

RAMANIE KUNANAYAGAM  
Chairperson  
The Inspection Panel

February 23, 2023  
IPN REQUEST 22/08

**MEMORANDUM TO THE EXECUTIVE DIRECTORS  
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION**

**Request for Inspection**

**Vietnam: Vietnam Coastal Cities Sustainable Environment Project (P156143)**

**Notice of Non-Registration**

**Summary**

1. In accordance with paragraph 18 of the Resolution<sup>1</sup> of the Inspection Panel (the “Panel”), I hereby inform you that on December 24, 2022, the Panel received a Request for Inspection (the “Request”) of the Vietnam Coastal Cities Sustainable Environment Project (P156143) (CCSEP or the “Project”).
2. Thirty-five individuals (the “Requesters”) living in the Project area of Nha Trang City, Khanh Hoa Province, Vietnam submitted the Request. They asked the Panel to keep their identities confidential. The Requesters complain that different resettlement “*Decisions*” made in December 2014 and August 2021 by the People’s Committee of Khanh Hoa Province were inconsistently applied, and that they have been negatively impacted by the methodology used for calculating land prices for resettlement land. They claim they owned Project-affected houses and land before the Project cut-off date, and they are entitled to on-site resettlement, but Project authorities deemed them ineligible. The Requesters allege that some households, which were at one time part of the resettlement program, were subsequently excluded from it. The Requesters believe their land has been miscategorized and hence undervalued, and that the resettlement package neither compensates them for the replacement value nor adequately restores their livelihoods. The Request also alleges that some households were “*forced to*” accept the acquisition of their land.
3. The Panel’s initial due diligence concluded that the Request did not meet all admissibility criteria. While the Panel notes Management appears to have had prior knowledge of resettlement-related issues in this Project, the Panel was not satisfied that Management had a reasonable opportunity to respond to the allegations raised in the Request. Furthermore, considering the change in the scope of land acquisition and resettlement, which excluded the area where the Requesters live from the Project’s resettlement program, the Panel considers the Requesters are now no longer affected by the Project’s resettlement valuation and compensation process. Therefore, I am notifying you that I have not registered this Request.

---

<sup>1</sup> The World Bank Inspection Panel, [Resolution No. IBRD 2020-0004 and Resolution No. IDA 2020-0003](#) (the “Resolution”), September 8, 2020.

## The Project

4. The Project was approved on May 5, 2017, for a total cost of US\$ 273.6 million, comprising International Bank for Reconstruction and Development (IBRD) Loan financing of US\$ 46 million, International Development Association (IDA) Credit financing of US\$ 190.2 million equivalent, with the Borrower – the Socialist Republic of Vietnam – providing US\$ 37.4 million. The closing date of the Project at the time of Project approval was December 31, 2022.<sup>2</sup> After Project restructuring on December 30, 2022, the Project cost was revised to US\$ 240.6 million with an IBRD Loan of US\$ 34.2 million, an IDA Credit of US\$ 156.4 million equivalent, and a Borrower contribution of US\$ 50 million; the closing date was extended to June 30, 2024.<sup>3</sup> It is a Category A project that triggered the safeguard policies on Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Physical Cultural Resources (OP/BP 4.11), and Involuntary Resettlement (OP/BP 4.12). The Project was 36.14 percent disbursed at the time of the receipt of the Request.

5. The Project development objective is “*to increase access to sanitation services and improve the operational performance of sanitation utilities in the Project Cities.*”<sup>4</sup> The four Project cities are Dong Hoi (Quang Binh Province), Quy Nhon (Binh Dinh Province), Nha Trang (Khanh Hoa Province), and Phan Rang-Thap Cham (Ninh Thuan Province). The Implementing Agencies are the Project Management Units (PMUs) in the four respective provinces.<sup>5</sup>

6. The Project has four components. Component 1 invests in expanding sanitation infrastructure such as flood reduction works, drainage, and wastewater collection networks, wastewater treatment plants, and solid waste management, with some subcomponents taking in account of climate change adaptation in their designs. Component 2 improves urban connectivity, including creating or upgrading existing priority roads and bridges along canals, drains, and rivers. Component 3 provides funding for compensation, site clearance, and resettlement site works. The Project Appraisal Document indicates Bank funding will only be used to construct technical infrastructure such as roads and utilities for the resettlement area in Pham Rang (Ninh Thuan Province), and that Government funding will be used for site clearance, relocation, compensation expenses, and housing. Component 4 is to conduct a capacity strengthening program for the PMUs and relevant agencies for implementation support, and institutional reform activities.<sup>6</sup> The issues raised in the Request relate to Component 3.

## The Request

7. The Requesters allege the resettlement “*Decisions*” made by People’s Committee of Khanh Hoa Province in December 2014 and August 2021 are contradictory and they have been applied differently as the basis to inform the Project resettlement and calculate compensation. The Requesters

---

<sup>2</sup> The World Bank, [Project Appraisal Document on a Proposed Loan in the Amount of US\\$ 46 million and on a Proposed Credit in the Amount of SDR 140.5 million \(US\\$ 190.2 million equivalent\) to the Socialist Republic of Vietnam for a Vietnam Coastal Cities Sustainable Environment Project](#) (PAD), April 14, 2017, pp. i and ii.

<sup>3</sup> The World Bank, [Restructuring Paper on a Proposed Project Restructuring of Vietnam Coastal Cities Sustainable Environment Project Approved on May 5, 2017 to the Socialist Republic of Vietnam](#), December 30, 2022, paras. 13 and 14.

<sup>4</sup> PAD, p. 6, para. 26.

<sup>5</sup> PAD, pp. i-iii.

<sup>6</sup> PAD, pp. 7-9, paras. 31-35.

claim it is “*unreasonable*” to use the August 2021 “*Decision*” as the basis for determining compensation, since land acquisition and details of the resettlement plan were decided in 2016.

8. The Requesters say they owned the houses and land before the cut-off date of September 1, 2016, and therefore qualify for on-site resettlement. Nevertheless, according to them, Project authorities have given “*many reasons*” for considering them ineligible. The Requesters say that although the affected households eligible for land allocation were included in a published list and a lottery was held to select land plots, the new resettlement plan no longer allocates land to some of those households.

9. The Requesters allege that the Project calculated the compensation for land by applying the land prices for annual crop and field land based on “*the origin of land from before 1994.*” They claim land use has changed since that time and that the land is currently used for residences and perennial crops. The Requesters dispute the compensation amounts provided, say these are insufficient to purchase new land at current market prices, and complain that they lack the financial capacity to stabilize their lives after resettlement. According to the Request, most households whose land was acquired for the Project “*did not voluntarily allocate their land.*”

### **Panel’s Observation and Determination**

10. In accordance with its Operating Procedures,<sup>7</sup> after receiving the Request and some clarifications from the Requesters, the Panel issued a Notice of Receipt on its website (January 18, 2023) and shared it with the Requesters on the same date.

11. The Panel conducted its due diligence by reviewing the information contained in the Request and Project documents, as well as by speaking with the Requesters in January and February 2023. The Panel verified that the Request is not frivolous, absurd, or anonymous, and was submitted by individuals who live in the Project area. The Panel verified that Management was aware of resettlement issues related to this Project.<sup>8</sup> The Panel confirmed that the subject matter of the Request does not concern issues of procurement and, at the time of receipt of the Request, the Project was less than 95 percent disbursed. The Project’s closing date is June 30, 2024. The Panel has not previously made a recommendation on the issues raised in this Request.

12. On February 13, 2023, the Panel met with Management to better understand its position regarding the Request. Management said the Bank’s Country Office received complaints dated December 19, 24 and 26, 2022 on these issues. Management explained that the first time it heard complaints from these Requesters coincided with the submission of the Request for Inspection, and that such timing effectively denied Management a reasonable opportunity to respond to the issues raised therein.

13. Management explained that the Project acquired a resettlement site in Nha Trang City for PAPs who had to resettle for the Project-related infrastructure works. In order to make space for these

---

<sup>7</sup> The Inspection Panel at the World Bank, [Operating Procedures](#), December 2022.

<sup>8</sup> The World Bank, Annual Report FY22 Grievance Redress Service.

<https://documents1.worldbank.org/curated/en/099411001302365502/pdf/IDU0e19d100a05a4604888082390083774824110.pdf>

PAPs, people already living on this site were required to resettle. Management said this resettlement site was originally to cover 13.5 hectares (ha) of land, and that 8.5 ha had been acquired. After the Project restructuring on December 30, 2022, the remaining five ha were no longer being acquired for the Project; therefore, the households living in that area will no longer be required to move. Therefore, according to Management, they will no longer be “*considered as project affected households.*” Management provided the Panel with a map that showed the five ha are made up of scattered parcels of land within the 13.5 ha. At the time of its meeting with the Panel, Management explained that the provincial authority had confirmed in writing to the Bank that this area would not be acquired and that all compensation packages related thereto would be withdrawn.

14. Management acknowledged that the Requesters had not yet been informed of the decision that they will no longer be resettled. Management followed up with the Panel on February 18, 2023 that a notification was issued on the PMU’s website advising formerly affected households of the situation, and that these households would also receive individual letters on this matter.

15. The Requesters subsequently told the Panel that they were informed by the PMU on February 21, 2023 that their household plots were no longer part of the Project’s resettlement, but they had not received this information from the People’s Committee of the Province. Thus, they still considered themselves affected by the resettlement. They raised concerns that they may be required to resettle for a different project in the future without the protection of the Bank Resettlement Policy, in particular as their plots are “*sandwiched*” between and “*surrounded*” by plots already acquired by the Project.

16. The Panel carefully weighed the information provided by the Requesters and Management. While the Panel notes that Management appears to have had prior knowledge of resettlement-related issues in this Project, the Panel accepts Management’s explanation that it lacked reasonable opportunity to respond to the particular concerns raised in the Request. Furthermore, considering the change in the scope of land acquisition and resettlement, the Panel considers the Requesters are no longer affected by the Project’s resettlement valuation and compensation process.

17. In light of the foregoing, in accordance with the Panel Resolution and its Operating Procedures, and after reviewing the information gathered through its own due diligence, the Panel is not registering this Request for Inspection. This non-registration does not preclude the possibility of a future Request for Inspection related to this Project.

Yours sincerely,



Ramanie Kunanayagam  
Chairperson

Attachments

Mr. David Malpass, President  
International Bank for Reconstruction and Development, International Development Association

Requesters (confidential)

**Attachment**

**Request for Inspection  
(Redacted)**



**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

-----

*Nha Trang, December 22<sup>nd</sup> 2022*

**LETTER OF COMPLAINT**

To: - World Bank;

Full name of the complainants: Households whose houses and land have been recovered to implement Ngoc Hiep resettlement area project at Ngoc Hiep Ward, Nha Trang City, Khanh Hoa Province. (List and phone numbers attached)

Complaint about compensation, support and resettlement plan for Ngoc Hiep Resettlement Area infrastructure construction project in Nha Trang city.

We are the households that are directly affected by “Ngoc Hiep Resettlement Area Infrastructure Construction Project”, which is a part of component 3 of “Coastal Cities Sustainable Environment Project” (CCSEP). Our situation is extremely difficult as we have managed and borrowed money from many sources to build our houses.

It was known that Ngoc Hiep resettlement area project was a loan project of the World Bank. The project aimed to serve social security, creating favorable conditions for households affected by the project to stabilize their lives and have better or at least equal living conditions than before the project.

We completely agreed with the above policy and cooperated in the inventory of assets to facilitate the project completion. However, after reviewing the Project’s Compensation, Support, and Resettlement Plan published at the People’s Committee of Ngoc Hiep Ward and Khanh Hoa Province Development Project Management Unit, we now completely disagree with the plan. In particular:

1/ We own the houses and land and have been living in the area where the land was acquired before the closing date, which is the date of issuance of the notice of land acquisition on September 01, 2016. We believe that we are eligible for the allocation of on-site resettlement land according to regulations, but the Project Management Unit gives many reasons for refusal of resettlement land allocation.

2/ Some households that have been eligible for resettlement land allocation as presented in the published list, and a lottery has been held for the selection of land plots, but resettlement lands have not been allocated to them according to the new plan.

3/ The decision on land acquisition and Decision approving the compensation, support and resettlement plan were issued in 2016, and it is unreasonable for the project management unit to base on Decision No. 10/2021/QD-UBND dated August 26, 2021, of People’s Committee of Khanh Hoa Province to develop the compensation, support and resettlement plan.

4/ Conditions for resettlement land allocation comply with Decision No. 10/2021/QD-UBND dated August 26 2021, of People's Committee of Khanh Hoa Province, so what Decision serves as a basis to determine the price of resettlement land? Is the price of resettlement land for ineligible cases calculated with a coefficient of 1.05 or 1.5 of the price of eligible resettlement land?

5/ The current status of our land is residential land and perennial crop land, and it is unreasonable for the Project Management Unit to base on the origin of land from before 1994, which is field land and annual crop land, to apply a compensation price of VND 400,000 to 600,000 VND/m<sup>2</sup>. At the compensation price, the households who lost their land cannot buy land at the current market price. Most of the households whose land was acquired did not agree with this compensation price and did not voluntarily allocate their land. Some households were forced to acquire land. Households eligible for resettlement land allocation do not have the sufficient financial capacity to buy resettlement land and build houses to stabilize their lives.

6/ The application of the resettlement policy framework of the "Coastal Cities Sustainable Environment Project" signed with the World Bank is not consistent, sometimes based on Decision No. No. 29/2014/QD-UBND dated December 21 2014, sometimes based in Decision No. 10/2021/QD-UBND dated August 26 2021, of the People's Committee of Khanh Hoa Province. What Decision is applied by the Project Management Unit in the future?

Ngoc Hiep Resettlement Area Project recovers houses and land that are not part of the resettlement land fund of households producing and living stably for decades in the locality. It is expelling us from the locality to make a resettlement land fund for households affected by other projects, which is extremely unreasonable.

We believe that every project serves the goal of social security. The compensation, support and resettlement plan should create the best conditions for residents. However, the planning of the Project Management Unit has prevented us from stabilizing our lives and is contrary to the purpose of the project, which is RESETTLEMENT. As a result, we have encountered even more difficulties from losing our land and have been suffering bewilderment and anxiety since 2016.

We hope that the World Bank authorities at all levels review the project's implementation to ensure compliance with regulations and re-establish a compensation plan so that we will be entitled to adequate compensation to settle down.

**Signatures of households**  
(including 35 households)



**CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM**  
**Độc lập - Tự do - Hạnh Phúc**

---

*Nha Trang, ngày 22 tháng 12 năm 2022*

**ĐƠN KHIẾU NẠI**

Kính gửi: - Ngân hàng thế giới;

Họ và tên người khiếu nại: Các hộ dân có nhà, đất bị thu hồi để thực hiện dự án khu Tái định cư Ngọc Hiệp, Phường Ngọc Hiệp, Thành phố Nha Trang, tỉnh Khánh Hòa. (Danh sách, số điện thoại đính kèm)

Khiếu nại về phương án đền bù, hỗ trợ và tái định cư dự án xây dựng cơ sở hạ tầng Khu tái định cư Ngọc Hiệp, thành phố Nha Trang.

Chúng tôi là những hộ dân bị ảnh hưởng trực tiếp bởi “ Dự án xây dựng cơ sở hạ tầng khu tái định cư Ngọc Hiệp”, thuộc hợp phần 3 của dự án “môi trường bền vững các thành phố duyên hải” viết tắt là CCSEP. Hoàn cảnh chúng tôi vô cùng khó khăn, xoay sở, vay mượn tiền nhiều nơi mới xây dựng được căn nhà để che nắng, che mưa.

Được biết, dự án khu tái định cư Ngọc Hiệp là dự án vay vốn của Ngân hàng Thế Giới. Chủ trương của dự án nhằm mục đích an sinh xã hội, tạo điều kiện thuận lợi cho những hộ dân bị ảnh hưởng bởi dự án ổn định đời sống, có điều kiện sống tốt hơn hoặc ít nhất là bằng với điều kiện sống trước khi bị ảnh hưởng bởi dự án.

Chúng tôi rất đồng tình với chủ trương trên nên đã rất hợp tác trong việc kiểm kê tài sản, hỗ trợ cho dự án sớm được hoàn thành. Tuy nhiên sau khi xem xét Phương án bồi thường, hỗ trợ và tái định cư của dự án được niêm yết công khai tại UBND phường Ngọc Hiệp và Ban Quản lý dự án Phát triển tỉnh Khánh Hòa, chúng tôi hoàn toàn không đồng ý phương án trên. Cụ thể như sau:

1/ Chúng tôi có nhà, đất và đang sinh sống tại nơi có đất bị thu hồi trước ngày khóa sổ là ngày ban hành thông báo thu hồi đất 1/9/2016. Chúng tôi xét thấy chúng tôi đủ điều kiện được cấp tái định cư tại chỗ theo quy định nhưng Ban Quản lý dự án lại đưa ra nhiều lý do khác nhau để chúng tôi không được cấp đất tái định cư.

2/ Có một số hộ đã đủ điều kiện cấp tái định cư, danh sách đã được niêm yết công khai và đã được tổ chức bốc thăm chọn lô đất, nhưng nay theo phương án mới lại không được tái định cư.

3/ Dự án đã có Quyết định thu hồi đất và Quyết định phê duyệt phương án bồi thường, hỗ trợ, tái định cư năm 2016 nhưng Ban quản lý dự án lại căn cứ theo Quyết định số 10/2021/QĐ-UBND ngày 26/8/2021 của UBND tỉnh Khánh Hòa để lập phương án bồi thường, hỗ trợ và tái định cư là bất hợp lý.

4/ Điều kiện cấp đất tái định cư thực hiện theo Quyết định số 10/2021/QĐ-UBND ngày 26/8/2021 của UBND tỉnh Khánh Hòa, vậy giá đất tái định cư thực hiện theo Quyết định nào? Giá đất tái định cư đối với các trường hợp không đủ điều kiện tính theo hệ số 1.05 hay 1.5 so với giá đất TĐC đủ điều kiện?.

5/ Hiện trạng đất của chúng tôi là đất ở, đất trồng cây lâu năm nhưng Ban quản lý dự án lại căn cứ nguồn gốc đất từ trước năm 1994 là đất ruộng, đất trồng cây hàng năm để áp giá đền bù 400.000đ đến 600.000đ/m<sup>2</sup> là quá bất hợp lý. Với giá đền bù này thì các hộ dân mất đất không thể đủ tiền mua đất theo giá thị trường hiện nay. Hầu hết các hộ dân có đất bị thu hồi đều không đồng ý với giá đền bù này, đều không tự nguyện giao đất, một số hộ bị cưỡng chế thu hồi đất. Các hộ dân đủ điều kiện cấp tái định cư thì không đủ tiền để mua suất tái định cư, càng không đủ tiền xây nhà ổn định đời sống.

6/ Dự án chỉ có một nhưng lúc thì chủ trương vận dụng khung chính sách tái định cư của “dự án môi trường bền vững các thành phố duyên hải” đã ký kết với Ngân hàng thế giới, lúc thì vận dụng theo Quyết định số 29/2014/QĐ-UBND ngày 21/12/2014, lúc thì vận dụng Quyết định số 10/2021/QĐ-UBND ngày 26/8/2021 của UBND tỉnh Khánh Hòa để lập phương án bồi thường, tương lai Ban Quản lý dự án còn vận dụng Quyết định nào nữa không?

Dự án Tái định cư Ngọc Hiệp thu hồi nhà, đất không thuộc quỹ đất tái định cư của các hộ dân đang sản xuất, sinh sống ổn định hàng chục năm nay tại địa phương, đuổi chúng tôi ra khỏi địa phương để làm quỹ đất dự phòng tái định cư cho các hộ dân bị ảnh hưởng bởi các dự án khác là vô cùng bất hợp lý.

Chúng tôi nghĩ bất kỳ dự án nào cũng nhằm mục tốt đẹp là an sinh xã hội. Phương án đền bù, hỗ trợ và tái định cư nên tạo điều kiện tốt nhất cho người dân chúng tôi. Tuy nhiên việc lập phương án của Ban Quản Lý dự án đã gây khó khăn cho người dân chúng tôi trong việc ổn định đời sống đi ngược lại mục đích của dự án là TÁI ĐỊNH CƯ khiến người dân chúng tôi đã khổ càng khổ hơn, từ có đất thành mất đất, có nhà thành vô gia cư khiến chúng tôi hoang mang, lo lắng không có tinh thần làm việc trong suốt thời gian từ 2016 đến nay.

Đề nghị Ngân hàng thế giới, lãnh đạo chính quyền các cấp có thẩm quyền vào cuộc xem xét việc thực hiện dự án có đúng quy định, lập lại phương án đền bù giúp người dân chúng tôi được đền bù thỏa đáng, được tái định cư ổn định cuộc sống.

**Chữ ký các hộ dân**  
(được đính kèm gồm 35 hộ dân)

DANH SÁCH CÁC HỘ DÂN VÀ CHỮ KÝ

STT	HỌ TÊN	SỐ ĐIỆN THOẠI	KÝ TÊN
01			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			

