

Due Diligence Report

November 2014

VIE: Second Upper Secondary Education Development Project (USEDP II) – Lai Chau Province

Trung Dong 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. Lai Chau is a sparsely populated province in Viet Nam largely inhabited by ethnic minorities (EMs) in the Northern Midland and Mountain Areas. Four (4) beneficiary USSs were selected for the Project in the province, namely: (i) Nam Tam Upper Secondary School; (ii) Phong Tho Upper Secondary School; and (iii) Quyet Thang Upper Secondary School and (iv) Trung Dong Upper Secondary School. They are located in three (3) districts and one (1) townships. As screened, the proposed schools of Trung Dong is Category C subprojects both in Involuntary Resettlement and Indigenous Peoples categorization (Attachments 1), since no social impacts are expected as it shall be constructed inside the schools' premises¹. 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 again 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 the CPMU made the reasonable distribution of facilities that are urgently needed. The second set was aimed to validate if land acquisition shall be required. National resettlement specialist and CPMU staff² conducted site survey and consultation with key officials of the Lai Chau PPMU and the proposed school during 24 September 2014 to verify information provided by PPMU.

III. THE PROPOSED FACILITIES

4. In all, the three (3) USSs will construct a total of 16 regular classrooms and four (4) function rooms for the holding of 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.

¹ The proposed USSs of Nam Tam, Quyet Thang and Phong Tho were already screened as Category C both in Involuntary Resettlement and Indigenous Peoples categorization. DDR for these schools was approved by ADB in September 2014.

² Dr. Nguyen Duong Viet, CPMU Civil Work Assistance and Mr. Nguyen Truong Son, National Resettlement Specialist

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.
6. The distribution of the proposed facilities in four (4) schools is shown in Table 1.

Table 1: Proposed USSs Facilities in Lai Chau Province

Name of the School	Classrooms	Function Rooms
Nam Tam Upper Secondary School*	6	1
Phong Tho Upper Secondary School*	-	2
Quyêt Thang Upper Secondary School*	10	1
Trung Dong Upper Secondary School	15	3
Total	31	7

Source: CPMU of USEDP II. Note: * means the schools which were already screened as Category C both in Involuntary Resettlement and Indigenous Peoples categorization

IV. BRIEF PROFILE OF THE USS

A. Trung Dong Upper Secondary School

7. The school was opened in 2011. It was built in Trung Dong commune, Tan Uyen district on 31,900 m² land. Currently 1,785 m², or 5.6 %, are being used for school buildings. The school serves the students in 9 communes and 01 township. During the school-year 2013-2014, a total of 338 students were enrolled, 202 are males and 136 are females. The student population were composed of 156 from Grade 10; 111 in Grade 11 and 71 in Grade 12, largely from Thai ethnic minority group (83.4%). The Kinh students only shared of 0.6%. The remaining are of H'Mong, Dao, Giay, Kho Mu, and Lao

8. The school is still considered relatively new and barely four years in operation. However, student enrolment is increasing rapidly from 111 in the school year 2011-2012 to 234 in school year 2012-2013 and 338 in school year 2013-2014 that prompted the need for additional classrooms and a function room. It has 32 personnel, six (6) are non-teaching staff and 26 are teachers, in which 22 are Kinh as four (4) are EMs. All the teachers are university graduates but none has a master degree.

V. ASSESSMENT OF SOCIAL IMPACTS

9. Adverse social impacts are not expected arising from land acquisition in the selected Trung Dong USS in Lai Chau Province. The school premise is 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, it was assessed as to their impacts on available lands in the respective school premises.

- **Trung Dong Upper Secondary School.** This school proposed for a development of fifteen (15) classrooms and three (3) function rooms in a 03-storey building. The land area for the building will be 863 m². The structure will be built within the existing school compound of 31,900 m². No land acquisition is required and no third-party user will be affected.

10. With the foregoing information on the proposed subproject in Lai Chau 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: **Trung Dong Upper Secondary School**

Province: Lai Chau District: Tan Uyen (Trung 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 inside the 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 fifteen (15) classrooms and three (3) function room 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: **Trung Dong Upper Secondary School**

Province: Lai Chau District: Tan Uyen (Trung 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 fifteen (15) classrooms and three (3) function room 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 fifteen (15) classrooms and three (3) function rooms at a 03-storey building within the school premises. The total land required for the investment will be 864 m ² . It will follow the standard dimension as provided for in Decision 37/2008/QD-BGDDT (July 16, 2008).	The provisions of new classrooms and function rooms will accommodate the increasing number of upper secondary education students. It will also facilitate in providing them quality upper secondary education.	None