there are few people having no answer for this question.

Question 10: Do you think we need to have the criteria on the timeliness, completeness, accuracy and consistency in monitoring land law implementation? (*tick X for each choice*)

- Necessary: 87% - Maybe: 13% - Not necessary: 0%

Most of interviewees supposed that it is necessary to have the criteria, accounting for 87%; just only 13% of interviewees chose that we maybe need to have the criteria.

Question 11: How do you evaluate your law observance regarding to land law(click X for each answer)? (*tick X for each choice*)

Criteria	Extent			
	high	medium	low	no opinion

Interest in understanding the law	43%	47%	8%	7%
Understand and be aware of the duties and responsibility regarding to the law	26%	35%	18%	21%
Respect and implement strictly regulations of the law	48%	36%	12%	4%
Willing to prepare conditions for implementing the law (time, money and materials)	21%	66%	22%	1%
Denounce violations of law implementers	19%	24%	57%	0%
Solve conflicts by using legal measures	49%	36%	15%	2%
Participate in the state management, monitoring, critique on the state activities and practice your legal rights.	11%	31%	39%	19%

The results indicate that the extent of the land law compliance is medium. 66% of interviewee supposed that they are willing to prepare conditions for implementing the law. There is no criterion that gets the 50% of evaluation at high level. Specifically 57% of interviewees supposed that they are able to denounce violations of law implementers. Participating in the state management, monitoring, critique on the state activities is evaluated at low level with 39% of interviewees. In addition, the results also show that the state of law observance is not high; there is a need to develop detailed evaluation criteria.

Question 12: Though observation and practices how do you evaluate the extent of observance and the results of law implementation of the state agencies or authorized persons? (*Tick X for each answer*)

Opinion	Extent		
	Incomplete	Completed	Over requirements
Objectives base on the law regulations	0%	82%	18%
Task in action plans and programs on monitoring land law implementation	7%	73%	20%
Targets in action plans and programs on monitoring land law implementation	16%	81%	3%

Common objectives	20%	78%	2%
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The extent of observance and the results of law implementation of the state agencies and authorized persons in general are evaluated at completed level. Implementing the objectives regarding to the law regulations and targets in action plans and programs is evaluated at completed level with high percentages of answers (respectively 82% and 81%). However, 20% of interviewees supposed that common objectives have been incomplete. Therefore, it is necessary to review the results of monitoring land law implementation to clarify this topic.

Question 13: How do you evaluate the effectiveness of supervision on landmatter? (*tick X for each choice*)

Opinion	Extent			
	High	Medium	Low	Could not implement
The amount, the content of supervision of land law implementation	78%	17%	5%	0%
Land law violations of the state agencies, organization or individuals	46%	31%	22%	1%
Land law violations of the state agencies, organizations or individuals are recommended for solving via supervision	37%	29%	33%	1%

The amount and the content of supervision of land law implementation is evaluated at high level effectiveness with 78% of interviewees while the land law violations of the state agencies, organizations and individuals is evaluated at high level effectiveness with 46% of interviewees. And the violations are commended for solving via supervision is ranked at high level effectiveness with 37%. It shows that there is the significant number of violations identified, but the number of violations is recommended for solving is quite low. Therefore, we need to have specific criteria for evaluation and propose solutions for supervision in the future.

Question 14: How does land law implementation impact on subjects? Please describe the impact in detail? (*tick X for each choice*)

Subject	Extent			
	Positive impact	No impact	Negative impact	No opinion

The legal rights and benefits of people	31% in economic aspect 37% in social aspect	18% in economic aspect 4% in social aspect	42% in economic aspect 58% in social aspect	9% in economic aspect 1% in social aspect
The legal rights and benefits of organizations	35% in economic aspect 56% in social aspect	0% in economic aspect 0% in social aspect	64% in economic aspect 42% in social aspect	1% in economic aspect 2% in social aspect
The legal rights and benefits of the state	63% in economic aspect 47% in social aspect	6% in economic aspect 2% in social aspect	29% in economic aspect 41% in social aspect	2% in economic aspect 10% in social aspect

The result indicates that land law implementation has impacted subjects. Mainly there are negative or positive impacts. Few interviewees do not agree with the answer that there is no impact. Besides, few interviewees have no answer for this question.

The interviewee has described as follow:

Regarding to people, most of interviewee supposed that land law implementation has negative impact to people. They believed that recovering the land being used by people currently changes their income and life. At the same time, the price for compensation is low and not enough for them restoring their residence. However, regulations on agriculture land use generate economic benefits and reduce poverty.

Regarding to organizations, economically they are impacted negatively because administrative procedure on land access or land lease, land allocation is time-consuming. Administrative officials somehow constrain the organizations, which impacts the operation and economic benefits of organizations. Socially speaking, organizations are one of land users. They are good social critique providing clear and direct messages to the state agencies in implementing land law and contributing positively to society.

Regarding to the state units, regulations on land law are getting improved, which helps the state manage land effectively and creates revenue for the state via tax and fee of land market. In addition, interviewees supposed that some authorized persons abuse their power to gain illegal benefits by violating the land law, creating negative impacts on economy and faith of foreign investors. This also ruins the faith of citizen to the state.

Question 15: Do the local officials have full information on land law after trainings? (*tick X for each choice*)

Content	The extent of evaluation			
	high	medium	low	no opinion
Do the training classes disseminate full regulations on land law?	74%	22%	4%	0%
Do the training classes have full participation of targets?	96%	3%	0%	1%
Are the training classes divided into the level of education and awareness?	51%	39%	0%	0%
Does the number of trainees relate to the content of the trainings?	72%	16%	0%	12%

The results show that the local officials understand information on land policies after trainings, accounting for 74%. 96% of interviewees answered that training classes have full participation of targeted people. However, the number of trainees relating to the content of the trainings at medium level accounts for 16% of total answers. So the trainings on land policy with full participation are the solution ensuring the comprehensive understanding of land law documents.

Question 16:

Do you think we need to disseminate and educate land policy in comprehensive way with newly issued regulations? (*tick X for each choice*)

Demand	Extent			
	High	Medium	Low	No opinion
Need to disseminate full content	86%	13%	0%	1%
According to financial condition, so disseminate full or partly content	27%	2%	0%	0%
There is no need to disseminate full content and depends on the demand of those who are in charge of implementing the monitoring land matter	6%	1%	2%	91%
There is no need to disseminate and educate land policy	0%	0%	98%	2%

86% of interviewee agreed that we need to disseminate full content of land policy; and 98% of interviewee disagreed that there is no need to propaganda land policy. Again we can claim that educating and disseminating land policy is very important.

Question 17: According to your opinion, how do you evaluate the cooperation among the state units and authorized persons in land law implementation? (*tick X for each choice*)

Cooperating activities	Extent of cooperation		
<i>Evaluation</i>	Right authority, clear responsibility	Timely Ensure requirement about time	Effectiveness, Meet purposes and requirements
Exchange and informing the situation of implementing law regarding their duties and power in land field (providing information, document exchange, reports, statistic, etc.)	3	1	2
Cooperation to check the situation of land law implementation	2	2	2
Cooperation to solve difficulties, conflicts and complexities in understanding and applying land law, organizing land law implementation	1	1	2
Cooperation to advise the authorities to explain land law and recommend revision, amendments and issuing land law documents.	3	2	2
<i>Assess the impacts</i>	<i>Extent of impacts</i>		
The impact of cooperation on the results of law implementation	32% positive	34% negative	32% no comment

Regarding right authority and clear responsibility, the first and fourth activities got high rank with three points. The second activity got medium rank with two points. The third activity got low rank with one point. This evaluation shows that solving difficulties, complexities and conflicts in understanding and applying land law has not been effective.

In term of timely requirement, the above activities are evaluated at medium and low level. There is no activity with high rank. Therefore, ensuring time for activities has not been implemented adequately.

In term of effectiveness, achieving objectives and requirements, all activities are ranked at medium level.

Therefore, evaluation of cooperation between the state units and authorized persons in land law implementation is a mandatory criterion of monitoring land law implementation.

Question 18: Via your experiences, how do you feel the criteria on transparency and public disclosure of the land law? (*tick X for each choice*)

Opinion	Extent of the feeling			
	High	Medium	Low	No
The state agencies disclose information relating to law implementation and decision making	47%	31%	10%	12%
Based on their request, citizens are provided information relating to activities and services of organizations and authorized persons who are in charge in solving citizens 'issues	25%	62%	9%	4%
The state organizations actively disclose or explain reasons of administrative decisions of organizations and results relating to organizations and individuals.	36%	41%	16%	7%

The results show that criteria on transparency and public disclosure of the land law have some extent. 62% interviewees feel that citizens are provided information relating to activities and services of organizations and authorized persons. Only 25% interviewees have the high feeling on this aspect. 36% of interviewees have the high feeling that the state organizations actively disclose or explain reasons of administrative decisions of organizations and results relating to organizations and individuals, and comparing to other points, the highest percentage of 47% interviewees have the high feeling that the state agencies disclose information relating to law implementation and decision. Less than 10% interviewees have less feeling that the criteria on transparency, information disclosure of land law are implemented. In order to develop the administrative system with transparency and information disclosure, we suppose that this aspect should be developed as

mandatory criteria to ensure the accuracy and consistency of land law monitoring information in Vietnam.

Question 19: What solutions do the state agencies should have to improve the transparency and information disclosure in implementing their power and mandates? (*tick X for each choice*)

46% interviewees suppose that transparency and public disclosure on monitoring land law implementation need to have explanation. Explanation bases on requests or the organizations provided is a requirement to practice democracy and ensure the citizens' rights participating in the state management. More importantly, it is a solution to prevent corruption. As mentioned in article 32a in the law on anti-corruption "When having request, the state agencies need to explain their decisions and behaviors in implementing duties and power to organizations, individuals impacted by their decisions.

21% interviewees suppose that we need to have a specific source of information for monitoring land law implementation on the websites of units in charge of Natural Resources and Environment from the central to local, helping citizens' references and comments.

18% interviewees suppose that we should have regulations on the transparency and public disclosure on monitoring land law implementation and linkage between it and the responsibility of the persons who lead this activity.

Only 3% interviewees suppose that we should not introduce this aspect on developing criteria for monitoring land law implementation because transparency and public disclosure is a mandatory task for each state unit.

The left with 12% interviewees have no answer.

Structured interviews have helped the author to develop draft criteria for monitoring the implementation of land legislation. In order to have more theoretical bases and inputs to improve/finalize the criteria, the author should consult with relevant experts through unstructured interview method as presented in the following part.

Question 20: Do you have any further recommendations to improve the monitoring land law implementation? Please detail?

39% interviewees supposed that to improve the monitoring land law implementation, land users and non-state organizations should be involved in monitoring.

27% interviewees recommended that women should be involved in the monitoring (gender equality), in reality there is no gender equality in land access, land use and other benefits.

14% interviewees recommended that citizens should be involved directly in the monitoring.

6% interviewees supposed that the monitoring need to have delivering assignments and cooperation between the state units and other civil organizations.

24 % interviewees have no opinions.

Appendix 3

Question 1: In your opinion, what is the current status of monitoring the implementation of land laws?

Question 2: In your opinion, does the monitoring of land law implementation require a criterion system?

Question 3: According to your experience, what should be the criteria for monitoring the land law implementation? What are their contents?

Question 4: The author have developed a draft guideline on the development of criteria for monitoring the land law implementation, in your opinion is the draft reasonable, is there any contents needed to remove, amend or supplement?

Question 5: In your opinion, after development of the criteria for monitoring the land law implementation, is it necessary to submit them to competent authorities for issuance or pilot implementation?

Appendix 4

Results from unstructured interviews

According to from the Department of Local Government under the Ministry of Home Affairs (MOHA), monitoring the implementation of land legislation is a "quite difficult and complicated" task because it is a state management activity and special. This activity does not directly create physical values, but this activity itself has certain effects on the process of creating material values and makes this process happen fast or slow.

According to from MOJ, the Government's Decree No. 59/2012/ND-CP on monitoring law implementation provides 03 major groups of criteria: (1) criteria on promulgating legal documents specifying the implementation of legal documents; (2) criteria on ensuring the conditions for law implementation; (3) and criteria on law observance. However, according to, the above criteria are only the goals. But in order for such criteria to be implemented in the field of land, there must be a separate system of criteria for monitoring the implementation of land legislation. This system of criteria should be "hands-on" tools for managers and staff to use directly in their work.

According to from MOJ, the criteria for monitoring the implementation of land legislation should be a matrix that guides how to select which information to monitor and fully describes how to monitor the implementation of land legislation. Also, the criteria should clearly define the objectives and scope of the monitoring, what should be measured, who is responsible for monitoring, the frequency of monitoring and reporting at each level from input to output, outcomes and impacts.

According to the study on land governance assessment framework in Vietnam (by –from some experts of World Bank), the development of the framework for monitoring and evaluating the implementation of land legislation is based on results. This means creating a tool for continuous monitoring based on the inputs resulted from collecting and analyzing newly-issued documents and outputs obtained from land-law monitoring process to serve periodical evaluation of the impacts of such legal documents on the socio-economy and the conditions to ensure the monitoring of the implementation of land legislation.

According to, the former Director of the Legal Research Institute of MOJ, the input indicators indicate the investment resources for monitoring the implementation of law to ensure that the objectives of the land legislation system are sufficient, consistent, non-overlapping and non-contradictory. The output indicators indicate the products generated directly from mobilizing and using conditions to ensure the implementation of law implementation monitoring. The impact

indicators reflect the effectiveness, measure economic and social impacts, and land law system resulting from the monitoring of the implementation of land legislation after a period of time and on a certain scale.

Accordingly, the monitoring of land law implementation is carried out with all input criteria (assessing whether documents detailing the implementation of land laws, documents stipulating measures to implement land laws are promulgated in a timely manner with adequate contents or not? Based on this to review and systemize land legislation, especially the organizational apparatus, human resources, finance, infrastructure in order to be able to monitor land law implementation according to the purposes of land managers), output criteria (assessing whether the application of and guidance on land law implementation is in a timely manner, sufficient, accurate, consistent from the central to local level or not ? how land legislation has been complied? and how land law implementation has been examined/ inspected?) and impact criteria (comparing the effects of the actual implementation of land legislation with the predicted impacts upon the development of land policies and legislation, and based on that to come up with solutions such as amendment, supplementation, cancellation and abolition of land legislation). In addition, it is necessary to have conditions to ensure that land law implementation activities are carried out (for example: whether or not the programs/ plans on monitoring the implementation of land legislation clearly indicates objectives, requirements, who are assigned to do what and how? How is the coordination in monitoring the implementation of land legislation? Is land legislation disseminated to relevant/related people?).