



REVIEW OF RESETTLEMENT POLICIES AND RESEARCH

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1. Policy review

1.1 Legal framework for resettlement and related issues in regions where ethnic minority groups live

The policies for resettlement in Vietnam includes: (i) Land law 2003; (ii) Decree 197/2004/ND-CP, on compensation, assistance and resettlement when the State acquires land; (iii) Decree 84/2004/ND-CP on additional regulations on provision of land use right certificate, land revoke, practice of land use rights ,process and procedures on compensation, assistance and resettlement when the State acquires land and resolution of land appeals; (iv) Decree 188/2004/NĐ-CP on methods to calculate tariff and the tariff frames for different types of land and (v) Decree 123/2007/NĐ-CP, amendment to some articles of Decree 188/2004/NĐ-CP on methods to calculate tariff and tariff frames for different types of land.

These above policies have provided a basic legal framework for implementation of resettlement programs/projects in Viet Nam. However, when implementing these policies for the regions where ethnic minority groups live, we have still faced with the following issues:

Immaterial values are not included in resettlement policies

According Article 5 Decree 1997, the range of compensation when the State acquires land is (i) land area for compensation; (ii) assets and investment cost; (iii) support for displace, training and change of occupation; (iv) support for resettling production and life in resettlement areas. Therefore, immaterial factors such as economic opportunities, indigenous knowledge, culture, social capital, markets are not taken into account in emigration and resettlement process.

Most of legal documents do not take into account ethnicity issue in implementation of resettlement projects. Such issues related to community, culture, lifestyles, forests are not included in these policies. Therefore, emigration, compensation and resettlement have been inappropriate and lavish in many cases.

Current policies do not compensate for cultural, spiritual and community-based land of ethnic groups.

Land law (item 1, article 43) and decree 197 (item 4 and 5, article 7) excludes compensation for following types of land (i) protection forests, forests for special forests; (ii) agricultural land managed by the community; (iii) agricultural land used for public affairs. That means spiritual, cultural and community land of ethnic minorities such as community forests, sacred forests, ghost forests, community pastures are not be compensated when revoked by the State. This is a big disadvantage for ethnic minority people when the State implements resettlement and land revoke policies.

Besides, according to article 10 of decree 197, the Government does not compensate for exceeded land areas except inherited, given, transferred and reclaimed land in planned areas. According to these regulations, fallow and reclaimed land in unplanned areas is not compensated while in Vietnam land planning, especially in the areas where ethnic minorities live, is lacking and have a lot of shortcomings.

Mechanism for feedbacks and representation of people being revoked land and resettled is of formalism.

According to article 39, decree 197, people who are revoked land can appoint one or two representatives in district level compensation, assistance and resettlement committee. Is the voice and representation of only one or two persons as regulated by the law enough to represent various communities and ethnic groups?

On the other hand, article 34, decree 197, people are entitled only 20 days to give feedbacks on compensation, assistance and resettlement plans before the Government issues final decision. This short time is not enough for local people to understand, and have enough information on compensation, support and resettlement plans before they can give any appropriate feedbacks.

Item 2 article 56 decree 84 only defines that there must be minutes for posting up a notice about the compensation, assistance and resettlement plans but no clear, specific and transparent regulations on how the board of compensation, assistance and resettlement (BCAR) recognize and reflect on people's ideas before submit the plans for approval of authorized people.

Therefore, it can be concluded that Mechanism for feedbacks and representation of people being revoked land and resettled as defined in the current laws is of formalism.

Support for resettlement is not enough to for people to settle their life

Article 28, 29 and 36 of decree 197 defines different methods to support for local people to resettle their production and life. However, the time frame for all supports which is from 6 months to one year after they move to new places is not enough for the to resettle.

1.2 Stakeholders and their roles in implementation of the policies on compensation, assistance and resettlement when the State acquires the land

The board of compensation, assistance and resettlement (BCAR): BCAR was set up by Province people's committee (PPC) or District people's committee (DPC). BCAR helps the PPC or DPC formulate and implement the project of compensation, assistance and resettlement. The member of BCAR includes: (i) people's committee –chairman, (ii) investors – standing committee, (iii) representatives of resources and environment department, finance, Commune PC, and 1-2 people who are compensated – members

Investors: Investor is standing member of BCAR and helps the chairman of BCAR to develop the project of compensation, assistance and resettlement when the State revokes; ensure enough resources for compensation, support and resettlement. This role allows the investors to propose compensation, assistance and resettlement plans that is the most beneficial for them to reduce the costs of the project.

Provincial people's committee (PPC) or District people's committee (DPC): Setup the BCAR; coordinate, divide tasks amongst departments of PC to develop compensation, assistance and resettlement plan; approve compensation, assistance and resettlement plan; approve, promulgate prices of land and assets for compensation.

Ministry of Resources and Environment: investigate implementation of land use plan of each investment projects; identify land users to be or not to be compensated, supported; provide land use certificate or resettling people

Union of ethnic minority affairs (CEMA): Decree 197 and Decree 84 does not mention about CEMA's role in implementing resettlement policies. However, in some specific projects CEMA's role is to check and collaborate to implement ethnicity policies in resettlement areas.

Ministry of agriculture and rural development (represented by Department of Economic Cooperation and Rural Development): similar to CEMA, Decree 197 does not define MARD role in implementing resettlement policies.

2. Research review

Background	Objective	Conclusions	Recommendations
1- Hydropower development in the 3S by Oxfam America			
<p>Hydropower is the key option for energy sector in 3 Indochina countries of Vietnam, Lao & Cambodia. Its impact on livelihoods is extensive.</p>	<p>This report provides details on the developers, finance, consultants and civil society actors involved in three countries</p>	<ul style="list-style-type: none"> -Vietnam has exploited nearly all of its feasible sites, while Lao and Cambodia are at take-off. -Hydropower is seen as clean and cheaper alternative to fossil power. -Development of hydropower is not only for domestic use but for export (90% is for export in Lao). - Regionalization and privatization of hydropower projects are the trend: Vietnam, Russia, and South Korea... are involved in projects in Lao. - Environmental & social standards vary from project to project based on parties involved: WB, ADB. - The most affected are resettled communities who are received 	<ul style="list-style-type: none"> - Hydropower project is more costly than originally estimated. - It affects not only fishery and farming communities but the public socially and environmentally. - It generates not only national but regional impacts. - Larges-scale projects are more costly and less effective than small ones.

		<p>support.</p> <p>-However, impacts are also extended to upstream and downstream communities who receive no support: fishery community, farming communities along rivers for example.</p>	
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Background	Objective	Conclusions	Recommendations
2- Evaluation on the life quality and economic development potential of resettled residents in H'Chan reservoir De Ar commune, Mang Yang district, Gia Lai province by Vietnam river network			
<p>Resettlement of the communities also faces many problems.</p> <p>The dam is 35 km from Play Cu city, completed in 2005.</p> <p>The village was populated by 146 Banar people in 42 households.</p>	<p>Evaluation on the life quality and economic development potential of resettled residents in H'Chan reservoir De Ar commune, Mang Yang district, Gia Lai province by Vietnam river network</p>	<p>-The existence of dam took away 10,6 ha cultivation land of DonHyang village and affected other farming areas due to increased water level.</p> <p>-The project also degrades the local forest and aqua resources, on which local residents' livelihood relied</p> <p>-The project brought about infrastructural improvement: the road to the hydropower plant, spanning over the village was concretized, the village was electricalized.</p> <p>-The improved accessibility of the village has led to increased selling price of local agricultural products. However, it also led to increase in the price of consumption goods</p> <p>- In general, it leads to cultural socio-economic transformation of the village.</p>	<p>High land / household ratio: 20 ha / household is a potential for developing cash crops here.</p> <p>Granting land use certificates to households so that they will invest more in their land</p> <p>Providing technical</p>

			training in agriculture and forestry.
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Background	Objective	Conclusions	Recommendations
3- Follow-up Study on Impacts of Resettlement of Son La Hydropower Plant			
Construction of the Son La Hydropower plant formally started on December 25 2000, leading to replacement of about 100,000 people. This study (2008) is follow-up for a previous study funded by Ford, carried out in 2005.	Used multidisciplinary approach to examine the socio-economic, cultural, and environmental and health impacts of the Son La resettlement project.	<ul style="list-style-type: none"> -The % of the resettled who are able to improve their lives only counts for a moderate number -People are still facing problems of land shortage and access to running water -Unsynchronized infrastructure still happens in many resettlements. Quality of infrastructure is not good -Performance of resettlement staff is not professional. Coordination in implementation of involved state agencies is not good. - Assistance period (2006 to 2010) is not enough for many resettled people 	<ul style="list-style-type: none"> -The people's participation should be viewed as an important and necessary factor to ensure the success of resettlement work. -The resettlement staff should highly commit to responsibility, listen to and understand people's comments, thoughts, expectations in order to timely propose solutions to solve problems in implementation and ensure the resettlement progress. - The government should establish a more effective task force to ensure more responsive to urgent needs of resettlement - Resettlement process is multi-faced: culture, infrastructure, and environment, local characteristics...=> require more tailored response.

		(regulated in Decision No. 170/2005/QĐ-TTg). - In some resettlement sites, people returned to their old places.	- Administrative management should be realistic responsive. -Compensation should be clarified before resettlement.
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Background	Objective	Conclusions	Recommendations
4 - Assessment of living quality and development potentiality of resettled residents of the lakebed area of Avuong hydroelectric power plant work - Quang Nam province			
A Vuong hydroelectric power plant is located in Bung river Quang Nam province. It is 1 of 8 projects of hydroelectric power plant on Vu Gia- Thu Bong	Comparing practical conditions and regulation of resettlement program of the works to assess the fairness and sustainability of implemented	-Resettlement Plan for A Vuong Hydropower plant Project has been projected while the Government has not promulgated any policies on Resettlement in general as well as in particular. -Resettlement standard are agreed and approved by investors, local government and the resettled - Based on Decree No. 22/1998/NĐ-CP dated 22-4-1998 on damage compensation in case the Government take back the land use right for Security, Defense, country's interest and public interest.	Unifying implementation's orientation, thinking, direction and plan of the provincial and central leaders in their management scope - Preparation plan should be in detail and clear, with the discussion, consent of all related parties in the beginning (from stage of survey the state, arrange forces, design implementation program). The assignment should be clear, integrated, and in detail to

<p>River system of Quang Nam province, following the ladder design. It resettled 227 families (1093 people)</p>	<p>programs</p> <ul style="list-style-type: none"> - Studying the state and forecasting livelihood development of the resident in the resettlement area - Appraising quickly environment of the resettlement zone, discovering the problems of living environment of the communities in the area - Raising some proposal and 	<p>However, it is not detailed enough and not really appropriate for the project on the practical aspect</p> <ul style="list-style-type: none"> - Immigration, Resettlement of families affected by the submergence of A Vuong reservoir is the most difficult as most of them are ethnic minorities - Improved infrastructure: houses, clean water health care for the resettled - Moving people to new place is easier than stabilizing their life. - Arm forces participated in resettlement process - The coordination works have not planed appropriately, practically and effectively - Resettlement procedure has not really followed the democratic rule “people know, people discuss, people do and supervise”. - The compensation is not fair, un-unified - Basic mistakes in selecting place, design the housing land cultivating land and house patterns are the main cause for difficulties - Cultural, community factors might be changed caused new social evil 	<p>facilitate implementation organization.</p> <ul style="list-style-type: none"> - Coordination between the locality, the investor and executive board should be close, integrated and timely. - It is necessary to have time to prepare carefully for the people and local authority and investor. - It is necessary to set up plan of compensation for land, yield, production planning for new settlements, plan of socio-economic development, stabilize production - Recruiting, supervising, monitoring, assigning works and partners should be in accordance with the provisions, process, procedure and sense of justice. The partners must have enough capacity - For Co To people and small ethnic group, which get used to extensive farming, should be arranged in scatters with small group and copy old village space structure
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	solutions for the defined problems	- The people had no experience to manage compensation money so they were use waste and wrong.	following plan of changing land for land.
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Background	Objective	Conclusions	Recommendations
5- Study of environmental status quo in resettlement area of Ban Ve hydroelectricity works, Nghe An province			
<p>The resettled number are around 27,000 people</p> <p>Total area of flooding land is about 5167 hectares (of which agricultural land, forestry land, land for housing and living and other are 2513, 2152, 120</p>	<p>Survey, evaluate status quos of society, human culture and environment in resettlement zone of Ban Ve hydroelectric works, and propose solutions to overcome, reduces risks, propose rational policies for process of inhabitants move and resettlement, facilitate better living conditions to ethnic groups but ensure their customs</p>	<p>- Ban Ve hydroelectric works have made direct impacts on lives of people in lake-bed area (area of works) and around lake – bed area, who are mostly of ethnic minority groups. They consist of 34 hamlets in Tuong Duong and Ky Son districts</p> <p>- Due to big volume of works and short time for construction, resettlement of Ban Ve hydroelectric works meets a lot of difficulties and hindrances especially in compensation for ground space clearance, inhabitant move and resettlement.</p> <p>Due to the shortage of time and many other reasons, the resettled’s participation in planning replacement =></p>	<p>Compensation, planning should be more realistic</p> <p>Basic services should be provided in the new settlement zone.</p> <p>Livelihoods of the resettled should be paid more attention</p> <p>Cultural identity of the resettled should be preserved.</p> <p>Ecological conditions of new settlement area should be fit for the resettled’s familiar way of living.</p>

<p>and 382 hectares respectively).</p>	<p>and habits, concurrently apply move of inhabitants and resettlement to other hydroelectric works in Nghe An province.</p>	<p>infrastructure is either unqualified or culturally inappropriate. Compensation is not synchronized with the replacement and not enough Basic services such as health care, school... are not available at the new settlement. The resettlement process dispersed the community physically and then culturally</p>	<p>The resettled should be involved in the resettlement from beginning.</p>
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Background	Objective	Conclusions	Recommendations
6- Study on livelihood and environment of the Pleikrong hydropower resettled area, Kontum province			
<p>The Pleikrong Hydropower Plant is built on the Krong Poko River 1,292 families totaling 5,851 people from Kontum town, Sa Thay, Dak Ha and Dak To districts have displaced</p>	<p>To research on the situation of livelihood development of people in a resettlement area of the Pleikrong hydropower plant.</p> <p>To rapidly assess environment of the resettlement area, to find out inadequate issues that people and communities have with living and working environment in new place.</p> <p>To propose immediate and long-term solutions that will be implemented by people, communities and officials at various levels together, in order to reduce urgent troubles in life and livelihood of the resettled towards stability and sustainable development.</p> <p>To report and organize conferences to inform administrators, authorities, managers, policy planners, researchers and other people who may</p>	<p>Land shortage for cultivation and settlement is the problem that the resettled face.</p> <ul style="list-style-type: none"> - New farming model, paddy, does not work well: lacking irrigation - In general, the resettled's livelihood is not secured. -Deforestation happens in the dam area: - Use of compensation was not effective as the resettled people's participation was not secured. 	<p>Preparation and planning the resettlement area should be done more thoughtfully and carefully.</p> <p>Better representation and participation of the resettled should be ensured in planning and implementing the resettlement.</p> <ul style="list-style-type: none"> - More effective coordination among stakeholders: the investor, local agencies should be secured. - The government should formulate the policy that a part of the profit must be invested

	concerns, then contribute to the stabilization and the development of lives within the resettled communities, to promote intensively the effective results of this hydropower project.		back to the affected.
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Background	Objective	Conclusions	Recommendations
7- The first step Assessment on livelihood quality of resettlement people at Ta Trach Lake Project of Thua thien-Hue Province			
The research is implemented in 2006. The project resettled more than 885 households with more than 4,000 persons	-Survey and find out about emigrant, resettlement and livelihood works of people according to Thua Thien - Hue PPC plans -Survey situation life quality of people are living at resettlement areas of Ta Trach lake project	-Compensation in land is not enough both quantitatively and qualitatively -Livelihood of the resettled is degraded -Basic services for the resettled is not secured or of poor quality	-More effective training on forestry and agricultural extension -Providing more production land for the resettled. -The resettled should be involved more in managing infrastructure for resettlement

Background	Objective	Conclusions	Recommendations
8- Research on social-economic environment of resettlement areas of Thacba hydroelectric plant after 32 years			
<p>-Constructed in the 1960s</p> <p>-Making changes of all life of 8.000 households with 40.000 people.</p>	<p>To investigate social-economic, environmental conditions before and after resettlement.</p> <p>To find out environmental problems after 32 years of having dam.</p> <p>To suggest some recommendations for solving difficulties and remains.</p> <p>To give experience lessons.</p>	<p>-The reservoir contributed positively to harmornize climate of region, facilitiate to develop fisheries and tourism in the future.</p> <p>-Creating job for about 200 local employees working for Thac Ba hydroelectric power plant.</p> <p>-The people living after 30 year of emirant life has become to stablize.</p> <p>-Making changes of all life of 8.000 households with 40.000 people.</p> <p>-Occupying an area of land, the source livelihood of almost 8.000 households</p> <p>-Degraded livilihods of households bring about deforestation for survival and higher rate in children's chool dropping.</p>	<p>-A comprehensive socio-economic development plan should be developed and implemented together with dam project.</p> <p>-Schooling for children in the new settlements should be paid attention to.</p> <p>-Livelihood pattern should be fit with the new setting.</p> <p>-Environmental preservation should be paid attention more.</p>

Background	Objective	Conclusions	Recommendations
9 - Study on the Impacts of Vietnam's Son La Hydropower Project			
<p>By 2010, 91,000 people or 18,968 households in the three provinces of Son La, Lai Chau and Dien Bien are expected to be resettled.</p> <p>This study conducted in late 2005 and early 2006</p>	<p>-Examine the socio-economic, cultural, environmental and health impacts of the Son La resettlement project.</p> <p>-Provides a timely tool for policy makers, affected people and international donors to address outstanding concerns</p>	<p>Encouraging the participation of local government and people</p> <p>The project aims to increase living standards:</p> <p>Environmental health issues are being addressed:</p> <p>Land shortage and distribution is a problem</p> <p>Livelihoods were affected following resettlement</p> <p>Resettlement disintegrated the community</p> <p>Lacking basic services in new settlements</p> <p>The sudden inflow of compensation cash was not effectively used.</p>	<p>-Better planning and implementing resettlement: basic infrastructure should be put into operation prior the resettlement.</p> <p>-Compensation should be more effectively used: lengthening the government's support rather than making one-time compensation.</p> <p>-Livelihood pattern of the resettlement should be paid attention to => new livelihoods should be applicable to them.</p> <p>-The ethnic lifestyles of the resettled should be paid attention to.</p> <p>-Decentralization in resettlement project should be improved towards lower level: community, district.</p>

MATRIX

ISSUES	RESEARCH								
	1	2	3	4	5	6	7	8	9
Ethnic minority	Y	Y	Y	Y	Y	Y	Y	Y	Y
Coordination among related agencies			Y	Y		Y			Y
Participation			Y	Y	Y	Y	Y		Y
Land	Y	Y	Y	Y		Y	Y	Y	Y
Infrastructure		N	Y	N	Y	Y	Y		
Cultural appropriateness			Y	Y	Y	Y			Y
Livelihood	Y	Y	Y	Y	Y	Y	Y	Y	Y
Environment	Y					Y		Y	Y
Socio-cultural change		Y	Y	Y	Y				Y
No. of the resettled		146	100,000	1,093	27,000	5,851	4,000	40,000	91,000

Note:

- Nghiên cứu 3 và 9 đều về Sơn La
- Không nghiên cứu nào đề cập tới tác động tới cộng đồng sở tại tiếp nhận người tái định cư và các tác động kèm theo.
- Một số kêu gọi chính sách về chuẩn hoá, hoặc đặt “chuẩn sàn” việc bồi thường tái định cư; tái đầu tư lợi nhuận vào vùng bị thiệt hại