



State management of land needed to be innovated at the two-tier local government

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Implementing the Party and State's policy on innovation and reorganization of the political system to be streamlined and operate effectively and efficiently, from 1st July 2025 the two-tier local government has officially come into operation. The legal system in general and legislation on land in particular have had renewed regulations, relatively timely supplementing to suit the two-tier local government organization. However, there needs to be additional regulations and instructions in organizing the implementation of state management of land at the local level...

Summarizing the implementation of Resolution No.18-NQ/TW dated 25th October 2017 of the 6th Plenum of the 12th Central Executive Committee, the whole country has been implementing the Party and State's policy on innovation and reorganization of the political system to be streamlined and operate effectively and efficiently. Along with the reorganization and rearrangement of ministries and sectors at the Central level, the reorganization and rearrangement of administrative units at all levels nationwide into the two-tier local government (provincial and communal levels) has officially come into operation since 1st July 2025.

The reorganization and rearrangement of ministries and sectors at the Central level and local administrative levels have a great impact on the legal system and the organization for implementation of legislation in general. Most Laws are affected by the rearrangement and streamlining of the apparatus organization; many socio-economic activities need to be adjusted in the organization for implementation...

After the arrangement of the two-tier local government on 1st July 2025, the number of communal-level administrative units has changed significantly, from a total of 10,035 communal-level administrative units, this number has decreased to 3,321 units, including 2,621 communes, 687 wards and 13 special zones. Thus, there have been 6,714 communal-level administrative units reduced, equivalent to a reduction rate of 66.91%. Like other socio-economic fields, state management of land at the communal level will have to undergo many changes, in which it will both perform functions and tasks of the old communal level and perform new functions and tasks transferred from the old district level.

Right before the two-tier local government officially came into operation, the Government issued 28 decrees on decentralization, delegation of power,

and determination of authority when organizing the two-tier local government for socio-economic fields, in order to ensure the legal basis for the two-tier local government to operate smoothly and effectively. In particular, the Government issued Decree No. 151/2025/ND-CP dated 12th June 2025, stipulating the determination of authority of the two-tier local government, decentralization and delegation of power in the field of land. Decree No. 151/2025/ND-CP stipulates the authority, order, procedures for performing tasks and powers of competent agencies and individuals in the field of state management of land as prescribed in laws, resolutions of the National Assembly, ordinances, resolutions of the National Assembly Standing Committee, decrees of the Government, and decisions of the Prime Minister that need to be adjusted to implement the determination of authority, decentralization and delegation of power in the field of land.

On 20th June 2025, the Minister of Agriculture and Environment issued Circular No. 23/2025/TT-BNNMT stipulating the decentralization and determination of authority of state management in the field of land, including:

- Detailing a number of contents in Decree No. 151/2025/ND-CP of the Government stipulating the determination of authority of the two-tier local government, decentralization and delegation of power in the field of land.

- Amending and supplementing a number of articles of legal documents under the authority of the Minister of Agriculture and Environment to implement decentralization and determination of authority in the field of land.

Similar to other fields, land management is affected by the organization of the two-tier local government, requiring many contents related to administrative levels to be renewed, from amending



From July 1st, 2025, land statistics and inventory activities at the local level shall be implemented at the commune and provincial levels

and supplementing relevant regulations to guiding and directing the organization for implementation. Some areas of work that require relatively large changes in state management activities on land include:

- Land use planning and plans;
- Land measuring and cadastral mapping; land registering, preparing and managing cadastral records, issuing certificates of land use right and ownership of assets attached to land; building land database;
- Land statistics and inventories.

To clarify contents that need to be renewed, here are some specific issues:

1. FOR LAND USE PLANNING AND PLANS

The Land Law 2024 stipulates the system of land use planning and plans, including: National land use planning and plans; Provincial land use planning and plans; District land use planning and annual district land use plans; National defence land use planning; Security land use planning. According to provisions of the Land Law 2024, land use planning at all administrative levels includes following levels: national, provincial, and district. When organizing the two-tier local government, there will no longer be a district level, which means there will be no district-level land use planning and plans. The provincial and communal levels will both expand in terms of area, population, etc. due to the merger and consolidation of existing units. Issues raised for the system of local land use planning and plans include: (i) whether or not there

are communal-level land use planning and plans to replace district-level land use planning and plans, and how to organize for preparation and implementation of communal-level land use planning and plans? (ii) how to prepare and adjust land use planning and plans for new administrative units?

To address above practical needs, Decree No. 151/2025/ND-CP dated 12th June 2025 on the determination of authority of the two-tier local government, decentralization and delegation of power in the field of land has stipulated land use planning with following main contents:

- Article 14 of the Decree stipulates the responsibility of the communal-level People's Committee, including contents of land use planning and plans such as: Giving opinions on provincial-level land use planning prescribed in Point a, Clause 2, Article 70 of the Land Law; Organizing the preparation and adjustment of communal-level land use planning and 5-year communal-level land use plans prescribed in Articles 19 and 20 of this Decree; Publicly announcing the communal-level land use planning and the 5-year communal-level land use plan prescribed in Articles 19 and 20 of this Decree; Organizing the implementation of local land use planning and plans prescribed in Clause 3, Article 76 of the Land Law; Reporting results of implementation of land use planning and plans to the provincial-level People's Committee before 15 October every year prescribed in Clause 1, Article 77 of the Land Law.



- Article 19 of the Decree stipulates contents of communal-level land use planning and plans, including main contents: Basis for preparing communal-level land use planning; Contents of preparing communal-level land use planning; Mapping, building and updating communal-level land use planning data into the national land database; Provisions for localities, that already have urban planning or zoning planning prepared in accordance with legislation on urban and rural planning, are not required to prepare land use planning; Provisions on public announcement of communal-level land use planning; Adjustment of communal-level land use planning.

- Article 20 of the Decree stipulates contents of communal-level land use plans, including: Basis for preparing communal-level land use plans; Criteria for determining works and projects in communal-level land use plans; Gathering land use needs in preparing communal-level land use plans; Contents of communal-level land use plans; Mapping for communal-level land use plans; Provisions on public announcement of communal-level land use plans; Provisions on adjusting communal-level land use plans; Provisions on continuing to implement unfulfilled land use targets until the next land use plan decided and approved by a competent state agency; The period of the communal-level land use plan is 5 years.

Circular No. 23/2025/TT-BNNMT of the Ministry of Agriculture and Environment on the decentralization and determination of authority of state management in the field of land also stipulates amendments and supplements to a number of articles of Circular No. 29/2024/TT-BTNMT dated 12th December 2024 of the Minister of Natural Resources and Environment stipulating technical requirements on the preparation and adjustment of land use planning and plans including provisions guiding basic contents of communal-level land use planning and plans: Survey, collection of information and documents; Analysis and assessment of natural and socio-economic conditions, state of environment and climate change, assessment of resources directly affecting land use at the communal level; Analysis and evaluation of the current status of land use, land use changes in the past 10 years, and results of implementing the previous land use planning period; Determination of viewpoints, goals, and forecast of trends in land use structure changes; Orientation of land use during the planning period; Development of land use planning options; Contents of the 5-year communal-level land use plan in the communal-level land use planning; Development of reports on communal-level land use planning and

5-year communal-level land use plans; Techniques for preparing communal-level land use plans in cases where communal-level land use planning is not required.

Although the Government and the Ministry of Agriculture and Environment have promptly issued regulations on land use planning and plans when the two-tier local government comes into operation, there are still some issues on organization for implementation that have not been specifically guided, which may lead to inconsistent implementation in localities. Specifically:

- For newly established provinces and cities due to the merger or consolidation of old provinces and cities, should land use planning and plans of new provinces and cities be adjusted and consolidated by “addition” from approved land use planning and plans of old provinces and cities or should new land use planning and plans be re-prepared? This issue requires specific study by scientists and managers to have appropriate regulations, guidelines and solutions, both meeting immediate requirements of planning management and meeting long-term requirements.

On the other hand, the land use planning period is stipulated as 10 years, the land use plan period is 5 years. Currently, it is the middle of the land use planning period (2021-2030), the end of the first period of the 5-year land use plan. Is there a need for guidance on organization for implementation for provinces and cities to prepare an additional (or adjusted) provincial-level land use planning or only prepare a land use plan for 5 years of 2026-2030?

- For communal level: Each new commune needs to prepare land use planning and plan to meet immediate and long-term needs. Therefore, it is necessary to issue specific regulations and instructions for preparing and adjusting communal-level land use planning and plans for new communes; especially for the current planning period (2021-2030), there needs to be specific instructions on following contents: whether to prepare a land use planning for new communes or only prepare a 5-year land use plan (2026-2030) and prepare an annual land use plan; specific requirements on contents of land use planning and plans for the (new) communal level, how to inherit contents from approved district-level land use planning, etc.

2. FOR MEASURING FOR PREPARING CADASTRAL MAPS; REGISTERING, PREPARING AND MANAGING CADASTRAL RECORDS, ISSUING CERTIFICATES OF LAND USE RIGHT AND OWNERSHIP OF ASSETS ATTACHED TO LAND; BUILDING LAND DATABASE

According to provisions of the Land Law 2024 and related legislation, most of state management of land is carried out at administrative levels; many of which are carried out at communal-level administrative units, some local contents are carried out at 3 administrative levels: province, district, commune, and now are decentralized and determined authority at 2 levels: province and commune.

Commune is the basic administrative unit to carry out the state management of land: Measuring for preparing and adjusting cadastral maps; land registering, preparing and managing cadastral records; issuing certificates of land use right and ownership of assets attached to land; building cadastral database, land database. From 1st July 2025, most of new communes and wards are merged from old communes, wards and towns (on average, in the whole country 3 units merge into 1 new unit). New communes and wards have larger areas, leading to following basic impacts on land management contents:

2.1. For measuring for preparing cadastral maps

a. Boundaries of administrative units

Article 49 of the Land Law 2024 stipulates: “Boundaries of administrative units are established according to administrative units at communal, district and provincial levels. Administrative unit boundary records show information on the establishment, merger, division and adjustment of boundaries of administrative units and boundary markers, boundary lines of that administrative unit” and “The People’s Committee at the higher level directly directs and guides relevant People’s Committees at the lower level to determine boundaries of administrative units in the field and prepare records on boundaries of administrative units within the locality”.

The merger of communal-level administrative units changes administrative boundaries, giving rise to following tasks:

- Re-define administrative boundaries of new communes and wards, especially in cases where administrative boundaries of old units are not fully merged.

- Determine the total natural area of new communes and wards.

- Re-prepare administrative boundary maps and records for management.

Thus, there should be regulations and instructions to direct the implementation of above-mentioned tasks to manage administrative boundaries at the communal level.

b. Measuring, preparing and adjusting cadastral maps

Article 50 of the Land Law 2024 stipulates:

1. Cadastral maps are the basis for state management of land and building national land database. Measuring for cadastral mapping is carried out in detail for each land plot according to communal-level administrative units; where communal-level administrative units are not established, cadastral maps are prepared according to district-level administrative units.

2. Cadastral maps must be adjusted when there are changes in the shape, size, area of land plots and other elements related to contents of cadastral maps and at the same time updated in the national land database.

According to current regulations, cadastral maps are prepared for each communal-level administrative unit within the administrative boundary; showing details for each land plot regarding following contents: plot number, land area, purpose of use (land type), land users and some other geographical elements. The cadastral map of each commune may consist of many adjacent cadastral maps at one or more different scales (numbered from 1 to the end for each commune) depending on the density of elements and the accuracy requirements to be shown. Land management based on cadastral maps is management of each land plot. The serial number of land plots (plot numbers) on the cadastral map is numbered in Arabic numerals according to the plot code principle:

< plot code > = < province >< district >< commune >< map sheet >< plot number >

Thus, each land plot has a plot code and address that is unique in the cadastral map system; there are no two duplicate land plots.

When merging communal-level administrative units, the prepared cadastral map used for the new commune may cause problems:

- The map sheet number system is duplicated (if 2 old communes are merged, the new commune will have 2 map sheets number 1; 2 map sheets number 2...) and the address of each land plot is no longer unique, so it does not meet management requirements.

- It is necessary to combine adjacent map sheets of 2 old communes with administrative boundary lines passing through, so it is necessary to handle duplicate plot numbers; in this case, there may be overlaps or gaps when connecting the map border between 2 adjacent map sheets of 2 old communes; or when the map sheets have different scales.

To address above issues, there are currently not enough necessary regulations. The Ministry of Agriculture and Environment only stipulates in principle that the local government organizes implementation in accordance with provisions of the



Law and its guiding documents. In Article 8 of Circular No. 23/2025/TT-BNNMT, the Ministry of Agriculture and Environment has stipulated “Amending and supplementing a number of contents of Circular No. 26/2024/TT-BTNMT dated 26th November 2024 of the Minister of Natural Resources and Environment stipulating technical requirements on measuring and preparing cadastral maps”. However, amended and supplemented regulations only include main contents: Provisions on measurement excerpts, presentation and editing of measurement excerpts, and confirmation signatures in measurement excerpt cases; Provisions on central meridians of cadastral maps, and measurement excerpts of cadastral maps when merging administrative units.

Thus, to have a set of cadastral maps for the new commune for long-term land management, there needs to be unified regulations and instructions to implement following contents:

- For communes that have been measured and mapped for the entire commune: Edit and re-prepare cadastral maps: change the name of the province (if any), remove the name of the district, change the name to the new commune; merge, process and edit map sheets with administrative boundary lines running through two old communes; re-number map sheets; re-number plots; update information and other necessary elements.

- For communes that have not been fully measured and mapped according to administrative boundaries or have many changes: It is necessary to conduct additional measurements of missing areas, measure and adjust changes; edit and re-prepare cadastral maps similar to cases where the entire commune has been measured.

The system of cadastral maps of the commune is a very important initial document for next steps: Preparing and managing cadastral records, issuing certificates, and building database. Therefore, the preparation of cadastral maps for new communes must comply with common and unified regulations, avoiding inconsistencies between localities.

2.2. For registering, preparing cadastral records, issuing certificates of land use right and ownership of assets attached to land

a. Re-preparing land records

Article 129 of the Land Law 2024 stipulates: Cadastral records include documents showing detailed information about each land plot, the person assigned to manage the land, the land user, the owner of assets attached to land, the legal status of the land plot and assets attached to land, fully reflecting the

current status of land management and use in the area. Cadastral records are prepared in digital format, including following documents: Cadastral maps; Land inventory books; Cadastral books; Copies of various types of certificates.

Article 128 of the Land Law 2024 also stipulates: Cadastral records are prepared for each land plot, ensuring scientific and consistent information in the records with the current status of land management and use; collected according to communal-level administrative units or according to district-level administrative units where no communal-level administrative units are established.

Cadastral records must be fully and promptly adjusted and updated when land users carry out land-related administrative procedures or at the request of competent state agencies, ensuring full reflection of the current status of land management and use in the area.

According to regulations, information in documents of the basic cadastral records must be consistent with each other: Between the cadastral map and the inventory book, the cadastral book, and various certificates. Therefore, when a commune re-prepares its cadastral maps, it must also re-prepare its cadastral records.

To re-prepare the new commune’s land records for uniformity, in addition to having to re-arrange the numbering of books (of all types), arrange information and documents, it is also necessary to follow the newly edited system of cadastral maps with new sheet and plot numbers.

Similar to cadastral maps, Article 5 of Circular No. 23/2025/TT-BNNMT on “Amending and supplementing a number of contents of Circular No. 10/2024/TT-BTNMT dated 31st July 2024 of the Minister of Natural Resources and Environment stipulating cadastral records, certificates of land use right and ownership of assets attached to land” also only stipulates a number of contents on amending and supplementing a number of technical operations, on the handover of records and documents, but does not have provisions and instructions on how to prepare, consolidate cadastral records, and adjust cadastral records for new communal-level administrative units. Therefore, there needs to be specific guidance for the local government to implement consistently, ensuring that each new commune and ward has a set of land records in accordance with regulations for long-term land management.

b. Issuing and exchanging certificates

Information on certificates of land use right and ownership of assets attached to land must be consistent

with the system of cadastral maps and records used for land management. Therefore, the issuance and exchange of certificates of land use right and ownership of assets attached to land must be carried out in principle for long-term land management. However, this is a large-scale task that affects land users, so there must be specific regulations and implementation plans to ensure limited impact on the people and stability in state management activities on land.

2.3. For building cadastral database, land database

Article 165 of the Land Law 2024 stipulates that the national land database includes following components: Database of legal documents on land; Cadastral database; Database of land survey, assessment, protection, improvement and restoration; Database of land use planning and plans; Database of land prices; Database of land statistics and inventories; Database of inspection, examination, citizen reception, settlement of disputes, complaints and denunciations on land; Other databases related to land.

In which, the cadastral database is the core and most important component, built from the system of cadastral maps and records, so it is also built according to the communal-level administrative units. Other local land databases can also be built according to communal, district and provincial administrative units. Therefore, when new communes and wards come into operation, the structure of the cadastral database and land database must also change for the management and exploitation of the database according to administrative units.

When re-preparing cadastral maps and records due to the formation of new communes, it is mandatory to adjust and update the cadastral database according to the new system of cadastral maps and records (according to map sheet numbers, new plot numbers, etc.) to ensure consistency in management, exploitation and updating of changes in cadastral maps, records and databases.

Due to the absence of district level, changes in provincial and city scale, and changes in communal scale, it is necessary to adjust the structure of local land database from 3 levels (commune, district, province) to 2 levels (province, commune) for components such as Database of land use planning and plans; Database of land prices; Database of land statistics and inventories.

To implement above contents, it is necessary to issue full regulations and instructions for unified implementation by the local government.

3. FORLAND STATISTICS AND INVENTORIES

Article 57 of the Land Law 2024 stipulates that land statistics and inventories are conducted within

the scope of administrative units at communal, district, provincial levels and nationwide. Land statistics are conducted annually, up to 31st December of the statistical year, except for the year in which land inventories are conducted; Land inventories are conducted every 5 years, up to 31st December of the year with the last digit being 4 or 9. People's Committees at all levels organize the implementation of and approve local land statistics and inventories; People's Committees at communal and district levels report to People's Committees at the next higher level on results of land statistics and inventories.

From 1st July 2025, land statistics and inventories at the local level will be carried out at communal and provincial levels. There should be specific regulations on contents, implementation time, and implementation responsibilities in accordance with current requirements at local levels.

The current arrangement and operation of two-tier local government has a great influence and impact on state management of land, requiring a huge amount of work to be done for land management in new conditions, meeting the needs of land management in particular and socio-economic development in general. To effectively carry out the above workload, it is necessary to focus on following contents: (i) Effectively organize the implementation of decrees and circulars stipulating decentralization and determination of state management authority in the field of land; (ii) Continue to study and issue additional regulations and instructions for the local government to implement consistently and effectively; (iii) The local government has specific implementation plans and pays attention to investing resources in organizing the implementation ■

REFERENCES

- 1. Documents on summarizing the implementation of Resolution No. 18-NQ/TW; reorganizing administrative units at all levels, building a two-tier local government organization model.*
- 2. Land Law No. 31/2024/QH15 dated 18 January 2024.*
- 3. Decrees implementing the Land Law 2024.*
- 4. Decree No. 151/2025/ND-CP dated 12 June 2025 of the Government stipulating the determination of authority of the two-tier local government, decentralization and delegation of power in the field of land.*
- 5. Circular No. 23/2025/TT-BNNMT dated 20 June 2025 of the Ministry of Agriculture and Environment stipulating the decentralization and determination of state management authority in the field of land.*