

## Vietnamese rubber company in Thateng district

Project	Villages
Company: Cong Ty Cao Su Huu Nghi Lao-Viet (LVF) Sector: Rubber plantation Location: 5'000 ha in Thateng district and 4'485ha Dakxing district Duration: 50 years, starting 2006	Number(s) of villages: at least 4 villages in Thateng district but overall could be 25 villages affected in two districts Name of village(s): Ban Yeup, Palay, Phalay, Houayle Number of Households: 83 hh in Ban Yeup, 35 hh affected Original/resettled location: no resettlement
<b>Actual impact of the project/investment (on land, social, economic, health, environment....)</b>	
<b>Positive</b>	<b>Negative</b>
Company made orally to Nayban of Ban Yeup 7 promises, but did not deliver. School built by Jica.	35 hh left without land in Ban Yeup. Village surrounded by rubber and villagers had to pay 300'000 kip per tree damaged-> no cattle anymore (goats). Company dug a 2m deep and 1m wide canal around village to prevent animals from entering plantations. Heavy use of chemicals.
<b>Foreseen further impact of the project/investment</b>	
<b>Positive</b>	<b>Negative</b>
?	35 hh directly affected + 10 hh want to move to a district in Champassak. But no support provided. They were told that they have to remain in village and wait for harvest of rubber to bring benefits (?).
<b>Decision-making process</b>	
Land concession agreement signed by central government (MPI and MAF) with Vietnamese company. First villagers agreed to provide 42 ha communal land, but company expanded to 153 ha. No formal discussions with company, nothing done in written with villagers. Land allocated to company taken away from villagers. Same story in Palay where coffee field were replaced by rubber without prior approval.	
<b>Compensation</b>	
In Palay, some compensation paid unequally (from 300'000 kip up to 2 mio kip per ha). In Ban Yeup, 35 hh affected did not receive compensation. They brought their case to district, province and central Government. Prime Minister's Office issued a letter dated April 2011 asking province to solve the problem. Province transferred letter to district and district issued a letter to the village that they have to solve the problem with the Vietnamese company! Previous meetings took place with representatives of villagers, authorities and company, and at the end company provided pens and writing books to children and a box of medicine for the village.	
<b>Any other comment</b>	
In Ban Palay, some villagers work for the company but they have not yet been paid (more than two months!) In Ban Yeup, nobody works for the company (although this was promised at the beginning). In Ban Palay, total village area is 330 hectares, but company is growing rubber on more than 200 ha.	
<b>Voices of the people</b>	
Villagers did not try to coordinate with other villages affected by same company ("Bo day!") The three villagers who represented Ban Yeup in VTE were threatened by their Nayban and local authorities that they will be arrested in VTE. They gave letter to NA and PM office. LIWG facilitated meeting with NLMA. They took part in an interactive radio broadcast. Tensions have increased after that. Upon return, representatives from district authorities came to Ban Yeup and accused 14 hh to be not respectful to Government and that if they continue, they will be excluded from their village. But they are ready to bring their case again to the attention of authorities to find a solution.	

Relevant legal provisions and enforcement			
Provision	Content	Enforced	
<b>Prior to project implementation</b>			
<p>PM Decree 112/PM Environmental Impact Assessment 16 February 2010</p> <p>Article 7: Rights and duties of project affected people</p> <p>Article 8: Participation Process</p>	<p><b>Right to receive information on the investment project</b>, the benefits and environmental/social impacts during village meetings organized by the local administration and the project developer.</p>	YES	NO X
	<p><b>Right to provide information/data</b> on local environment and society for environment/social assessment and mitigation measures.</p>		X
	<p><b>Rights to receive the report information</b> on impact and prevention/ mitigation measures.</p>		X
	<p><b>Right to participate in consultation meetings</b> organized by the authorities and the project developer at village, district, and province level, to <b>share their opinions and give comments</b> on the report and plans, from the first drafts until the final drafts.</p>		X
	<p><b>Right to participate in discussions on compensation, resettlement and restoration of the living conditions</b> for affected communities;</p>		X
	<p><b>Right to make a written proposal to solve the environmental and social problems</b> caused by the investment project (to local and central authorities)</p>	X	
<b>During project implementation</b>			
<p>PM Decree 192/PM Compensation &amp; Resettlement of People Affected by Development Projects 7<sup>th</sup> July 2005</p> <p>PM Decree 112/PM Article 8: Participation Process Article 28: Restoration of Living Conditions Article 33 &amp; 35 : Types of Dispute and Settlement</p>	<p><b>Right to get assistance</b> in surveying assets/property and cost estimation for damages.</p>	YES X	NO
	<p><b>Right to receive fair and adequate compensation</b> for land, crops, trees, property, housing, business, communal facilities, fishing, forest losses + for villagers receiving resettled people.</p>		X
	<p><b>Right to receive support during transition period</b> (in kind or in cash) for transport to resettlement site, food allowance, suitable development assistance (until restored livelihood and incomes)</p>		X
	<p><b>Right to collaborate</b> with project developers to solve the grievances submitted by resettled people.</p>		X
	<p>During survey-exploration, construction and operation of the project, <b>the project developer must inform affected people of the project activities which are likely to create environmental and social impact</b> (clearing land, destroying rocks, using of dangerous chemicals, discharging water from the reservoir...)</p>		X
	<p><b>Right to lodge petitions</b> to be considered by Provincial or Capital Resettlement and Restoration of Living Condition Committee.</p> <p><b>Environmental and social disputes</b> can occur on: -Use of natural resources (water, land, mines, forests, wild plants..) -Pollution, environment degradation -Allocation of compensation for the loss/damages (land/house/services...) <b>The project developer must listen to complain/petition and solve disputes.</b></p>	X	X



Rubber Plantations around Ban Yeup



Affected communities who lost their land



A channel to protect rubber from animals