

# Resettlement Planning Document

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Resettlement Framework  
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## Democratic Republic of Timor-Leste: Road Network Development (Sector) Project

The resettlement framework 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.

## SUMMARY RESETTLEMENT FRAMEWORK

- 1. The Project and Resettlement Framework.** The Road Network Development (Sector) Project (the Project) will rehabilitate about 230 km of priority national roads, and establish and implement a road maintenance scheme in the three border districts, Bobonaro, Covalima, and Oecussi. The Project will commence with two road links – Liquica-Batugade-Mota Ain and Ermera-Maliana – as sample subprojects. Subproject Liquica-Batugade-Mota Ain is located in Liquica and Bobonaro districts (covering 10 sucos) and subproject Ermera-Maliana is located in Bobonaro and Ermera districts (also covering 10 sucos).
- 2.** A Resettlement Framework (RF) has been prepared for the Project in compliance with the Government's law and ADB's Policy on Involuntary Resettlement. These documents provide guidance to establish the policies and procedures for payment of compensation to affected people for lost or damaged assets and minor land acquisition. During the preparation of each batch or group of subprojects, the policies and provisions of the RF will be reviewed and, as required, updated to reflect the conditions and requirements for upgrading roads, but without lowering the standards set out in the present RF.
- 3. Assurances.** One of the loan assurances for the Project, agreed by the Government and ADB, states that no subproject may require land acquisition that will incur significant resettlement impacts. Therefore, the Project is categorized as "B" in terms of resettlement impacts according to ADB policy. In case, certain subprojects may require temporary additional land access for some slope stabilization works, rectification at bridge approaches, or temporary works beyond the existing pavement that affect land uses and therefore create minor resettlement impacts, such impacts will be dealt with through the measures set out in the RF.
- 4.** The inclusion of a candidate road as a subproject for funding under the Project is therefore contingent on compliance with agreed eligibility criteria. With respect to minimizing land acquisition and its impacts, the criteria include: (i) rehabilitation do not require any land acquisition and no major earthworks or the construction of structures; (ii) inclusion of the road has local support; (iii) the proposed works avoid the displacement of residential structures or other, permanent structures; (iv) the road is located on State-owned land or there is a negotiated agreement with affected owners and communities to use customary land; and, (v) there are no other significant adverse environmental or social impacts.
- 5. Existing Land Tenure and Use.** Of an estimated 200,000 land parcels in the country as a whole, less than 25% have ever been formally registered. The vast majority of parcels have been held by traditional landowners, mostly communities defined as "origin groups". Origin groups define themselves as first possessors of certain areas of land and have authority over land in most parts of rural Timor-Leste. The boundaries of origin group land may be difficult to define and demarcate, sometimes origin group land may not be contiguous. Most registered land parcels are located in towns and urban areas. A new Land Law governing rights to sell and alienate land, as well as covering compulsory acquisition, has been drafted and is currently going through government consultations.
- 6.** Origin groups have authority over land allocations, including permission for the clearing and cultivating of new land. Within the system of origin group authority there are highly individuated rights to land. It is not accurate to describe customary land in Timor-Leste in terms of communal or common property only; residential, garden and plantation plots are "owned" by families rather than the group itself, and generally speaking, these plots remain under family control.

7. **Screening for Impacts.** The criteria noted in paragraph 4 will be used during a subproject screening process to confirm eligible subprojects amongst the identified 32 priority links. The screening process will identify the types and nature of potential impacts associated with land requirements and provide adequate measures to address them so as to ensure that the affected persons (APs) are (i) informed about their options and rights; (ii) included in a consultation process and given the opportunity to participation in the selection of eligible subprojects; and, (iii) provided with prompt and effective compensation at replacement cost for loss of or damage to affected assets. The routine and periodic maintenance of roads under the Project will not require the acquisition of any land; all maintenance will be carried out within the existing roadway.

8. **Entitlements.** The Project's Entitlement Matrix was prepared as a part of the RF (in the Supplementary Appendix I). APs will be compensated for any loss of or damage to land, crops, trees, temporary structures or other assets, as per the policies of this Resettlement Framework. All costs for the Project related to land acquisition, compensation and allowances, operation and administration costs, surveys, monitoring and reporting will be financed by Government using counterpart funds.

9. All people who own crops, trees, temporary structures or other assets on affected land are entitled to compensation for the loss of or damage to these assets. Compensation will be paid in cash at replacement cost. In addition to compensation, APs are entitled to assistance, for example, to shift temporary trade shop structures, for disruption of businesses or, to move personal possessions. APs will also receive priority for employment for civil works and ongoing maintenance under the Project, as well as participation in the Community Empowerment Component in three selected districts.

10. **Community Consultation.** Consultations will be carried out at different points in the preparation and implementation of subprojects. With support from a Project Management Unit (PMU) to be established within the Ministry of Infrastructure (MOI), and relevant local authorities (including chiefes de suco), PMU will organize consultations with each affected community.

11. Participants will include appointed and traditional leaders in the village, affected landowners and community people affected by the loss of assets on the affected land. Village leaders will encourage all other community members to attend including women, elderly people, young people and ethnically different population; because women and some ethnic groups are often reluctant to speak in general community meetings, as relevant, separate meetings may be held with them to understand and discuss their preferences and concerns.

12. The key consultations will occur prior to and/or as part of (i) the subproject screening and preparation of the sub-projects; (ii) carrying out of the Detailed Measurement Survey (DMS) and social surveys; and (iii) disclosure and review of the draft Resettlement Plan (RP). The PMU will consult with communities and affected people on related issues, as required, throughout the process of the preparation and implementation of subprojects. Throughout these consultations, the objectives are (i) to provide timely and complete information about the project, land requirements and impacts, to enable people to make informed decisions; (ii) to ensure that all APs and other interested stakeholders know and understand the policies and procedures related to additional land required to upgrade the road; and, (iii) to build and maintain community support for the Project by addressing the concerns and preferences of APs and other stakeholders. Prior to disclosure, the RF will be endorsed by Ministry of Infrastructure (MOI) as the executing agency for the Project. Disclosure of the RF (or its summary) and RPs will occur as per ADB policies.

13. **Grievance Redress.** The grievance redress mechanisms for the Project will be established to ensure that all AP grievances on any aspect of land acquisition and/or compensation for affected assets are resolved in a timely and satisfactory manner. The grievance redress mechanism will apply equally to the negotiation of the MOI and the establishment of the public road reserve. APs will be made fully aware of their rights (both verbally and in writing) during consultations about land requirements for the Project. The mechanisms will be based on the provisions of the Constitution, Land Law and current tradition and practice in respect of settling land disputes. The participation of appointed and traditional leaders will be promoted to achieve satisfactory resolution of issues at the local level. In the event of grievances that cannot be resolved through local mediation, the matter will be referred to the land court system. In this case, the Project and District Land and Property Officer will hold the compensation amounts in escrow. Compensation will be paid in full upon final resolution of the case in the courts or other forum, in accordance with the entitlements of the affected person.

14. **Executing Agency.** The Ministry of Infrastructure (MOI) is the executing agency for the Project. The PMU will monitor and report semi-annually to the MOI and ADB on all activities associated with the preparation and implementation of RPs including payment of compensation to APs. The scope of internal monitoring includes: (i) compliance with the agreed policies and procedures; (ii) prompt approval, allocation and disbursements of funds and payment of compensation to APs, including supplemental compensation for additional and/or unforeseen losses; (iii) the availability of other resources and efficient, effective use of these resources; and, (iv) requirements for remedial actions.

15. **External Monitoring.** The MOI will recruit a full-time national social safeguard specialist to monitor day to day resettlement implementation as well as international and national consultant to monitor resettlement issues for all subprojects. The consultants will be recruited and mobilized at the beginning of the Project; and will monitor and report to MOI and ADB on all activities related to impacts on land, community consultations, preparation of RPs and payment of compensation. The purpose of hiring consultants is to focus on the social impacts of the subprojects and whether APs are able to restore, and preferably improve, their pre-project living standards, incomes, and productive capacity.