

Due Diligence Report

November 2014

VIE: Second Upper Secondary Education Development Project (USEDP II) - Dak Lak Province

Hai Bai Trung Upper Secondary School

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

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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, while Category C subprojects 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 disclosed in the ADB website before implementation by MOET.

2. Dak Lak Province is located at the Central Highlands Region, Hai Ba Trung Upper Secondary School is one of the four USSs¹ hereby endorsed for the Project. It is located in Thien An ward of Buon Ho town. As screened, the school is Category C subproject both in Involuntary Resettlement and Indigenous Peoples categorization (Attachments 1), 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 to be filled-up by 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. Resettlement specialist and CPMU staff also conducted survey at the school during 12-13 August 2014 to verify information provided by the CPMU.

III. THE PROPOSED FACILITIES

4. In all, the Hai Ba Trung USS will construct 12 regular classrooms and three (3) function rooms for the classes in biology, 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.

¹ Three other USSs of Ea Rok, Tran Hung Dao, Phan Chu Trinh had already been endorsed as Category C both in Involuntary Resettlement and Indigenous Peoples categorization by ADB and MOET.

IV. BRIEF PROFILE OF THE USSs

A. Hai Bai Trung Upper Secondary School

6. The school became operational in 1998 and was established in Thien An ward of Buon Ho town. The school has 25,900 m² of land with only 3,100 m², or 11.96%, are used for school buildings. It serves the students in six (6) communes of: Cu Bao, Binh Thuan, Ea'Sieng, Ea' Drong, Buon Ho, Pong Drang and 04 wards of Thien An, An Binh, An Lac, Dat Hieu.

7. During the school-year 2013-2014, a total of 1,116 students were enrolled, 484 are males and 632 are females. The students were composed of 403 from Grade 10, 330 in Grade 11 and 383 in Grade 12, and belong to different ethnic groups like Kinh being the majority (88.26%) and the EMs of Gia Rai, Hoa, Muong, Nung, Ede and Tay (with the combined share of 11.74%).

8. Student enrolment is increasing in recent year, from 1,156 in school year 2008-2009; 1,030 in 2009-2010; 1,081 in 2010-2011; 1146 in 2011-2012; and 1,194 in 2012-2013. The school facilities are degraded and need for provision of new classroom and function room to replace the old and poor buildings. It has 68 personnel, eight (8) are non-teaching staff and 60 are teachers, in which 56 are Kinh while four (4) are EMs. The teachers are all graduates of universities with seven teacher (7) has already a master degree.

V. ASSESSMENT OF SOCIAL IMPACTS

9. There is no social impacts expected arising from land acquisition in the selected Hai Ba Trung USS in Dak Lak 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. The school was allocated additional land which was public land managed by the Buon Ho District People's Committee. There was no structure or assets attached to this land. Given the total land requirements of the proposed facilities, it were assessed as to impacts on available land in the respective school premise.

The **Hai Ba Trung Upper Secondary School** proposes for twelve (12) classrooms and three (3) function rooms. Given the area for the development of a 03-storey building composing the proposed classroom and function room this subproject will require a total area of 685 m² which is only equivalent to 2.6% of the school premise 25,900 m². The structure will be built within the existing school compound. No land acquisition is required and no third-party user will be affected.

10. With the foregoing information on the proposed subproject in DAK LAK Province, request for "No Objection" for the award of civil works contract is being sought by MOET from ADB.

Attachment – 1

Involuntary Resettlement Impact Categorization Checklist

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

Subproject: **Hai Ba Trung Upper Secondary School**

Province: Dak Lak District: Buon Ho town (Thien An ward) 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 twelve (12) classrooms and three (3) function rooms in three-storey building 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? No Yes Not applicable

Indigenous Peoples Impact Screening Checklist

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

Subproject: **Hai Ba Trung Upper Secondary School**

Province: Dak Lak District: Buon Ho town (Thien An ward) 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 and function room 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		✓		The sub-project area is inside the school premises.

communities” in the project area?				
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 six (6) classrooms and two (2) function rooms in two-storey building 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 and function room.
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
18. Construction of twelve (12) classrooms and three (3) function room at the school premises. The total land for the new building is 685 m ² within the land of the school. It will follow the standard dimension as provided for in Decision 37/2008/QD-BGDDT (July 16, 2008).	<p>The provisions of new classrooms and function room will accommodate the increasing number of upper secondary education students. It will also facilitate in providing them quality upper secondary education.</p> <p>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.</p>	None