

# Involuntary Resettlement Due Diligence Report

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# Report  
May 2016

VIE: Second Lower Secondary Education for the Most Disadvantaged Areas Project (LSEMDAP2) – Phu Yen Province

Prepared by the Ministry of Education and Training for the Socialist Republic of Vietnam and the Asian Development Bank.

## CURRENCY EQUIVALENTS

(as of 15 May 2016)

Currency unit	–	dong (VND)
VND1.00	=	\$0.0000449
\$1.00	=	VND 22,250

## ABBREVIATIONS

ADB	–	Asian Development Bank
CPMU	–	Central Project Management Unit
EM	–	Ethnic Minorities
EMSB	–	Ethnic Minority Semi Boarding
LSEMDAP	–	Second Lower Secondary Education for the Most Disadvantaged Project
LSS	–	Lower Secondary School
LURP	–	Land Use Right Paper
MOET	–	Ministry of Education and Training
RP	–	Resettlement Plan

## WEIGHTS AND MEASURES

m	–	meter
m <sup>2</sup>	–	square meter

This involuntary resettlement 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.

# Involuntary Resettlement Due Diligence Report

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## **VIE: Second Lower Secondary Education for the Most Disadvantaged Areas Project (LSEMDAP2)**

### **PHU YEN PROVINCE SUBPROJECT**

- **Bui Thi Xuan Lower Secondary School**

## CURRENCY EQUIVALENTS

(as of May, 2016)

Currency unit	–	Vietnamese Dong (VND)
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## **I. INTRODUCTION**

1. The Ministry of Education and Training (MOET) is implementing the Second Lower Secondary Education for the Most Disadvantaged Areas Project (LSEMDAP II, or the Project) in the 28 provinces of Viet Nam, through Loan № 3201 – VIE (SF) from Asian Development Bank. Under the Project, a total of 200 lower secondary schools (LSSs) have been selected for assistance. In the screening and categorization for social safeguards, Category A subprojects is automatically excluded, while Category C subprojects shall be prioritized for financing. The subproject LSSs 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. Phu Yen province is located in the South Central part of Vietnam. Six (6) beneficiary LSSs were selected for the Project, namely: (i) Bui Thi Xuan Lower Secondary School; (ii) Le Thanh Tong Lower Secondary School; (iii) Nguyen Chi Thanh Lower Secondary School; (iv) Le Loi Lower Secondary School; (v) Dinh Tien Hoang Lower Secondary School; and (vi) Dinh Tien Hoang Lower Secondary School. They are located in four (4) districts of the province. As screened, they are all Category C subprojects both in Involuntary Resettlement and Indigenous Peoples categorization (Attachments 1 to 1), since no social impacts are expected inside the schools' premises. The Central Project Management Unit (CPMU) of LSEMDAP 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. During the PPTA for the LSEMDAP II 05 LSSs of: Le Thanh Tong; Nguyen Chi Thanh; Le Loi; Dinh Tien Hoang; and Dinh Tien Hoang were screen as Category C subprojects both in Involuntary Resettlement and in Indigenous Peoples categorization and not included in this DDR

4. For the Bui Thi Xuan LSS, the CPMU has applied the selection criteria in evaluating the LSSs included in the long list. The criteria were developed during the PPTA. Given the large number of LSSs 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 LSSs. The school officials of short listed LSSs 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. National Resettlement Specialist conducted site survey and consultation with key officials of the Phu Yen PPMU and proposed schools in November 2015 to verify information provided by the Phu Yen PPMU.

## **III. THE PROPOSED FACILITIES**

5. In all, the 07 LSSs of Phu Yen will construct a total of thirty (30) regular classrooms; one (01) Chemistry subject room; one (01) Biology subject room; two (02) Libraries and two (02) Toilets for common use. The construction of the Project's facilities will follow the MoET's letter №. 2533/BGDDT-DATHCSKKN2 dated 27 May 2015. Dimension of facilities is below:

**Table 1: Typical dimension of each classroom and subject room**

Type of facilities	Room Dimension (32 students)			Room Dimension (40 students)		
	Width (m)	Length (m)	Area (m <sup>2</sup> )	Width (m)	Length (m)	Area (m <sup>2</sup> )
Classroom	7.2	7.2	51.84	7.8	7.5	58.5
Corridor (classroom)	7.2	2.3	16.56	7.8	2.3	17.94
Subject room, library room	14.4	7.2	103.68	15.6	7.5	117
Corridor (subject room, library room)	14.4	2.3	33.12	15.6	2.3	35.88

Source: CPMU, LSEMDAP2 (2015)

**Table 2: Typical dimension of Student Dormitory, Teacher Housing Room, and Toilet**

Type of facilities	Width (m)	Length (m)	Area (m <sup>2</sup> )
Student dormitory	6.6	3.6	23.76
Corridor (student dormitory)	3.6	2.1+1.5	12.96
Teacher's housing room	3.6	10.5	37.8
Toilet for semi-boarding / common use	8.4	7.5	63

Source: CPMU, LSEMDAP2 (2015)

6. The distribution of the proposed facilities in six (6) schools is shown in Table 3.

**Table 3: Proposed LSSs Facilities in Phu Yen Province**

Name of the School	Classroom	Subject room	Library	Toilet for common use
Bui Thi Xuan LSS*	4	1	1	0
Le Thanh Tong LSS*	6	0	0	0
Nguyen Chi Thanh LSS*	6	0	0	0
Le Loi LSS*	4	0	1	1
Dinh tien Hoang LSS**	6	0	0	0
Dinh Tien Hoang LSS**	6	1	0	1
<b>Total</b>	<b>30</b>	<b>1</b>	<b>2</b>	<b>2</b>

Source: CPMU of LSEMDAP2 (2015). Note: \* LSSs invested under Batch 1; \*\* LSSs invested under Batch 2

#### IV. BRIEF PROFILE OF THE LSSs

##### A. Bui Thi Xuan Lower Secondary School.

7. The school was established in 2001 in Xuan Loc commune of Song Cau District. The school has 45.626 m<sup>2</sup> of land and only uses 2287 m<sup>2</sup> for the school buildings. The school serves the three (03) communes: Xuan Loc commune; Xuan Binh commune; Xuan Hai commune. In school-year 2015-2016, a total of 1015 students were enrolled, 527 are males and 488 are females. The students were composed of 238 from Grade 6, 251 in Grade 7, 252 in Grade 8 and 274 in Grade 9 and belong to the Kinh group.

8. The school has 67 personnel with 12 non-teaching staff and 55 teachers, 14 are males and 41 females. The teachers are all graduates of universities or colleges. The classrooms are very old and shabby. To ensure effective teaching and learning environment, the school requires additional classrooms with facilities

#### V. ASSESSMENT OF SOCIAL IMPACTS

9. There are no social impacts arising from land acquisition in any of the selected LSS in Phu Yen 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 proposed facilities will be built within the existing respective school premises, no need for acquiring any additional land. The project will improve working, studying and living conditions for students and teachers.

- **Bui Thi Xuan Lower Secondary School.** This school proposes four (04) classrooms, one (01) Chemistry subject room and one (01) Library in a 02-storey building. The structure will be built in the land of 464.52 m<sup>2</sup> within the existing school premise of 45.626 m<sup>2</sup> land. No land acquisition is required and no third-party user will be affected. Adequate safety measures should be applied by contractor during construction phase to ensure proper operation of the LSS and third-party.

## **VI. GRIEVANCE REDRESS MECHANISM AND IMPLEMENTATION ARRANGEMENT**

10. The CPMU under MOET's authority will coordinate with the Phu Yen PMU to implement the Project and settle grievance of local people (if any) before, during or after construction. PPCs, DPCs, CPCs and chiefs of villages and other local social organizations such as the Women's Union, the Fatherland's Front, and traditional EM leaders also take part in grievance redress.

11. Grievances related to any aspect of the subprojects of LSEMDAP II will be handled through negotiation aimed at achieving resolution. A grievance redress mechanism (GRM) established aim to address grievances, complaints, and queries of local people regarding compensation and adverse impacts (if any) on people including ethnic minorities in a timely and satisfactory manner. Complaints can be in written or in verbal narrative. In the case of verbal complaints, the designated commune or district officials will record the complaint during the first meeting with the complainant.

12. The Phu Yen PMU officers will serve as grievance officers. The designated commune officials will attempt to settle the issues at the commune level through appropriate community consultations. All meetings will be recorded, and copies will be provided to the complainants. A copy of the minutes of meetings and actions undertaken will also be provided to CPMU and ADB upon request.

13. Under the project, a GRM with three stages was established for seeking resolution of complaints. If grievance is still unresolved, it can be elevated to a court of law for resolution. The complainant will be exempted from all administrative and legal fees that might be incurred in the resolution of their grievances and complaints. The GRM process is below.

- First Stage, Commune Peoples' Committee (CPC).* The complainant may register his/her complaint verbally or in writing to any member of the CPC, either through the Village Chief or directly to the CPC. The CPC will register the complaint and meet the complainant. The CPC secretariat will document and keep the files of all complaints that it handles. The CPC has up to 30 days or 45 days (for complex cases) to resolve the complaint. If the complaint is not resolved within the given days or the complainant does not satisfy with decision of CPC on his/her case, he/she can bring complaint to the DPC.
- Second Stage, District Peoples' Committee (DPC).* The complainant may bring the case to any member of the DPC. The DPC has up to 30 days or 70 days (for complex cases) to resolve the complaint. The DPC documents and maintains a file of all complaints that it handles and informs the PMU (or DCRC) of any determination, decision made. The PMU (DCRC) will support the DPC to resolve the complaint. The DPC notifies the complainant of its decision. If the complainant does not hear from the DPC within the given days, or if the complainant does not satisfied with the decision taken on his/her complaint, the complainant may bring the case, either in writing, to any member of the PPC.



(iii) *Third Stage, Provincial Peoples Committee (PPC)*. The PPC has up to 30 days or 70 days (for complicated cases or complaints in remote areas) to resolve the complaint. The PPC documents and files all complaints that it receives. Within 45 days from the date of receipt of the decision of the PPC Chairperson and if the complainant does not agree with the decision, the complainant may bring the case to the law court. The time limit for appeal should not exceed 60 days (or 70 days for complicated cases) from the date of acceptance. The agency that receives the complaint will record the proceedings done for the complaint.

14. All grievance and resolution of grievances, if any will be subject to monitoring. Internal monitoring will follow-up the progress of resolution of grievances, and compliance with the overall social safeguards policy. Monitoring of the grievances will be in a form of a completion report. External monitoring is not required.

### Involuntary Resettlement Impact Categorization Checklist

Project: **Second Lower Secondary Education for the Most Disadvantage Areas Project**

Subproject: **Bui Thi Xuan Lower Secondary School**

Province: **Phu Yen** District: **Song Cau** Commune **Xuan Loc**

CATEGORY: **C**

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
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 04 classrooms, 01 Chemistry subject room and 01 Library in a 02-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?		✓		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 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.
<b>Involuntary Restrictions on land use or on access to legally designated parks and protected areas</b>				
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.
<b>Information on Displaced Persons</b>				
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 Lower Secondary Education for the Most Disadvantage Areas Project**

Subproject: **Bui Thi Xuan Lower Secondary School**

Province: **Phu Yen** District: **Song Cau** Commune **Xuan Loc** CATEGORY: **C**

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
<b>A. Indigenous Peoples Identification</b>				
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. No indigenous communities in the project area
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?		✓		
3. Do such groups self-identity as taking part of a distinct social and cultural group?		✓		
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?		✓		
5. Do 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?		✓		
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?		✓		
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?		✓		
<b>B. Identification of Potential Impacts</b>				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?		✓		
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?)		✓		
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 the proposed facilities will be done in school premises.
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?		✓		The sub-project area is inside the school premises.

<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)	<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
<b>C. Identification of Special Requirements</b> <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 school facilities.
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 buildings for learning and teaching 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 buildings.
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**

<b>Project component/ activity/output</b>	<b>Anticipated positive effects</b>	<b>Anticipated negative effects</b>
1. Construction of 04 classrooms, 01 Chemistry subject room and 01 Library in a 02-storey building. The total land for the building is 464.52 m <sup>2</sup> within the school premise. It will follow the standard dimension as provided for in Vietnamese Standard TCVN 8794-2011.	The provisions of new classrooms will accommodate the increasing number of lower secondary education students. It will also facilitate in providing quality lower secondary education to them	