



Draft Decree on compensation, support and resettlement upon land recovery by the State

The Land Law (amended) has been passed by the National Assembly, effective from January 1, 2025. The law consists of 16 chapters, 260 articles, including the amendment and supplementation of 180/212 articles of the Land Law 2013 and the addition of 78 new articles. In order for the Law to be implemented early and effectively, on March 5, 2024, the Prime Minister issued a Plan for the implementation of the Land Law of 2024 along with Decision No. 222/QĐ-TTg. Accordingly, the Prime Minister assigned the Ministry of Natural Resources and Environment to lead, coordinate with relevant ministries and sectors to develop a Draft Decree on compensation, support, and resettlement upon land recovery by the State, to be submitted to the Government for issuance in May 2024. This Decree details a number of articles and clauses of the Land Law on compensation, support and resettlement upon land recovery by the State. The subjects covered include state agencies exercising the rights and responsibilities of representing the collective ownership of land by the people, carrying out the unified task of state land management; land users as specified in Article 4 of the Land Law; and other relevant parties involved in compensation, support, and resettlement upon land recovery by the State.

The draft Decree consists of 3 Chapters: Chapter I: General provisions (from Article 1 to Article 7); Chapter II: Detailed provisions on compensation, support, and resettlement upon land recovery by the State (from Article 8 to Article 45); Chapter III: Implementation organization (from Article 46 to Article 49). Specifically, it stipulates the cases eligible for stable livelihood support; support for stable production, business, and regulations on the minimum resettlement quota when the State recovers land. In particular, Chapter II of the draft Decree divides the sections according to each content: Section 1: Compensation for residential land, other land within residential land, residential houses, and structures serving livelihoods (from Article 8 to Article 45); Section 2: Compensation for agricultural land (from Article 16 to Article 19); Section 3: Compensation for non-agricultural land not used for residential purposes (from Article 20 to Article 23); Section 4: Compensation for property damage, investment costs in land (from Article 24 to Article 32); Section 5: Support (from Article 33 to Article 40); Section 6: Resettlement (Article 41); Section 7: Budget allocation and payment of compensation, support, and resettlement (from Article 42 to Article 45).

According to the Decree, the responsibilities for organizing the implementation of compensation, support, and resettlement by central agencies, units, and provincial People's Committees are as follows: (1) Ministries, ministerial-level agencies, government-attached agencies, economic groups, general corporations, and centrally-run public non-business units with investment projects must be responsible for directing and organizing the inspection and examination of the implementation of compensation, support, and resettlement; coordinating with provincial People's Committees and organizations in charge of compensation and site clearance during the implementation process; ensuring funding for compensation, support, and resettlement as prescribed by the Decree. (2) Provincial People's Committees are responsible for issuing compensation rates for damages to houses, construction works, crops, livestock, directing the land recovery, compensation, support, and resettlement according to the stipulation of the Decree. (3) Ministry of Natural Resources and Environment is responsible for directing, organizing, guiding, inspecting and supervising the implementation of compensation, support, and resettlement as stipulated in the Decree and resolving any arising issues based on proposals from provincial People's Committees.

Once approved and issued, this Decree is expected to replace Decree No. 47/2014/NĐ-CP dated May 15, 2014 of the Government for regulating compensation, support, and resettlement when the State recovers land and Decree No. 06/2020/NĐ-CP dated January 3, 2020 of the Government for amending and supplementing Article 17 of Government Decree No. 47/2014/NĐ-CP. Ministers, Heads of ministerial-level agencies, Heads of government-attached agencies, Chairpersons of People's Committees at all levels, organizations, and individuals concerned are responsible for implementing the Decree.

The full text of the Draft Decree is being posted on the Government's electronic information portal www.chinhphu.vn; Ministry of Natural Resources and Environment's electronic information portal www.monre.gov.vn to gather feedback from agencies, organizations, individuals inside and outside the country ■

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