

Due Diligence Report

October 2014

VIE: Second Upper Secondary Education Development Project (USEDP II) – Dak Nong Province

Luong The Vinh Upper Secondary School
Phan Boi Chau Upper Secondary School

Prepared by the Ministry of Education and Training, Socialist Republic of Viet Nam, for the Asian Development Bank.

The Due Diligence Report is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

ACCRONYMS

ADB	-	Asian Development Bank
CPMU	-	Central Project Management Unit
EMs	-	Ethnic Minorities
MOET	-	Ministry of Education and Training
RP	-	Resettlement Plan
USEDP II	-	Second Upper Secondary Education Project
USS	-	Upper Secondary School

I. INTRODUCTION

1. The Ministry of Education and Training (MOET) is implementing the Second Upper Secondary Education Development Project (USEDP II, or the Project) in the 33 provinces of Viet Nam, through Loan № 2929 – VIE (SF) from Asian Development Bank. Under the Project, a total of 135 upper secondary schools (USSs) and six (6) pedagogical centers have been selected for assistance. In the screening and categorization for social safeguards, Category A subprojects are automatically excluded as Category C shall be prioritized for financing. The subproject USSs with minor impacts (Category B) may be considered subject to the preparation and implementation of a resettlement plan (RP) acceptable to ADB, as prescribed in 2009 Safeguard Policy Statement (SPS). The RP for Category B subproject shall be approved first by the Bank and downloaded at ADB website before implementation by MOET.

2. In **Dak Nong Province** at the Central Highlands Region, two (2) beneficiary USSs were selected for the Project, namely: (i) Luong The Vinh Upper Secondary School; and (ii) Phan Boi Chau Upper Secondary School. They are located in two (2) of the province's seven (7) districts. As screened, both are Category C subprojects under the Involuntary Resettlement and Indigenous Peoples categorization (**Attachments 1 to 2**), since no social impacts are expected inside the schools' premises. The Central Project Management Unit (CPMU) of USEDP II has submitted this Due Diligence Report (DDR) for information of ADB and to secure its "No Objection" for the award of civil works contract for the construction of school facilities.

II. APPROACH AND METHODOLOGY IN DUE DILIGENCE

3. The CPMU has applied the selection criteria in evaluating the USSs included in the long list. The criteria were developed during the PPTA. Given the large number of USSs and their geographic locations, the CPMU sent questionnaires for filling up by the school officials whose responses were the basis for screening and selection in producing the shortlist of USSs. The school officials of shortlisted USSs were then given two sets of questionnaires. The first set was used in gathering information on their proposed facilities and statistical data that justify their proposal. The proposed investments were then screened and made the reasonable distribution of facilities that are urgently needed. The second set was aimed to validate if land acquisition shall be required.

III. THE PROPOSED FACILITIES

4. The two (2) USSs will construct 26 regular classrooms (15 Luong The Vinh and 11 for Phan Boi Chau). In addition to classrooms, Luong The Vinh also requires three (3) function rooms for the classes in physics, chemistry, and laboratory. The construction of regular classrooms will follow the standard dimension as provided for in Decision № 37/2008/QĐ-BGDĐT (July 16, 2008) by MOET. The following dimension of each classroom is as follows: length = 7.8 m and width = 9.9 m. Comprising the width is 7.5 m working area and 2.4 m for the corridor. Each classroom shall have a total area of 56.77 m².

5. The function rooms shall have the following dimensions: length = 11.7 m and width = 9.6 m. The length shall be composed of 7.8 m for working area and 3.9 m for preparation room of teacher. The width is composed of 7.5 m for activity room and 2.1 m for the corridor. Overall, each function room shall have a total area of 83.92 m² in which 56.47 m² for activity room and 27.45 m² for preparation room of the teacher.

IV. BRIEF PROFILE OF THE USSs

A. Luong The Vinh Upper Secondary School

6. The school was established in Thuan Hanh Commune near the center of Dak Song District. The school has 16,487 m² of land and only uses 856 m², or 5.2%, for the school buildings and serves the students in three (3) communes. In school-year 2013-2014, a total of 1,077 students were enrolled, 520 are males and 557 are females. The students were composed of 374 from Grade 10, 335 in Grade 11 and 368 in Grade 12, and belong to different ethnic groups like Kinh being the majority (94%), and the nine (9) groups of ethnic minorities (6%)

7. Already 11 years in operation that began in 2003, the school has quite a big number of student populations. For the last five (5) school-years, enrolment averages to 1,260 students. Luong The Vinh USS has 84 personnel, 10 are non-teaching staff and 74 are teachers, in which 70 are Kinh and four (4) are ethnic minorities. The teachers are all graduates of universities with three (3) are pursuing for their master degrees.

B. Phan Boi Chau Upper Secondary School.

8. The school was established in 2006 in Village 13 at Nam Dong Commune in Cu Jut District and serves three (3) communes. Its premises occupy a total of 16,329 m² of land having by Land Use Right Certificate № CT 01098. Of the total lands, 2,808 m² (or 17.2%) are occupied by school buildings. During the school-year 2013-2014, some 1,160 students were enrolled in the school, 512 are males and 648 are females. Enrolment comprised by 508 students from Grade 10, 317 in Grade 11 and 335 in Grade 12. Ethnicity of the students were varied with Kinh as the majority (62.4%), followed by Nung (16.8%), Tay (12.4) and other ethnic minority groups with small populations (8.4%).

9. The school has been operating for eight (8) years and for the last five school-years, enrolment has averaged to more than 1,300 students prompting the school officials to request for additional classrooms to MOET. The school has 85 personnel, seven (7) of which are non-teaching staff and 78 are teachers, 34 are males and 44 are females. Seventy six are Kinh while 12 are EMs. All teachers are graduates of universities with three (3) teachers have master degrees.

V. ASSESSMENT OF SOCIAL IMPACTS

10. Adverse social impacts are not expected in land acquisition in two USS in Dak Nong Province. The school premises are enclosed with concrete or wooden fences as protection from encroachers, and neither a house nor structure of private person was allowed by the school administration. Given the total land requirements of the proposed facilities, they were assessed as to their impacts on available lands in the respective school premises.

- **Luong The Vinh Upper Secondary School.** This school proposes for 15 classrooms and three (3) function rooms. Given the area of 56.77 m² for each classroom and 83.92 m² for the function room, this subproject will require a total area of 503.31 m² (851.55 m² for the classrooms and 251.76 m² for the function rooms). The area is only equivalent to 3.0% of its 16,487 m² land. If this is added to the whole area occupied by existing buildings, this would only increase to 8.2%. Therefore, land acquisition beyond the school premises is not required.
- **Phan Boi Chau Upper Secondary School.** The proposed facilities for this school are 11 classrooms. Using the standard dimension prescribed by MOET (see para. 4), the classrooms shall require 624.47 m², or 3.8%, of the total land. If the space for the area of existing structures is added, they would only occupy 21.0% land and acquisition of private land is not required.

11. With the foregoing information on the proposed subprojects in Dak Nong Province, request for “No Objection” for the award of civil works contracts is being sought by MOET from ADB.

Attachment – 1

Involuntary Resettlement Impact Categorization Checklist

Project: **Second Upper Secondary Education Development Project (USEDP II)**

Subproject: **Luong The Vinh Upper Secondary School**

Province: Dak Nong District: Dak Song (Thuan Hanh Commune) CATEGORY: C

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?		✓		Civil works and rehabilitation shall be undertaken in school premises.
2. Is the site for land acquisition known?		✓		Land acquisition will only happen if there is an expansion of school premises. But so far, there is no proposal for expansion.
3. Is the ownership status and current usage of land to be acquired known?				This is not applicable to the project since there is no expansion of school premises.
4. Will easement be utilized within an existing Right of Way (ROW)?		✓		The school has already an entrance and will not be touched by the construction of 15 classrooms and three (3) function rooms at the school premises.
5. Will there be loss of shelter and residential land use to land acquisition?		✓		Not a house or residential land shall be affected given the wide space of school premises.
6. Will there be loss of agricultural and other productive assets due to land acquisition?		✓		All civil works shall be undertaken in school premises. .
7. Will there be loss of crops, trees, and fixed assets due to land acquisition?		✓		Trees or crops of private persons shall not be affected. While there are some trees in school premises, it is unlikely that they shall be affected by the construction. . .
8. Will there be loss of business or enterprises due to land acquisition?		✓		Not a single business will be affected as all civil works and rehabilitation shall be done inside the school premises. .
9. Will there be loss of income sources and means of livelihoods due to land acquisition?		✓		The Project will rather create livelihood or employment in the locality due to construction of school rooms.
Involuntary Restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?		✓		All civil works and rehabilitation shall be undertaken in school premises. .
11. If land use is changed, will it have an adverse impact on social and economic activities?				No current use of land will be changed and therefore there is no impact on the socio-economic activities of the people.
12. Will access to land and resources owned by the communally or by the state be restricted?		✓		Restriction to land resources of the community or by the state is unlikely.
Information on Displaced Persons				
Any estimate of the likely number of persons that will be displaced by the Project? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not applicable				
If yes, approximately how many? .				
Are any of the poor, female-headed households, or vulnerable to poverty risks? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not applicable				
Are any displaced persons from indigenous or ethnic minority groups? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not applicable				

Indigenous Peoples Impact Screening Checklist

Project: **Second Upper Secondary Education Development Project (USEDP II)**

Subproject: **Luong The Vinh Upper Secondary School**

Province: Dak Nong District: Dak Song (Thuan Hanh Commune) CATEGORY: C

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural group present in or use the project areas who may be considered as “tribes” (hill tribes, schedules tribes, tribal peoples), “minorities” (ethnic or national minorities) or “indigenous communities” in the project area?		✓		The land is allocated solely for the school. If there are ethnic minorities, they are among students of the school pursuing their upper secondary education. .
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to “ethnic minorities”, scheduled tribes, tribal peoples, national minorities, or cultural communities?	✓			Some students are children of ethnic minorities in Vietnam who are recognized by the Government. Their rights are embodied in the 2013 Constitution.
3. Do such groups self-identity as taking part of a distinct social and cultural group?	✓			They belong to the 54 different ethnic minorities in the country.
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?		✓		The land being used by the school is exclusively for education purposes where the ethnic minorities has no collective attachments..
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?	✓			Such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture.
6. Do such groups speak a distinct language or dialect?	✓			Ethnic minority students and ethnic minority teachers speak dialects distinct from the mainstream society.
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?	✓			Such groups are socially and economically marginalized due to their geographic location.
8. Are such groups represented as “Indigenous Peoples” or as “ethnic minorities” or “scheduled tribes” or “tribal populations” in any formal decision-making bodies at the national or local levels?	✓			Outside of the school, such groups are represented as “ethnic minorities” in formal decision-making bodies at the national or local levels.
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?	✓			The students from indigenous communities will directly benefit from the Project in terms of improved quality of education.
10. Will the project directly or indirectly affect Indigenous Peoples’ traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)?	✓			The project shall only deliver quality education but will not impose changes in sociocultural practices of ethnic minorities.
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g. food production system, natural resource management, crafts and trade, employment status)		✓		The construction of classrooms will be done in school premises.
12. Are there socio-cultural group present in or use the project areas who may be considered as “tribes” (hill tribes, schedules tribes, tribal peoples), “minorities” (ethnic or national minorities) or “indigenous communities” in the project area?		✓		The sub-project area is inside the school premises.

KEY CONCERNS (Please provide elaborations on the remarks column)	YES	NO	NOT KNOWN	Remarks
C. Identification of Special Requirements				
<i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?		✓		There is no commercial development of cultural resources as the sub-project involves the construction of classrooms...
14. Physical displacements from traditional or customary lands?		✓		Physical displacement from traditional or customary lands will not happen in the sub-project area.
15. Commercial development of natural resources (such as minerals, hydrocarbons, forest, water, hunting or fishing ground) within customary lands under use that would impact the livelihoods or the cultural ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?		✓		The activities in the sub-project area will involve the construction of 15 classrooms and three (3) function rooms at the school premises.
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?		✓		The sub-project will only involve the construction of classrooms.
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?		✓		There is no acquisition of lands.

D. Anticipated Project Impacts on Indigenous Peoples

Project component/ activity/output	Anticipated positive effects	Anticipated negative effects
1. Construction of 15 classrooms at the school premises. It will follow the standard dimension as provided for in Decision 37/2008/QD-BGDDT (July 16, 2008). Each classroom shall have the following dimensions: length = 7.8 m and width = 9.9 m. Comprising the width is 7.5 m working area and 2.4 m for the corridor. The classroom shall have a total area of 56.77 m ² .	The provisions of new classrooms will accommodate the increasing number of upper secondary education students. It will also facilitate in providing them quality upper secondary education.	None
2. Construction of three (3) function rooms in the school premises. Each function room shall have the following dimensions: length = 11.7 m and width = 9.6 m. The length shall be composed of 7.8 m for working area and 3.9 m for preparation room of teacher. The width is composed of 7.5 m for activity room and 2.1 m for the corridor. Overall, each function room shall have a total area of 83.92 m ² in which 56.47 m ² for activity room and 27.45 m ² for preparation room of teacher.	The function rooms shall be instrumental for the students to gain more knowledge in improved lessons in science. The function rooms shall be used in biology, chemistry, physics or laboratory rooms.	None

Attachment – 2

Involuntary Resettlement Impact Categorization Checklist

Project: **Second Upper Secondary Education Development Project (USEDP II)**

Subproject: **Phan Boi Chau Upper Secondary School**

Province: Dak Nong District: Cu Jut (Nam Dong Commune) CATEGORY: C

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?		✓		Civil works and rehabilitation shall be undertaken in school premises. .
2. Is the site for land acquisition known?		✓		Land acquisition will only happen if there is an expansion of school premises. But so far, there is no proposal for expansion.
3. Is the ownership status and current usage of land to be acquired known?				This is not applicable to the project since there is no expansion of school premises.
4. Will easement be utilized within an existing Right of Way (ROW)?		✓		The school has already an entrance and will not be touched by the construction 11 classrooms at the .school premises.
5. Will there be loss of shelter and residential land use to land acquisition?		✓		Not a house or residential land shall be affected given the wide space of school premises.
6. Will there be loss of agricultural and other productive assets due to land acquisition?		✓		All civil works shall be undertaken in school premises. .
7. Will there be loss of crops, trees, and fixed assets due to land acquisition?		✓		Trees or crops of private persons shall not be affected. While there are some trees in school premises, it is unlikely that they shall be affected by the construction. ..
8. Will there be loss of business or enterprises due to land acquisition?		✓		Not a single business will be affected as all civil works and rehabilitation shall be done inside the school premises. .
9. Will there be loss of income sources and means of livelihoods due to land acquisition?		✓		The Project will rather create livelihood or employment in the locality due to construction of school rooms.
Involuntary Restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?		✓		All civil works and rehabilitation shall be undertaken in school premises. .
11. If land use is changed, will it have an adverse impact on social and economic activities?				No current use of land will be changed and therefore there is no impact on the socio-economic activities of the people.
12. Will access to land and resources owned by the communally or by the state be restricted?		✓		Restriction to land resources of the community or by the state is unlikely.
Information on Displaced Persons				
Any estimate of the likely number of persons that will be displaced by the Project? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not applicable				
If yes, approximately how many? .				
Are any of the poor, female-headed households, or vulnerable to poverty risks? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not applicable				
Are any displaced persons from indigenous or ethnic minority groups? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not applicable				

Indigenous Peoples Impact Screening Checklist

Project: **Second Upper Secondary Education Development Project (USEDP II)**

Subproject: **Phan Boi Chau Upper Secondary School**

Province: Dak Nong District: Cu Jut (Nam Dong Commune) CATEGORY: C

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural group present in or use the project areas who may be considered as “tribes” (hill tribes, schedules tribes, tribal peoples), “minorities” (ethnic or national minorities) or “indigenous communities” in the project area?		✓		The land is allocated solely for the school. If there are ethnic minorities, they are among students of the school pursuing their upper secondary education. .
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to “ethnic minorities”, scheduled tribes, tribal peoples, national minorities, or cultural communities?	✓			Some students are children of ethnic minorities in Vietnam who are recognized by the Government. Their rights are embodied in the 2013 Constitution.
3. Do such groups self-identity as taking part of a distinct social and cultural group?	✓			They belong to the 54 different ethnic minorities in the country.
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?		✓		The land being used by the school is exclusively for education purposes where the ethnic minorities has no collective attachments..
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?	✓			Such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture.
6. Do such groups speak a distinct language or dialect?	✓			Ethnic minority students and ethnic minority teachers speak dialects distinct from the mainstream society.
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?	✓			Such groups are socially and economically marginalized due to their geographic location.
8. Are such groups represented as “Indigenous Peoples” or as “ethnic minorities” or “scheduled tribes” or “tribal populations” in any formal decision-making bodies at the national or local levels?	✓			Outside of the school, such groups are represented as “ethnic minorities” in formal decision-making bodies at the national or local levels.
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?	✓			The students from indigenous communities will directly benefit from the Project in terms of improved quality of education.
10. Will the project directly or indirectly affect Indigenous Peoples’ traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)?	✓			The project shall only deliver quality education but will not impose changes in sociocultural practices of ethnic minorities.
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g. food production system, natural resource management, crafts and trade, employment status)		✓		The construction of classrooms will be done in school premises.
12. Are there socio-cultural group present in or use the project areas who may be considered as “tribes” (hill tribes, schedules tribes, tribal peoples), “minorities” (ethnic or national minorities) or “indigenous communities” in the project area?		✓		The sub-project area is inside the school premises.

KEY CONCERNS (Please provide elaborations on the remarks column)	YES	NO	NOT KNOWN	Remarks
C. Identification of Special Requirements <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?		✓		There is no commercial development of cultural resources as the sub-project involves the construction of classrooms...
14. Physical displacements from traditional or customary lands?		✓		Physical displacement from traditional or customary lands will not happen in the sub-project area.
15. Commercial development of natural resources (such as minerals, hydrocarbons, forest, water, hunting or fishing ground) within customary lands under use that would impact the livelihoods or the cultural ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?		✓		The activities in the sub-project area will involve the construction of 11 classrooms at the school premises.
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?		✓		The sub-project will only involve the construction of classrooms.
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?		✓		There is no acquisition of lands.

D. Anticipated Project Impacts on Indigenous Peoples

Project component/ activity/output	Anticipated positive effects	Anticipated negative effects
1. Construction of 11 classrooms at the school premises. It will follow the standard dimension as provided for in Decision 37/2008/QD-BGDDT (July 16, 2008). Each classroom shall have the following dimensions: length = 7.8 m and width = 9.9 m. Comprising the width is 7.5 m working area and 2.4 m for the corridor. The classroom shall have a total area of 56.77 m ² .	The provisions of new classrooms will accommodate the increasing number of upper secondary education students. It will also facilitate in providing them quality upper secondary education.	None