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*Resettlement and Rehabilitation for Large Dams Projects Affected People*

One of the big outstanding problems of the large dams projects is resettlement and rehabilitation for the affected people (PAPs). The last experiences of large dams project - Hoa Binh hydropower project have shown the complex of the problem. With the superficies of 20,800 has, more than 200 km long, Hoa Binh hydro electric plant is the biggest one of Vietnam.

The studied documents related to Hoa Binh reservoir are unanimously recognised the cost that inhabitants in 2 provinces Son La and Hoa Binh have been devoted for the sake of this electric plant: 5000 ha of land that was put under cultivation is now being inundated 70 schemes of irrigation and drainage, 7000 km of road way, 83,000 m<sup>2</sup> of construction works (schools, primary health care stations, institutional office and thousands of square meters of inhabitants' house have put out of action or being moved) more than 9,000 farm households or more than 52,000 people must be relocated.

Relocation of inhabitants from the bottom lake has been carried for 16 years, the designed objective on how to clear the bottom reservoir in a proper time schedule for the construction of the "hydro electric plant" has been attained. However, stabilisation and development of production, lives of people moving out of the project area are not successfully done.

Living standard of people moved out of the Hoa Binh project area is very difficult, most of them having much lower income than which were not moved.

According to report from economic external affairs board of Hoa Binh province, 40% of moving households lacked food for 5 - 6 months, 45% households lacked food from 3 - 4 months.

Until 1998, there are still more than 500 households have to be moved again and 30 - 40% of relocated households are in poverty with food shortage.

Besides, lack of school, primary health care have led to high percentage of children not going to school and to prevailing some epidemy. For example, according to statistics of health department, over 3 years (from 1987 to 1990) more than 90 people had been killed by malignant malaria at Ha Son Binh province.

As in many developing countries, Vietnam has improved its resettlement policy very quickly, specifically:

Before 1992 the land belongs to the State with State or collective land use right, and in many cases, when required, the Government can recover land without compensation or compensation is paid only to the local government or collective organisations using land. No clear compensation level for affected assets was defined but the compensation was mainly based on the agreement.

After 1992: marked by the Constitution 1992 which clearly states: "The State manages all the land; land shall be assigned to organisations and individuals by the State for stable and permanent use. Organisations and individuals may transfer the land use rights which is assigned by the State. The legal assets of individuals and organisations shall not be nationalised. In case made absolutely necessary for the purposes of national defence, security, national and public interests, the State can purchase or

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recover land with compensation for properties of individuals or organisations at the current market prices”.

The laws of worth attention are the Land Law (1993); Amendment and Adjustment Law to the Land Law (1998); the Civil Code (1995) and the Environmental Protection Law (1993). The Land Law stipulates rights and obligations of people who have been assigned or leased land (land users), in which he has rights to change, transfer, lease or mortgage the land use rights, and entitle to be compensated for land loss as well as he has obligation to compensate for the recovered land user when the decision of land recovery issued by the State.

Among series of the relevant Decrees and Circulars to the Resettlement, Decree 22/CP is the most important, issued on April 24, 1998 dealing with “compensation for loss when the State recovers land for the purposes of national defence, security and national public and interests” and Circular 145 of the Ministry of Finance on “guiding the implementation of Decree 22/CP”. According to this Decree, the legal or the legalisable land use households are entitled to be compensated for land and properties attached to land. Other cases will not be entitle to be compensated but will be or will be taken into account to be assisted. Compensation price for land is determined based on beneficial potential and local price for transfer land use rights. Compensation for house and structure is based on actual losses and equivalent to existing value of houses and structures plus an amount of money which is a percentage counted on existing value of property. Particular to house of category IV, temporary house and independent secondary structures, compensation for loss shall be counted at the value of new construction cost. Decree 22/CP has 2 new chapters on “Supporting policy” and “Establishment of Resettlement Sites for the land clearance when land is recovered”.

Although the compensation and resettlement Policy is given more and more attention and has been gradually completed, but it is in the initial stage of development, the short-comings and limitations is certainly existed as follows:

- Objective of living restoration for affected people is not clearly pointed out.
- Resettlement is not considered as an independent project or an important part of project causing involuntary resettlement.
- The lack of concrete regulations on minimizing number and level of affected properties
- Definition of subjects to be compensated for losses meets a number of difficulties due to unspecified policy's regulations and incompetent management.
  - Levels of compensation: in some cases, compensation is still not enough to restore the losses. Besides, there should be clear stipulations on the exemption of registered fee when the affected people (AP) have to self-purchase land and build new house and method to count for actual lost of houses and structures and invested expenses on land should be clearly made...

- Rehabilitation and support policies: only a few available currently which in many cases can not be enough to restore income sources of PAPs, especially farmer households with significant loss of agricultural land, ethnic minorities households and poor groups.
- The organization of compensation and resettlement: there exist contradictions and shortage of regulations, especially on relocation and rehabilitation for the affected people.
- There is either no or only insufficient and unspecified regulation on the resettlement planning, the monitoring, checking and procedure of consulting affected people...

In 1997 - 1998, WB has funded a project on National Resettlement Policy with the aim to help Vietnamese Government to establish National Resettlement Policy. In 1998 - 1999, the ADB has funded a Regional Technical Assistance on “Country Resettlement Policy and Practice” to improve Resettlement policy framework in 7 developing member countries having most of the projects funded by the Bank. One of the results of this Regional Technical Assistance is a National Action Plan, presented by the Government representative at the Regional Workshop in Manila, August 1999. The Action Plan have drawn main directions for improvement of the Resettlement Policy in Vietnam, such as amendment of regulation on resettlement planning; clearly setting out the targets of living standards, rehabilitation and income restoration to the PAPs; a concrete guidance on resettlement procedurs, covering planning, reviewing, approving, implementing, monitoring and evaluating the performance of compensation and resettlement plans will be prepared; procedure of resettlement site development will be clearly stipulated in details; procedure of informing and consulting with PAPs and procedure of grievances redress within the project scope will be concretized and completed; budget sources for compensation and resettlement will be clearly defined, especially during project preparation stage; e.g...

This National Resettlement Action Plan also indicated clear plan for improving resettlement policy in Vietnam: the amendment of Decree 22/CP for compensation for loss when the State recovers land for the purposes of national defence, security and national public and interests will be made at the end of 1999 - beginning of 2000. The Resettlement Ordinance is proposed to be included in the National Laws preparation workplan by 2000 - 2001.

The newly issued Decree 52/1999/CP, Regulation on Investment and Construction Management, includes the requirement for getting a resettlement plan appraised together with the feasibility report of a investment project. It creates not only good conditions for resettlement planning to ensure restoring the lifes of the affected people, but also for including all the costs, relating to resettlement in total project cost to properly evaluate effectiveness of the investment.

Based on experiences from Hoa Binh dams project, the Electricity of Vietnam (EVN) has improved very much the policy on resettlement and rehabilitation for dams project affected people. The good example is Yaly project, where resettlement planning has

been made very carefully and then, effectively implemented. As a result, the living standards of the PAPs have been restored and even improved.

But for the large dams project, the problem seems to be difficult to resolve, for example, for the recent proposed Son La hydroproject in Northern Vietnam, that will impact from 70 to 90,000 people of 12 - 16,000 households, of which more than 80% are ethnic minority people: According to a survey, most of them (more than 90%) want to move inside of the province where the most part of the natural and economic conditions is not adequate to maintain living standards of the people. Moreover, many historical, cultural sites of the local people will be lost, especially those related to traditional culture of the ethnic minorities.

So the question is how to combine social issues with economic and technical to minimize negative impacts on the Project affected people (PAPs), how to weight the social issues in deciding investment into large dams projects.