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PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIETNAM
to the United Nations Office,
the World Trade Organization
and Other International Organizations at Geneva



MISSION PERMANENTE DE LA
REPUBLIQUE SOCIALISTE DU VIETNAM
auprès de l'Office des Nations Unies,
de l'Organisation Mondiale du Commerce
et des autres Organisations Internationales à Genève

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Ref: 211 /VNM.2014

Geneva, 23 May 2014

Dear Special Rapporteurs,

With reference to your communication, ref. UA Housing (2000-9), cultural rights (2009) G/SO 214 (56-23) Minorities (2005-4) VNM 3/2014, regarding the information you received concerning "the forced eviction of the residents of the Con Dau village, near Da Nang City", we wish to express our sincere thanks for your genuine dialogues and cooperation with States, including Viet Nam, on the issues of multilateral concern.

With regard to the case, your kind attention is drawn to the reply and information from the relevant authorities in Viet Nam as follows:

1. The ecological park (eco-resort) project along the Hoa Xuan River, in Cam Le District, is part of the Master urban planning of Da Nang City until year 2020. The plan has been approved by Da Nang Authority, and then by the Prime Minister. The project has been mapped with due consideration of positive contribution to the overall development of the City, livelihood of concerned people and the impact to city environment. It spreads over 04 villages, with more than 2,000 families in Trung Luong, Cam Chauh, Lo Giang and Con Dau. The project aims to re-organizing the city, boosting tourism, creating jobs and improving incomes for local people. Prior to the implementation, project's details were announced to public and concerned people, including the scope of work, land areas to be recovered, compensation schemes, re-allocation places and other supports to affected population.

- As planned, cultural and living conditions in the re-allocation areas are in general better than in previous villages, with more convenient infrastructure, including transportation networks and utilities. In addition, the re-allocation places could help avoiding seasonal floods, which are often faced by the communities while living in their old villages.

Mrs. Raquel Rolnik,

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

Ms. Farida Shaheed,

Special Rapporteur in the field of cultural rights.

Mr. Heiner Bielefeldt,

Special Rapporteur on freedom of religion or belief.

Ms. Izsák Rita

Independent Expert on minority issues.

..... - The affected families were guaranteed with the adequate compensation by different financial means or land settlements in the new re-allocation area, basing on current regulations and types of land ownership that they have, such as residential land or agricultural cultivation purposes. The compensated price and evaluation are basing on current national regulations.

- On the other hand, authorities of Da Nang City also provided for incentives and other supports to affected population, guaranteeing new accommodations and jobs to be better or at least equal to conditions that they have before. Supporting means diversify, including vocational training, job changing facilitation, loans for long-term housing, deduction or suspended payment of land taxes, financial supports for temporary accommodations and other incentives for re-allocating ancestor graves. All those means aim to implement the scheduled project, improving the landscape, environment and the orderly development of the City, while ensuring the legitimate rights of affected communities, especially the living conditions of more than 2.000 families in these areas.

2. Reports indicate that most people considered the compensated price and settlement satisfactory and agreed the implementation of the re-allocation. In fact, all most all concerned people, with over 90% and even most of people in Con Dau village, supported the project and agreed to move to the new re-allocation area.

However, there were 93 families in Con Dau villages, who have agreed in principle with the project implementation but they did not accept to move to the new re-allocation places where the rest of families of Con Dau and of other villages have already accepted. These people have asked to remain in their old village, giving the reasons of habitually living near churches. Their calculus could be that staying in the old village may bring more profit after the project with a large investment being completed, and that they would have more business opportunities with a higher land price for their land slots inside the resort.

The demand of these families cannot be accepted for the following reasons: (1) the acceptance may create inequality to the rest of more than 90% of families, including religious and non-religious people, who accepted the current settlements; (2) the existence of old houses of these families shall break the planning and scheme the resort, (3) the re-allocation area is only 1.5 km from the old villages and is still in the same Hoa Xuan hamlet of Cam Le District.

In addition, the project still preserves the old churches and other spiritual establishments. Followers in surrounding areas can continue their practices as usual, since they are still in the same administrative area of Cam Le District. The local authorities also have plans to build more spiritual places, such as providing for a place of 1.800 m² inside the re-allocation area for building a new chapel for religious practices and training of the followers.

The above measures should be considered satisfactory for legitimate interests of affected people. It is suitable to reality of city planning in Da Nang and these are common practices in other countries, especially those with multi ethnics and multi religions.

3. With regard to Con Dau parish's cemetery, all cemeteries in inside the project, including that of Con Dau, have been planned to be re-allocated. Local authorities have noted the community to stop using the cemetery for funeral practices and asked them to use the new cemetery reserved exclusively for Con Dau parish, instead. Yet, the old cemetery has never been recognized as a national heritage while the new cemetery in re-allocation place is 4 times larger, with more convenient facilities for traditional practices. Local authorities also provide for incentives and financial supports for migrating graves from the old cemetery, building

cemetery gate and fencing the new place. Most people welcome and support these solutions and in fact more than 90% of graves have been re-allocated.

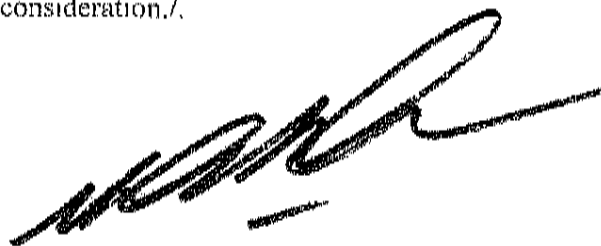
However, on May 04, 2010, making use of the funeral ceremony of Mdm. Dang Thi Tan, some people of Con Dau parish put pressure to Mdm. Tan's family to organize the burial in the old cemetery. Local authority representatives met, explained but failed to have Mdm. Tan's family and her relatives not to use the old cemetery. Some extreme individuals made use of the religious spirit to incite people to attack the local authority's representatives and law enforcement officers, causing 11 wounded and 01 car and equipment of the authority damaged.

Local authorities exercised their legally mandated functions to prevent violence, preserve public order, including through arresting 58 individuals for their extreme behavior in physically assaulting law enforcement officers. Allegations that more than 100 persons were injured, including some elderly, children and pregnant women, are fabricated. Authorities then investigated the case and put relevant individuals under legal process of prosecution, including temporary detention of 6 persons for further investigation on the charges of assault on officers on official duty and public order disruption. Others have been released.

Measures taken to preserve public order and security by Vietnamese authorities were necessary and in conformity with national laws and international standards. These measures are similar to those recently taken by Vietnamese authorities while addressing the on-going protests against the illegal placement of Chinese oil rig on Viet Nam's Exclusive economic zone (EEZ). The rights to peaceful protests of people are fully respected and protected but, at the same time, persons taking advantage of the protests to commit crimes such as thief, robbery, violence incitement and public order disruption were arrested and investigated.

We hope that the above information would help to further clarify the questions of your concerns.

Please accept the assurances of our highest consideration./.



THANH T. NGUYEN
Ambassador, Permanent Representative