

ASSESSMENT OF THE COMPENSATORY SITUATION, SUPPORT, AND RESETTLEMENT OF SOME PROJECTS IN PHONG THO DISTRICT, LAI CHAU PROVINCE

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ARTICLE INFO		ABSTRACT
Received:	15/5/2023	The goal of the study is to assess the current status of compensation, support, and resettlement in a number of projects in Phong Tho district, Lai Chau province. This study used secondary data and collected primary data by analyzing the results of 120 questionnaires in 3 land clearance projects located in 04 communes: Dao San, Tung Qua Lin, Vang Ma Chai, Muong So of Phong Tho district. The study shows that, in Phong Tho district, there was 121,813 m ² of land was acquired with a total compensation value of 7,017,829,827VND. The compensation for site clearance and resettlement support has resulted a significant impact on people's lives, especially those who have lost agricultural land. From these results, the study proposed specific solutions to improve the compensation for site clearance in general and to improve the negative impacts of the compensation for site clearance of Phong Tho district in particular.
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ĐÁNH GIÁ TÌNH HÌNH BỒI THƯỜNG, HỖ TRỢ, TÁI ĐỊNH CƯ MỘT SỐ DỰ ÁN TRÊN ĐỊA BÀN HUYỆN PHONG THỎ, TỈNH LAI CHÂU

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THÔNG TIN BÀI BÁO		TÓM TẮT
Ngày nhận bài:	15/5/2023	Nghiên cứu được thực hiện nhằm đánh giá thực trạng công tác bồi thường hỗ trợ, tái định cư một số dự án trên địa bàn huyện Phong Thổ, tỉnh Lai Châu. Dữ liệu nghiên cứu được thu thập qua các tài liệu thứ cấp và thu thập dữ liệu sơ cấp bằng việc khảo sát 120 mẫu về công tác bồi thường, hỗ trợ ở 3 dự án giải phóng mặt bằng nằm trên địa bàn 04 xã: Đào San, Tung Qua Lin, Vàng Ma Chải, Mường So của huyện Phong Thổ. Kết quả nghiên cứu cho thấy, tại huyện Phong Thổ, đã có 121.813 m ² đất bị thu hồi với tổng giá trị bồi thường là 7.017.829.827 đồng. Công tác bồi thường giải phóng mặt bằng và hỗ trợ tái định cư đã có ảnh hưởng không nhỏ tới đời sống người dân, đặc biệt là những hộ dân bị mất đất sản xuất nông nghiệp. Từ kết quả này, nghiên cứu đã đề xuất các giải pháp cụ thể để nâng cao công tác bồi thường giải phóng mặt bằng nói chung và cải thiện tác động tiêu cực của công tác bồi thường giải phóng mặt bằng của huyện Phong Thổ nói riêng.
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1. Introduction

According to point d, clause 4, Article 114 of the Land Law in 2013, specific land prices are used as a basis for calculating compensation when the government recovers land (this is a type of land price decided by the People's Committee of the province). In other words, the person whose land is subject to recovery by the government cannot bargain the compensation price, but it will be calculated according to the specific land price [1]-[2].

Industrialization and modernization are the development paths of every country in the world. During the implementation of industrialization and modernization, the recovery of land to develop industrial parks, urban centers, and public works is inevitable [3]. The introduction of the 2013 Constitution and the 2013 Land Law has created a legal corridor in land management, the implementation of land policy in general, and the implementation of compensation, support, and resettlement policies when the State recovers land in particular. Thereby the work of compensation, support and resettlement has contributed to ensuring the legitimate rights and interests of the people when the State recovers land for the implementation of works and projects; promoting economic and social development; and, step by step, improving people's living standards in the whole country [4]. However, the reality shows that the work of site clearance, compensation, support, and resettlement is difficult and complicated, affecting the people's livelihood, causing many disputes and long-lasting complaints, and easily generating hot spots of political instability [5]. The State's recovery of agricultural land to convert into non-agricultural land, changing the livelihood resources, is really a big shock that disturbs the lives of farmers. Resources to earn a living have a rotation into financial capital and physical capital [6].

When farmers have their land recovered, they not only lose their most important livelihood assets, food sources, income, status, and opportunities but they also have to endure disturbances in their agricultural social life. Next is the face of finding a new livelihood with difficulties and risks. Households receive compensation, mainly for building houses and buying motorcycles. For some single households, compensation is an important foundation to support their children's education expenses. After land recovery, the precarious income from hired labor became the main source of income for many households [7]. After the land recovery process, a large proportion of unemployed people are young people, who should not be affected much by the land acquisition process, as studies show that agricultural land acquisition only has a strong impact on the employment of people over 35 years old, who have limited educational attainment, are unlikely to be able to absorb new knowledge, and therefore are unlikely to change careers [8].

Phong Tho district is identified by Lai Chau province as a driving economic zone for the economic development of Lai Chau province. It has Ma Lu Thang National Border Gate. Therefore, the construction of infrastructure has been invested with numerous new projects recently. The work of site clearance is identified as one of the urgent tasks to serve socio-economic development. However, through the implementation process in recent years, the work of compensation for site clearance and resettlement has arisen many problems. The main reason is that people lose agricultural land while it is the main means of production. This greatly affects production and people's lives. Besides, residential land, houses as well as architectural objects and crops on the land are great assets of the people here. The compensation and support have not met the aspirations of the people whose land is recovered, which has caused many pressing difficulties among the people, since then there have been many cases where people did not cooperate in the compensation work, leading to long-lasting complaints and lawsuits, affecting the local socio-economic development [9] - [10]. Therefore, this study was conducted to assess the advantages and disadvantages, thereby proposing the most possible solutions to improve the efficiency of compensation and site clearance work in the area of Phong Tho district.

2. Research methodology

2.1. Research sites

The study was conducted to assess the compensatory situation, support, and resettlement of 3 projects in Phong Tho district, Lai Chau province, including:

Project 1: Road to Tung Qua Lin commune center (new location);

Project 2: Ma Lu Thang street - Si Choang market (Lung Than - Si Choang market);

Project 3: Technical infrastructure and ground improvement of the cultural village of Muong So.

2.2. Investigation and survey methods

Respondents: respondents were divided into 2 groups:

Group 1: individual households in and around the projects areas

Group 2: officials directly performing compensation, support and site clearance at district and commune levels.

At the district level, the study surveyed officials working at the Department of Natural Resources and Environment of Phong Tho district and Phong Tho district land resource development center.

Number of representative questionnaires: The study surveyed 120 questionnaires in 3 projects (each project surveyed 40 questionnaires, including 30 individual households and 10 officials).

Survey content: Issues related to compensatory situation, support, and resettlement of projects in Phong Tho district, Lai Chau province.

2.3. Data analysis

To analyze the data, the author used descriptive statistics. Summary and processing the collected data and documents used Excel software, thereby providing analysis as a basis for evaluating project results.

3. Results

3.1. Research project overview

The compensatory situation, support and resettlement projects are located in 04 communes of Phong Tho district, in which, there are 03 particularly difficult socio-economic communes, namely Dao San, Tung Qua Lin, and Vang Ma Chai. The people here are mainly ethnic minorities and have low education levels. The compensatory situation, support and resettlement projects are located in Phong Tho district include:

Project 01: Road to Tung Qua Lin commune center (new location), Phong Tho district (2014);

Project 02: Ma Lu Thang street - Si Choang market (Lung Than - Si Choang market), Phong Tho district (2015);

Project 3: Technical infrastructure and ground improvement of the cultural village of Muong So, Phong Tho district, Lai Chau province (2017).

These three projects are all in the form of projects serving socio-economic development for the public benefit. The information about the projects is shown in Table 1.

Table 1. Summary of area and type of land acquired for 03 projects

No.	Land using purpose	Acquired area (M2)		Total
		03 research projects		
		Household	Organization	
1	Land for wet rice cultivation	8,788.2	0	8,788.2
2	Flat land for planting other annual crops	292.0	0	292.0
3	Upland land for planting other annual crops	65,100.1	0	65,100.1
4	Land for perennial crops	9,715.7	0	9,715.7
5	Aquaculture land	348.8	0	348.8
6	Rural land	1591.5	0	1591.5
7	Unused flat land	0	27,806.6	27,806.6
8	Land transport	0	661.3	661.3
9	Irrigation land	0	7,508.9	7,508.9
	Total	86,497.6	35,315.5	121,813.1

(Source: Phong Tho district Department of Natural Resources and Environment)

The results of the total area and type of land recovered from the 03 projects shown in Table 1, indicate that the total area acquired was 121,813.1 m², in which the compensation area was 86,497.6 m² (accounting for a proportion of 71%), the type of land recovered was mainly swidden land for growing annual crops, accounting for 53%. The area of land without compensation was 35,315.5 m² (accounting for 47%). The Lai Chau province is very large, so there must be a master plan on all types of land for infrastructure development to improve the efficiency of land use and save land for agricultural production.

Summary of compensation costs of 03 projects is shown in Table 2.

Table 2. Summary compensation costs of 03 projects

No.	Content of compensation, support	Compensation cost (VND)
1	Compensation for residential land and garden, and residential land plot	228,037,280.28
2	Compensation and support for agricultural land	1,538,280,879.72
3	Compensation and support for property and structures	484,105,767.11
4	Compensation and support for trees and crops	638,951,629.2
5	Mobility assistance	30,000,000
6	Support to stabilize life + vocational training	3,814,768,040
7	Expenses for organization and implementation	170,065,667.46
8	Other costs	113,620,564
Total		7,017,829,827

(Source: Phong Tho district Department of Natural Resources and Environment)

The summary of compensation and support costs in Table 2 shows that the total compensation value of 03 projects was 7,017,829,827 VND, in which compensation for land was 1,766,318,160 VND (compensation for residential land was 228,037,280 VND, compensation for agricultural land was 1,538,280,879 VND); compensation and support for crops and trees was 638,951,629 VND; support for life stabilization and vocational training was 3,814,768,040 VND.

By collecting information on the progress of compensation for site compensation of the projects, the study obtained results in Table 3.

Table 3. Progress of compensation for site compensation of 03 projects

No.	Indication	Project 1	Project 2	Project 3	Rate (%)
1	Number of households handed over on time	42	64	66	81.2
2	Number of households that are late in handing over	9	15	16	18.8
Total		51	79	82	100

(Source: Phong Tho district land fund development center)

The data in Table 3 shows that the number of households with land handed over on time reached 81.2% while the number of households handed over late was 18.8%, which is relatively high, partly reflecting the fact that people were not really supportive and voluntarily hand over the premises when implementing the above 3 projects. The reason for the delay in handing over the ground was mainly related to the unit price of compensation for land and assets attached to the land which had not yet met the wishes of the person whose land was recovered. On the other hand, there were also some special reasons; for instance, the application of the compensation policy in the form of land for land was not implemented because the reserve agricultural land fund managed by the Commune People's Committees was almost nonexistent.

When conducting a survey to get opinions of officials performing compensation and support work about difficulties in site compensation, the study obtained the results in Table 4.

Data in Table 4 shows that, over 60% of the officials thought that the compensation policy for land was not reasonable, over 50% of the officials thought that the compensation for property and crops on land was not reasonable. However, nearly 80% of the officials thought that support policies was reasonable.

Thus, according to the survey votes, the rate of assessing the unreasonable compensation for land was high; the policy to support people whose land had been acquired was also assessed as satisfactory by the commune cadres, accounting for a high proportion.

Table 4. *Opinions of officials performing compensation and support work*

No	Interviewing content		Compensation level							
			Project 1		Project 2		Project 3		Total	
			Votes	Rate (%)	Votes	Rate (%)	Votes	Rate (%)	Votes	Rate (%)
1	Land	Reasonable	3	30	4	40	4	40	11	36.7
		Not reasonable	7	70	6	60	6	60	19	63.3
2	Property of crops on the land	Reasonable	4	40	5	50	4	40	13	43.3
		Not reasonable	6	60	5	50	6	60	17	57.7
3	Support policies	Reasonable	8	80	7	70	8	80	23	76.7
		Not reasonable	2	20	3	30	2	20	7	3.3

(Source: Summary of survey data)

3.2. People's opinions on compensation and support levels

When conducting a survey to collect people's opinions about compensation and support, the study obtained the results in Table 5.

Table 5. *Opinions of people on compensation and support*

No	Interviewing content		Compensation level							
			Project 1		Project 2		Project 3		Total	
			Votes	Rate (%)	Votes	Rate (%)	Votes	Rate (%)	Votes	Rate (%)
1	Land	Reasonable	11	36.7	12	40	11	36.7	34	37.8
		Not reasonable	19	63.3	18	60	19	63.3	56	62.2
2	Property of crops on the land	Reasonable	12	40	14	46.7	13	43.3	39	43.3
		Not reasonable	18	60	16	53.3	17	56.7	51	56.7
3	Support policies	Reasonable	20	66.7	22	73.3	18	60	60	66.7
		Not reasonable	10	33.3	8	26.7	12	40	30	33.6

(Source: Summary of survey data)

The summary results of people's opinions on the compensation and support work are as follows: over 65% of the people thought that the compensation policy for land was not reasonable. The high percentage of people whose land had been recovered, and the assessment of compensation for land and assets of crops on the land was not reasonable, partly reflecting the reality of the construction of compensation unit prices in Lai Chau province in general and Phong Tho district in particular were not suitable with market prices at the time of land acquisition.

3.3. Labor and employment situation of households whose land had been recovered

The study conducted 90 questionnaires to households whose land was acquired. On the basis of information processing on the questionnaire to assess the situation of labor and employment before and after land acquisition, the results are shown in Table 6.

Table 6. *The situation of labor and employment of households in the area of compensation and clearance of 03 research projects*

Survey indicators	03 research projects			
	Before land recovery		After land recovery	
	Total	Rate (%)	Total	Rate (%)
1. Number of people	395	100	395	100
2. Number of people of working age	217	54.94	220	55.7
+ Agriculture	201	92.63	200	90.9
+ Non-agricultural	16	7.37	20	9.09
+ Jobless	0	0	0	0
3. Number of people outside working age	0	0	0	0

(Source: Summary of survey data)

The data in Table 6 shows that 395 people were interviewed with the proportion of people of working age being 217 people, accounting for 54.94% in which agricultural workers were 201

people = 92.63%; non-agricultural workers were 16 people = 7.37%. In fact, the data reflected that after land acquisition, the basic job conversion had not changed significantly, only 1.72% of the labourers converted from agricultural to non-agricultural labor. This data also revealed that the policy to support the job change for households and individuals whose land had been recovered had not really been brought as expected.

Table 7 shows information on the average income of people before and after land acquisition.

Table 7. *The average income of people before and after land recovery*

Unit: Thousand VND

Interviewing content	03 research projects	
	Before	After
Average household income/year	52,200,000	66,600,000
Average income per capita/year	17,400,000	22,200,000
Average income per person/month	1,450,000	1,850,000

(Source: Summary of survey data)

Table 7 shows that the average income of households before the project implementation and after land acquisition had increased. However, the average income of households increased due to the positive impact of receiving compensation, support and resettlement of the projects, partly due to the economic development supported by the government investment from programs and projects in the district. Thus, when the government recovers land from 03 projects, people's income had had a positive change, reflecting the support policy of the government from changing occupations and changing production lines.

4. Conclusions and recommendations

4.1. Conclusions

Phong Tho is a border highland district with a total natural area of 102,924.85 ha, including 30 affiliated administrative units of communes and townships. The results of the assessment of compensation and land clearance support for 3 research projects are as follows:

4.1.1. Recovered land results

The recovered land area was 121,813 m²; the compensation area was 86,497.6 m², of which residential land occupied 1591 m² and agricultural land was 84,906 m².

The projects implemented in the district were mainly projects serving the interests of national defense, security and public purposes. The scale of the basic projects was not large, so the scope of influence was not wide.

4.1.2. The work of compensation, support and resettlement

The work of compensation, support and resettlement when performing site clearance for the State to recover land to implement projects in Phong Tho district, Lai Chau province was basically supported by all levels, sectors and ethnic people groups in the district for the purpose of ensuring security - defense, construction and socio-economic development of Phong Tho district.

The total compensation value of 03 projects was 7,017,829,827 VND, in which compensation for land was 1,766,318,160 VND (compensation for residential land was 228,037,280 VND, compensation for agricultural land was 1,538,280,879 VND); compensation and support for crops and trees was 638,951,629 VND; support for life stabilization and vocational training was 3,814,768,040 VND. The total number of households whose land has been confiscated was 212, and the number of households that have to be resettled was 07 households.

The agency performing the work of compensation and site clearance for projects in the district was the district land fund development center. This is a public non-business unit under the People's Committee of Phong Tho district established under the provisions of the Land Law in

2013, the organizational apparatus has been gradually improved and consolidated to ensure the good performance of the functions and tasks assigned by the government. Legal policies on land, especially legal documents on the implementation of land acquisition, compensation, support and resettlement had been improved, step by step overcoming shortcomings in land acquisition.

The results of the research and synthesis of opinions of people and officials on site clearance in Phong Tho district show that the compensation unit price for land of the projects was not reasonable at 63.3% - 70%; the unreasonable unit price of compensation for crops on land was 60%. About people's lives and jobs after the land is recovered, the number of people of working age working in agriculture in the survey area was basically stable, the rate of decrease after land acquisition was 1.73%, the rate of non-agricultural workers increased to 1.72%.

4.2. Limitations and problems

First, Phong Tho is a border highland district, most of the people are ethnic minority people with low literacy levels, the understanding of land law is still limited, so it has a significant impact on the implementation of compensation work and clearance.

Second, the issuance of unit prices for compensation, support and resettlement for land, architectural assets, trees and crops on land had not basically met the aspirations of people whose land was recovered, remaining several difficulties in the clearance business.

Third, the support policy on career change had many shortcomings, it is not guaranteed that people who lost their productive land could change careers to stabilize their lives because many training professions had not been effective.

Fourth, the policy of compensation in the form of land for land (agricultural land) was basically not implemented due to a lack of land resources.

Finally, the policy on resettlement had many shortcomings and was not suitable for the actual conditions of the local people's customs and habits.

4.3. Recommendations

4.3.1. Policy solutions

Support policies need to have breakthrough steps to bring about changes for the people. Therefore, specific regulations on taking the land fund for compensation with land must be made first.

The construction of the land price list and the unit price of assets on land by the Provincial People's Committee ensures that the compensation unit price does not differ much from the actual land use right transfer price on the market, if necessary, a consultant must be hired.

4.3.2. Solution on implementation procedures

Raising awareness of land users about site clearance is important. It is necessary to propagate to people to understand clearly that land acquisition to implement projects to ensure the service of national defense, security and socio-economic development is a necessity in the process of developing and protecting the country.

The principle of publicity and democracy in land clearance work has been paid great attention by the authorities at all levels. However, in order to make this principle really more effective, it is necessary to continue to improve the mechanism and process for public and democratic implementation.

The settlement of complaints in land clearance work must be resolved by the local authorities at all levels, avoiding backlog, prolonging, and pushing the responsibility for settlement from one agency to another, causing the people's frustrations, losing people's trust in the grassroots government.

4.4.3. Solution for propaganda

It is necessary to strengthen propaganda, and widely disseminate mass media regulations on compensation, support and resettlement when the government recovers land. Creating

conditions for the people of all strata to have full information, clear and correct awareness of the guidelines and policies of the State as well as the important significance of the projects implemented in the district.

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