

# Resettlement Plan

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August 2015

## TIM: Urban Services Improvement Project

Prepared by the Ministry of Public Works Transport and Communications of the Government of Timor-Leste for the Asian Development Bank.

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## ABBREVIATIONS

ADB	Asian Development Bank
AH	affected household(s)
AP	affected person(s)
DMA	district metered area
DMS	detailed measurement survey
DNSA	National Directorate for Water Services
EA	executing agency
EL	expropriation law
GAP	gender action plan
GEF	Global Environment Facility
GoTL	Government of Timor-Leste
HH	household
IA	implementing agency
IOL	inventory of losses
JICA	Japan International Cooperation Agency
LAR	Land acquisition and resettlement
MOJ	Ministry of Justice
MPSI	Ministry of Planning and Strategic Investment
MPWTC	Ministry of Public Works Transport and Communication
NDLPCS	National Directorate of Land Property and Cadastral Services (MOJ)
NOL	no objection letter
PIB	public information booklet
PMU	project management unit
PPP	public private partnership
RCS	replacement cost survey
ROW	right of way
RP	Resettlement Plan
SES	socio-economic survey
SPS	Safeguard Policy Statement
TOR	terms of reference
USIP	Urban Services Improvement Project
WTP	water treatment plant

### NOTE

In this report, "\$" refers to US dollars

m	linear meter
m <sup>2</sup>	square meter
m <sup>3</sup>	cubic meter

## EXECUTIVE SUMMARY

1. **The project.** The proposed Urban Services Improvement Project (USIP) seeks to improve the health of Dili's urban population by improving access to a safe, reliable piped water supply, resulting in quality of life improvements. The project will help the government to achieve the country's national development target of providing universal access to improved water supply by 2030. The government has requested a loan from Asian Development Bank (ADB) to help finance the project. Global Environment Facility (GEF) grant co-financing will also finance the project. The grant will be administered by ADB. The GEF component will promote climate change resilience of the Dili water supply system. The USIP will finance:

- (i) the development of priority water supply infrastructure, including;
  - five new groundwater boreholes,
  - a transmission pipeline,
  - a storage reservoir,
  - primary distribution pipelines, and
  - the establishment of nine district metered areas in line with the governments sector development strategy
- (ii) implementation of a comprehensive leak detection and reduction program,
- (iii) hydrological assessment and monitoring, and
- (iv) community engagement.

2. Civil works to be supported by the project include:

- (i) the installation of new groundwater bores to increase the available supply of water;
- (ii) construction of a new water reservoir;
- (iii) installation of a new transmission pipeline to improve the delivery of water supplies to priority water distribution zones; and
- (iv) upgrading of pipes and household connections in nine district metered areas (DMAs).

3. **Institutional arrangements.** The National Directorate for Water Services (DNSA) within the Ministry of Public Works, Transport and Communications (MPWTC) is responsible for water sector policy, regulation and service delivery. The executing agency will be the Ministry of Planning and Strategic Investment (MPSI) and the implementing agency will be MPWTC. The project will provide project implementation support to MPWTC's water and sanitation PMU.

4. Institutional arrangements pertaining to involuntary resettlement issues under USIP will follow those for other ADB-financed projects with the GoTL. The PMU under the MPWTC will have overall responsibility for implementing the project including land acquisition and resettlement. The PMU capacity will be strengthened by appointing an MPWTC focal person for land issues and by recruiting an international and a national social safeguard/resettlement specialist. The design and supervision consultants for the project will also work with social safeguards specialist for resettlement planning and monitoring at the project level.

5. **Legal and policy framework.** The resettlement plan (RP) is based on ADB's Safeguards Policy Statement 2009 (SPS) and the Government of Timor-Leste's applicable policy instruments and laws. The safeguard policies require that:

- (i) impacts are identified and assessed early in the project cycle;
- (ii) plans to avoid, minimize, mitigate, or compensate for the potential adverse impacts are developed and implemented; and
- (iii) affected people are informed and consulted during project preparation and implementation. The policies apply to all ADB-financed projects, including private sector operations, and to all project components.

6. **Avoidance and minimization of impacts.** USIP has taken measures to avoid or mitigate land acquisition and acquisition (LAR) impacts, including:

- All water supply distribution and DMA pipework will take place in the existing roadway right-of-way (ROW);
- The project intake/outflow pipes and the overflow pipe will follow the existing water treatment plant (WTP) reservoir pipe corridors, requiring no additional permanent land acquisition;
- A telecommunications tower will be relocated/removed allowing the proposed new reservoir at the central reservoir location to be sited contiguous to the existing WTP/reservoir campus to avoid impacts on surrounding residential structures;
- Placing the new reservoir in the same campus as the existing central reservoir negates the need for a separate access road as the existing WTP access road will also be suitable for construction and maintenance of the new reservoir.

7. The construction of the project reservoir will require the acquisition of a block of land 50m x 60m (3000 m<sup>2</sup>). To meet the increasing demand for water supply in Dili in future years, USIP engineers are projecting that an additional reservoir of equal size will be required within the next ten years. The need for this future reservoir is based on a projection of future water requirements given the current Dili population growth rate of 4.61%. The future reservoir will abut the project reservoir along one side.

8. The PPTA recommends that the land for the future reservoir site be acquired at this time and that the entire site for the two reservoirs (60m x 80m) be fenced to prevent encroachment over the intervening years prior to construction of the second reservoir. Given this background, there are two land acquisition scenarios requiring land acquisition impact assessment. These are:

- *Scenario 1.* Only the land for the project reservoir is acquired, necessitating further land acquisition should the second reservoir be constructed in the future. Scenario 1 will require a 10m wide fenced corridor for three sides of the project reservoir for a total land acquisition of 3000 m<sup>2</sup> (2400 m<sup>2</sup> plus fenced corridor of 600 m<sup>2</sup>).
- *Scenario 2.* The land for both the project reservoir and the future reservoir is acquired now and fenced for a total land acquisition of 4800 m<sup>2</sup>. Fencing will prevent any further use of the land.

9. **Impacts on affected households.** From the socio-economic survey (SES), eight households (HH) representing two family groups of four HHs each, comprising 41 affected people (APs) - 20 males and 21 females - will be affected by project land acquisition. All affected households (AHs) own their own homes, are connected to electricity and have monthly incomes above the poverty line.

10. The removal of the telecommunications tower and the resulting loss of \$100/month rental income will affect four HHs in one family group, with two AHs losing 10% of their monthly income. The proposed mitigation measure to address this income loss is for continued payment of the contracted amount (\$100) for the contracted period (until mid 2017). This amount is included in the resettlement budget.

11. There will be no impact on residential structures. In Scenario 1, 69 trees owned by eight AHs (41 APs) will be affected as will a shrub fence (154m) owned by four AHs (23 APs).

12. A communication tower will be removed, causing a loss of income for four AHs (23 APs) of \$100/month. In Scenario 1, four AHs (23 APs) will retain most of their land. In Scenario 2, both family groups will lose their land and assets on the site.

13. The construction of reservoir (s) and the surrounding fence will have an impact on the small walking trails used by HHs to access the WTP road. This issue should be raised during RP updating with a request to project engineers to identify mitigation measures which could conceivably consist of engineered footpaths, reduction of fenced corridor to allow footpath use, etc. Hilltop resident usage patterns may also change depending on access to water taps/availability of water from the new reservoir.

14. A summary of LAR impacts is shown in Table E1.

**Table E1: Summary of LAR Impacts**

<b>Impact</b>	<b>Scenario 1</b>	<b>Scenario 2</b>
Total land (m2) to be acquired	3000 m <sup>2</sup>	4800 m <sup>2</sup>
No. of AHs	8	8
No. of APs	41	41
Loss of assets	69 trees	69 trees
<i>Fences</i>	One shrub fence (4 AHs)	One shrub fence (4 AHs)
<i>Linear meters of fence</i>	154	154
Loss of income	Rental income from Telemor Tower (\$2400) (4 AHs)	Rental income from Telemor Tower (\$2400) (4 AHs)
Loss of access – footpaths	Footpaths leading to WTP water taps	Footpaths leading to WTP water taps

15. Resettlement issues are not considered significant and the project has been classified as a category B for involuntary resettlement i.e. involuntary resettlement affecting less than 200 people.

16. **Impacts on women.** Women are the primary users of water, responsible to obtain sufficient amounts for family health and well-being. The SES indicates that older teens/young adults in the AHs, both male and female, are responsible to fetch water on a daily basis. This corresponds to data from the HH survey conducted for the TA. The distance to the water taps is not far at the present time. The placement and fencing of the reservoir (s) might require some to walk much further to access the existing taps. Mitigation measures should be put in place to reduce this impact. This could include additional taps on the new reservoir or the provision of piped water to homes surrounding the reservoir site. These costs would be included in the project budget.

17. **Land ownership clarification.** During the implementation of the SES, two extended family groups (Caldas/Pires and Sarmiento/Dos Santos/Fernandes) claiming ownership of the site came forward. The ownership claim is based on historic family use of the land to grow seasonal crops and through registration of the land during the cadastral survey process. Land ownership documents have not been issued to either group.

18. To clarify the land ownership, the TA team prepared a submission to MPWTC/DNSA outlining the findings to date concerning the land ownership with a request that this be addressed through NDLPCS. The extent of the impact of land acquisition hinges on the outcome of the NDLPCS land ownership claim clarification as to whether the land in question is government land or private land.

19. **Project entitlements.** Based on the project principles as well as eligibility requirements, the project entitlement matrix identifies potential types of losses and the corresponding nature and scope of entitlements. Following detailed site design, the detailed measurement survey (DMS) and SES will be the basis for determining actual impacts. Replacement cost surveys (RCS) will be carried out to determine actual replacement costs and rates. Compensation standards described in the entitlement matrix will not be lowered but can be enhanced as required

20. **Grievance redress mechanism.** For the project, the resolution of grievances will be undertaken at the local level with the assistance of local leaders. To address disputes and complaints from APs, a grievance redress mechanism will be established, including: (i) a PMU focal point (e.g. community engagement and safeguards officer); and (ii) committees/groups at district and suco levels. These committees will include government representatives, suco/aldeia chiefs, APs, and recognized civil society leaders. If grievances have finally not been resolved at the project level, the AP can submit the case to the civil courts for an early resolution.

21. **Disclosure.** A summary of the draft and updated RP including the entitlement matrix will be translated into Tetun and Portuguese and will be disclosed to stakeholders by the MPWTC as well as uploaded on the ADB website. A Public Information Booklet (PIB) will be prepared to enable residents in the project area to be informed further about the project benefits, grievance procedures and compensation mechanisms available for any project impacts on assets.

22. **Resettlement plan financing and budget.** All costs associated with land purchase and resettlement will be provided by the government. The MOF/MPWTC will ensure that adequate funds are available for carrying out resettlement according to the budget prepared for the project. The PMU will facilitate the negotiation process and coordinate/undertake allocation of funds for the resettlement budget, approval of payments, and delivery of funds, monitoring of progress and reporting.

23. Due to the uncertainty about the ownership of the potential reservoir site and whether or not the entire site will be acquired/fenced, the budget at this time is estimated and will be validated during detailed design following the government's decision. Known costs total \$10,505 for structures, removal of the telecommunications tower and pay out for the communication tower rental agreement. The total cost has been estimated \$200,000 to cover potential negotiated land prices, temporary impacts during DMA water supply implementation and contingency expenses.

24. **Schedule.** MPWTC/PMU will begin the implementation process once the RP is finalized with NDLPCS and approved by ADB. Implementation of the RP consists of land acquisition, compensation determination and payment of compensation for affected land, structures, other assets and rehabilitation/resettlement if required. All activities related to land acquisition are scheduled to ensure that compensation is paid prior to the commencement of public works.

## I. INTRODUCTION

### A. Background

1. The proposed Urban Services Improvement Project (USIP) seeks to improve the health of Dili's urban population by improving access to a safe, reliable piped water supply, resulting in quality of life improvements. The project will help the government to achieve the country's national development target of providing universal access to improved water supply by 2030.

2. The urban population in Timor-Leste with access to improved drinking water was 91.1% in 2010. However, among those with access to improved water sources, only around 47% of the urban population had access to a private piped water connection. Water-borne disease is one of the leading causes of child and infant mortality in Timor-Leste. In 2014, 114 diarrhea deaths in Timor-Leste were directly attributed to inadequate water supply, sanitation and hygiene, which is the second highest rate in Southeast Asia, when estimated as a proportion of the total population.

3. The ongoing Dili Urban Water Supply Sector Project has supported the upgrading of 20% of the tertiary water supply distribution network in line with the government's 2008-2012 sector investment program, which has delivered an improved water supply to 12,334 people in Dili, Timor-Leste's, capital and commercial and administrative center<sup>1</sup> However, Dili is growing rapidly, at an estimated 4.2% annually, and only 30% of the city's population is currently connected to the water supply network. Moreover, the majority of households with a piped water supply receive an average of six hours of water daily. A growing urban population, dilapidated infrastructure, leakage and pilferage, resulting in unaccounted for water levels of around 91%, have hampered efforts to expand access to improved water supply services.

### B. Project Description

4. The USIP will finance:

(i) the development of priority water supply infrastructure, including;

- five new groundwater boreholes,
- a transmission pipeline,
- a storage reservoir,
- primary distribution pipelines, and
- the establishment of nine district metered areas in line with the governments sector development strategy

(ii) implementation of a comprehensive leak detection and reduction program,

(iii) hydrological assessment and monitoring, and

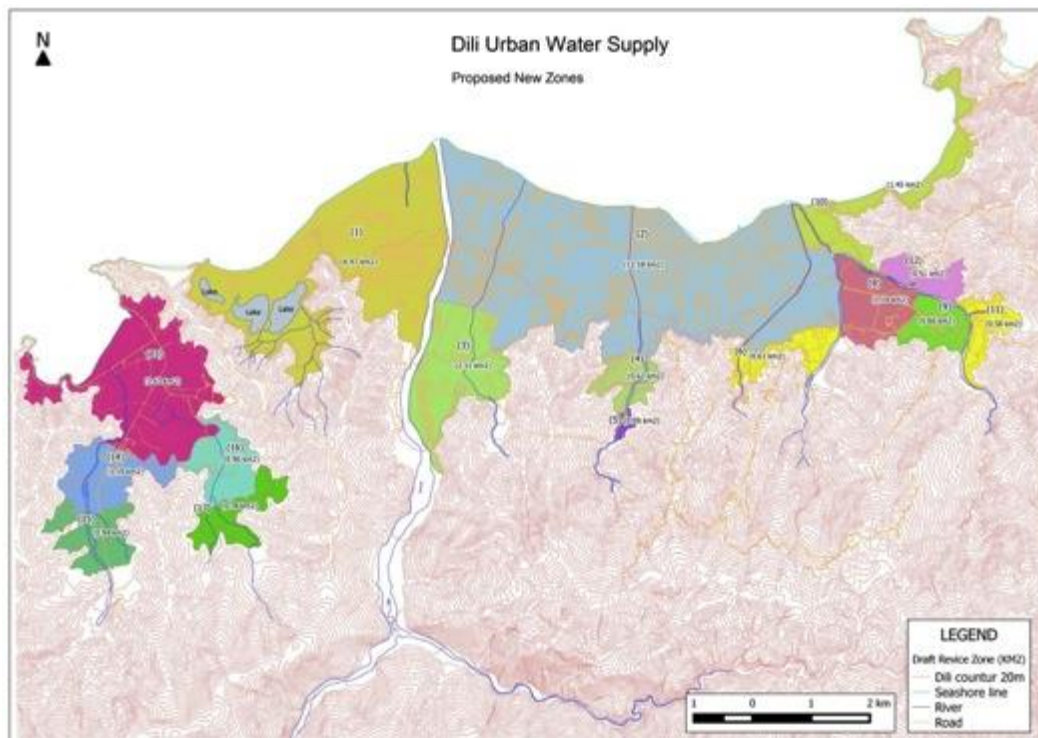
(iv) community engagement.

5. The project also includes project management support to the Ministry of Public Works, Transport and Communication (MPWTC). Figure 1.1 shows the new zones proposed for the Urban Services Improvement Project.

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<sup>1</sup> RRP ADB. 2007. *Report and Recommendation of the President to the Board of Directors: Proposed Grant to the Democratic Republic of Timor-Leste for the Dili Urban Water Supply Sector Project*. Manila (Grant 100-TIM (SF) approved on 18 December 2007).

**Figure 1.1: Dili Urban Water Supply Proposed New Zones**



6. **Institutional arrangements.** The National Directorate for Water Services (DNSA) within the Ministry of Public Works, Transport and Communications (MPWTC) is responsible for water sector policy, regulation and service delivery. The government plans to establish an autonomous public water supply utility in Dili, to be managed by a private operator through a management, lease or hybrid contract. This arrangement will provide the technical and managerial expertise necessary for efficiently and effectively delivering water supply services in Dili. The government has commissioned a public-private partnership feasibility study to determine the most viable financing option.

7. The executing agency will be the Ministry of Planning and Strategic Investment (MPSI) and the implementing agency will be MPWTC. The project will provide project implementation support to MPWTC's water and sanitation PMU. The government has requested a loan from ADB's ordinary capital resources and from ADB's Special Funds resources to help finance the project. Global Environment Facility (GEF) grant co-financing will also finance the project. The grant will be administered by ADB. The GEF component will promote climate change resilience of the Dili water supply system.

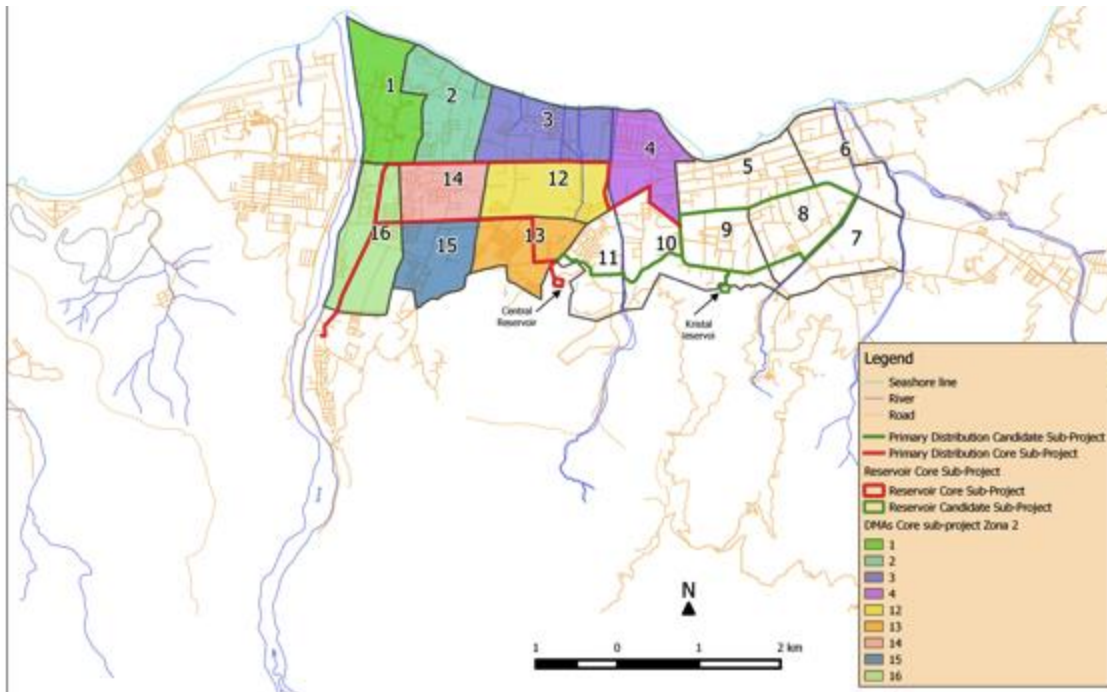
8. **Civil works to be supported by the project.** The western half of Zone 2 will comprise the project area (see Figure 1.2). High priority investments identified by the DUWSSP were selected for the project. These include:

- (v) the installation of new groundwater bores to increase the available supply of water;
- (vi) construction of a new water reservoir;
- (vii) installation of a new transmission pipeline to improve the delivery of water supplies to priority water distribution zones; and

- (viii) upgrading of pipes and household connections in nine district metered areas (DMAs). The DMAs include 1-4, and 12-16 (refer to Figure 1.2).

9. **Civil works phasing.** Project implementation is expected to take place for 6.25 years between 2016 and 2022. Procurement methods will include international competitive bidding and national competitive bidding.

**Figure 1.2: Project DMAs (DMAs 1 – 4, 12 – 16)**



## II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

### A. Measures to avoid and/or minimize LAR impacts

- All water supply distribution and DMA pipework will take place in the existing roadway right-of-way (ROW);
- The project intake/outflow pipes and the overflow pipe will follow the existing water treatment plant (WTP) reservoir pipe corridors, requiring no additional permanent land acquisition;
- A telecommunications tower will be relocated/removed allowing the proposed new reservoir at the central reservoir location to be sited contiguous to the existing WTP/reservoir campus to avoid impacts on surrounding residential structures;
- Placing the new reservoir in the same campus as the existing central reservoir negates the need for a separate access road as the existing WTP access road will also be suitable for construction and maintenance of the new reservoir.

## B. Rationale for Land Acquisition

10. **Central reservoir land acquisition scenarios.** The construction of the project reservoir will require the acquisition of a block of land 50m x 60m (3000 m<sup>2</sup>) as shown in Figure 2.1 - No.1. This allocation includes land for the reservoir itself surrounded by a 10m wide fenced corridor. To meet the increasing demand for water supply in Dili in future years, USIP engineers are projecting that an additional reservoir of equal size will be required within the next ten years. The need for this future reservoir is based on a projection of future water requirements given the current Dili population growth rate of 4.61%. The future reservoir will abut the project reservoir along one side (see Figure 2.1 - No. 2).

11. The TA engineers recommend that the land for the future reservoir site be acquired at this time and that the entire site for the two reservoirs (60m x 80m) be fenced to prevent encroachment over the intervening years prior to construction of the second reservoir. The site plan for both reservoirs is presented in Figure 2.1.

12. Given this background, there are two land acquisition scenarios requiring land acquisition impact assessment. These are:

- *Scenario 1.* Only the land for the project reservoir is acquired, necessitating further land acquisition should the second reservoir be constructed in the future. Scenario 1 will require a 10m wide fenced corridor for three sides of the project reservoir for a total land acquisition of 3000 m<sup>2</sup> (2400 m<sup>2</sup> plus fenced corridor of 600 m<sup>2</sup>)
- *Scenario 2.* The land for both the project reservoir and the future reservoir is acquired now and fenced for a total land acquisition of 4800 m<sup>2</sup>. Fencing will prevent any further use of the land.

13. Both scenarios were considered during initial project resettlement screening during field visits conducted in July 2015.

14. **Project LAR screening.** Results of the LAR screening indicated that due to the project intention to locate all project water distribution pipes within existing roads as well as to position the new central reservoir contiguous to the compound of the existing water treatment plant (WTP) and reservoir no impacts on houses or other domestic structures are expected. On the reservoir site, there is no evidence of seasonal cropping. Site vegetation consists of small sapling trees, shrubs and scrub undergrowth with bananas and pineapple plants close to the existing WTP fence. Larger trees are near existing structures and are not expected to be impacted by the project. There is a shrub fence cutting the site in two, corresponding to the edge of the proposed reservoir. This fence will require removal for both Scenario 1 and Scenario 2.

15. At present, on the project reservoir site there is a Telemor telecommunications tower located outside the existing WTP compound (shown as a white block in Figure 2.1 – No.2 and shown in detail in Figure 2.2). LAR for the reservoir site under both scenarios (see above) will require the removal/repositioning of this tower.

16. From site visits to the DMAs, it is expected that there may be as-yet-unidentified temporary impacts due to pipe laying in some of the DMAs where there are small roadways.

**Figure 2.1: Proposed Location of the Central Reservoir (1) and Future Reservoir (2)**



**Figure 2.2: Present location of the Telemor communication tower including cement anchors**



17. Resettlement issues are not deemed significant and the project has been classified as a category B for involuntary resettlement i.e. involuntary resettlement affecting less than 200 people.

### C. Impacts on Structures

18. To confirm that no structures would be affected if land was acquired for two reservoirs (Scenario 2), measurements of the proposed reservoir site based on Scenario 2 were conducted by the engineering and social safeguards teams. Measurements of the distance between the reservoir perimeter fence and the nearest house/structure were made. Drawings based on these measurements were then prepared as follows: (i) lateral view of the site - shows the site elevation, reservoir size, expected construction depths and the location of existing structures i.e. the existing water treatment plant (e) and a residential structure (d) (Figure 2.3); and (ii) longitudinal view of the site - shows the site elevation, size of the two reservoirs, corridor between the reservoir and the fence (10 meters), expected construction depths and the location of existing structures i.e. residential structures a and c (Figure 2.4).

19. The figures demonstrate that existing structures will not be affected by the proposed Scenario 1 or Scenario 2 land acquisition. The detailed design may identify additional impacts on existing structures that are not apparent from the engineering drawings available during the preparation of this RP. Further or unforeseen impacts of reservoir construction will be clarified during implementation as part of the detailed design phase at which time this RP will be updated.

**Figure 2.3: Lateral view of the proposed reservoir site**

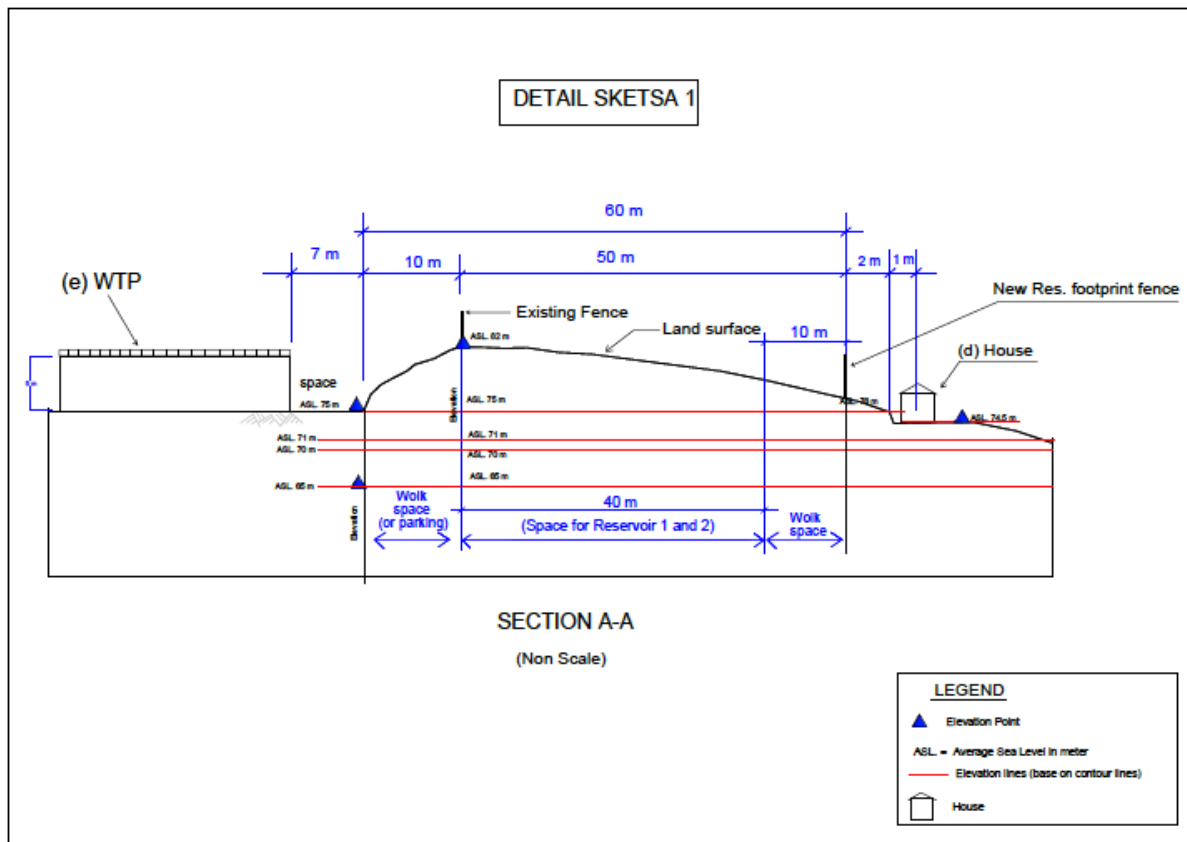
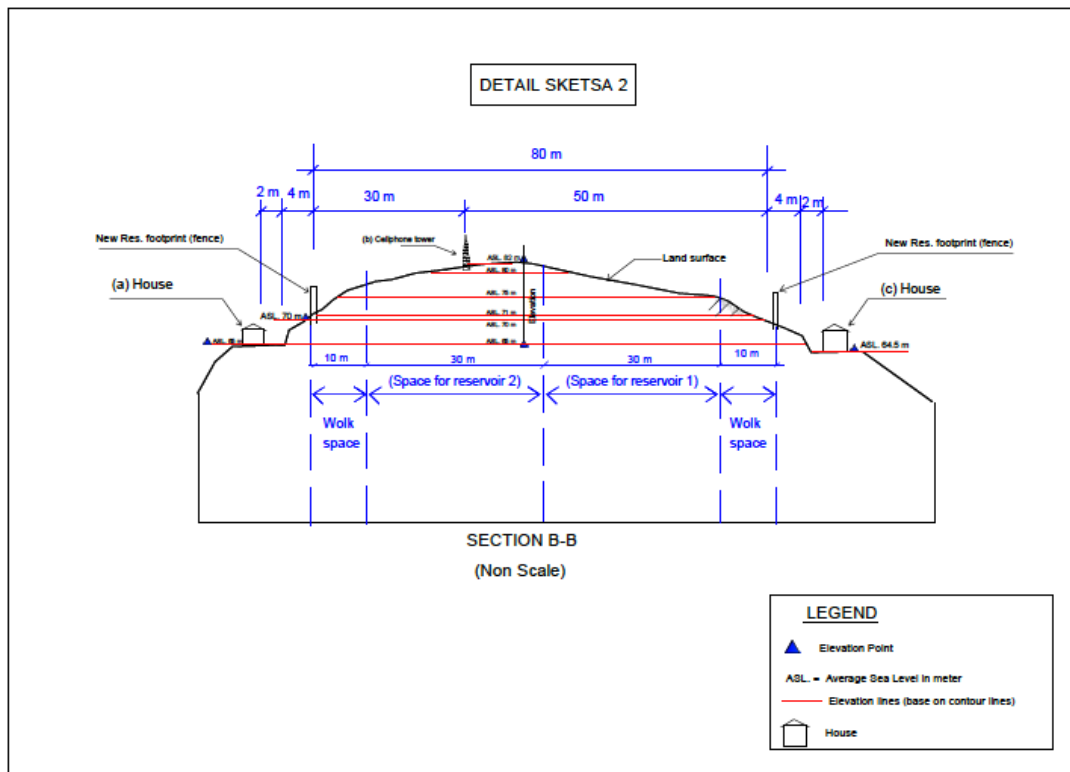


Figure 2.4: Longitudinal view of the proposed site



## D. Land Ownership

20. **Background.** In October 2008, the National Directorate of Land, Property and Cadastral Services (NDLPCS) of the Ministry of Justice (MOJ) started an extensive effort to collect ownership information regarding immovable property, with the goal of assembling the Registo Nacional de Propriedades [National Property Inventory] and clarifying the factual and legal status of immovable property within the country.

21. This data collection effort, known as the cadastral assessment process, allowed all citizens to claim their property rights over immovable property by submitting "ownership declarations" (ownership claims). These claims and all the cadastral maps identifying each land parcel or building were published locally on boards affixed in public places with easy accessibility and in newspapers, websites and campaigns on radio and television. Their wide release allowed authorities to ascertain the existence of any possible disputes related to the rights of the immovable properties already cadastred as they are perceived by the population.

22. In April 2011, with more than 35,000 land parcels already recorded, the government was able to ascertain that in 92% of cases there was no dispute over the ownership of mapped properties. For the majority of Timorese citizens, the right to own their land or home is consensual, i.e., it is not questioned by third parties, regardless of location - in villages, sucos, districts or at the national level.

23. **Screening and land acquisition assessment.** Initial meetings concerning land ownership vis-à-vis the proposed reservoir site (60m x 80m) were held with the Suco Chief of Bairo Pite. The Suco Chief considered the new reservoir site to be government land and recommended additional meetings to confirm this opinion with the chiefs of Moris Ba Damen and Fruslam aldeias, the aldeias where the reservoir will be located.

24. Aldeia chiefs are considered to be the most knowledgeable about the status of land within the suco. During meetings with the social safeguard specialists, the aldeia chiefs stated that the land in question was public land. The TA social safeguard team was also assisted by DNSA staff previously involved in the acquisition of the land for the JICA project WTP and reservoir (2002).

25. Following the stakeholder consultation at Bairo Pite Suco office and the interviews with the Suco and aldeia chiefs, a socio economic survey (SES) was conducted with households near the proposed reservoir site. The objectives of the survey were to identify the extent of any adverse impacts of the project, make an inventory of losses (IOL), establish a baseline for socio-economic conditions of affected households (AHs), determine impacts on vulnerable and poor HHs and establish the number of project affected persons (APs).

26. During the implementation of the SES, two extended family groups (Caldas/Pires and Sarmento/Dos Santos/Fernandes) claiming ownership of the site came forward. The ownership claim is based on historic family use of the land to grow seasonal crops and through registration of the land during the cadastral survey process. Land ownership documents have not been issued to either group.

27. **Land ownership clarification.** During the inventory of losses (IOL), members of the Caldas/Pires family group assisted the TA team to measure the parcels of land claimed as private land and to identify property lines, fences, trees, etc. The two claimed land parcels correspond to the proposed Scenario 2 reservoir footprint i.e. approximately 60m x 80m. The Caldas/Pires family group is currently receiving USD 100/month from Telemor, a mobile phone company, for use of the land upon which the telecommunications tower is situated. The payment arrangement is for five years, beginning in 2012. The land claimant expressed willingness to negotiate compensation for the land to be used for the reservoir.

28. The extent of land acquisition impacts will depend on MPWTC's decision whether to acquire (or fence) all of the land (including that for the future reservoir). Assuming private land ownership, in both land acquisition Scenario 1 and Scenario 2 the Sarmento/Dos Santos/Fernandes family group will lose their land and 42 trees. In Scenario 1, the Caldas/Pires family group will lose their shrub fence and monthly rental income from the Telemor Tower while retaining access to the remainder of their land and 27 trees. In Scenario 2, the Caldas/Pires family group will lose all their land and 27 trees.

29. If the land is deemed to be owned by the government, the two family groups will not receive payment for the land but will lose the assets associated with the site (trees, fence, telecommunication tower rental income).

30. To clarify the land ownership, the TA team prepared a submission to MPWTC/DNSA outlining the findings to date concerning the land ownership with a request that this be addressed through NDLPSCS. Supporting documents for this request are found in Appendix A.

## **E. Removal of the Telecommunications Tower**

31. Interviews with Telemor management staff indicate that the tower was erected in 2012. Telemor expressed willingness to remove/relocate the tower upon receiving a letter from MPWTC/DNSA requesting the move. The estimated cost of moving the tower is included in the resettlement budget.

### III. SOCIOECONOMIC INFORMATION AND DEMOGRAPHIC PROFILE

32. **Methodology.** On July 8 residents and aldeia chiefs from Moris Ba Damen and Fruslam aldeias, the location of the proposed reservoir site, attended a project consultation at the Bairo Pite Suco Office. The socio-economic survey (SES) purpose and scheduling was explained to all consultation participants at that time. The SES was conducted on July 9 through a structured survey guide in Tetun. Individual consultations were held with each surveyed householder.

#### A. Population and Characteristics of Affected Households

33. **Household composition.** The project screening and IOL identified eight households (HH) comprising 41 people that will be affected by project land acquisition. Four of these HHs belong to the Caldas/Pires extended family group and four belong to the Sarmento/Dos Santos/Fernandes extended family group. These two family groups have claimed ownership of the land corresponding to Scenario 2 footprint and have made claims during the land registration process undertaken since 2008. The status of these claims will be clarified by NDLPSCS.

34. *Family Group 1: Caldas/Pires.* The Caldas/Pires family group is comprised of four HHs (23 APs) with an average family size of 5.5. The four HHs range in size from 3 to 8 members. The average age within the group is 18 years old, with an age range of 60 to infants. The HH heads ranged in age from 23 to 40 years old. More than one-third (36%) of the HH members are between the ages of 21 – 39, with 27% (six people) between the ages of 6 – 14 years old. Females make up 56% (13) of the family members, with males comprising 44% (10). Two of the HHs are nuclear families, one headed by a male comprises spouse and two daughters and the other is headed by a female (including a son and daughter). The other two HHs (eight family members each) are comprised of an extended family group including children and four nieces/nephews (see Tables 3.1 and 3.2).

35. *Family Group 2: Sarmento/Dos Santos/Fernandes.* The Sarmento/Dos Santos family group is comprised of four HHs (18 APs) with an average family size of 4.5. HHs range in size from 2 to 7 persons. The average age is 24 years old, with an age range between 2 and 61 years old. One half (50%) of HH members are in the age range of 21 – 39 years old with 34% ranging in age from infants to 14 years old. Females make up 44% (8) of the family members, with males comprising 56% (10) of family members. Three of the HHs are nuclear families comprised of HH heads, spouses, children and grandchildren and one HH is an extended family including a niece and nephew (see Tables 3.1 and 3.2).

**Table 3.1 - Household Composition**

Demography	Family Group 1	Family Group 2
	No.	No.
No. of AHs	4	4
Total population of AHs	23	18
Average # of persons per HH	5.5	4.5
Range of HH size (pers.)	3 to 8	2 to 7
Sex and age of HH Heads		
Female	1 (40 yrs)	
Male	3 (23, 28, 29 yrs)	4 (27, 34, 27, 60 yrs)
Average age of population (yrs)	18	24
Age range of population (yrs)	1 to 60	2 to 61
Type of family		
Nuclear	2	3
Extended	2	1
Disabled or vulnerable members	No	No

**Table 3.2 – Age, Sex and Marital Status of Household Members**

<b>Age</b>	<b>Family Group 1</b>		<b>Family Group 2</b>	
	<b>No.</b>	<b>% of APs</b>	<b>No.</b>	<b>% of APs</b>
<5 years	6	23%	3	17%
6 – 14 years	6	27%	3	17%
15 – 20 years	1	5%	1	6%
21 - 39 years	8	36%	9	50%
40 – 64 years	2	9%	2	10%
> 65 years	0	0	0	0
<b>Total</b>	<b>23</b>	<b>100%</b>	<b>18</b>	<b>100%</b>
<b>Sex</b>				
Male	10	44%	10	56%
Female	13	55%	8	44%
<b>Gender of HH Head</b>				
Male	22	96%	18	100%
Female	1	4%	0	0%
<b>Marital status of HH Head</b>				
Married	3 (male)	75%	3 (male)	75%
Unmarried	1 (female)	25%		
Widowed			1 (male)	25%

36. **Education, language and ethnicity.** Of the four HH heads in Family Group 1, one completed pre-primary education and three (including the female HH head) completed secondary education. Other than infants not attending school (five), four family members (17%) had no schooling, three (13%) were attending primary school, two (9%) had completed pre-secondary with one in school at that level, three (13%) had completed secondary school with two currently in school at that level and one (4%) had completed university. All HHs identified their primary language as Tetun. There are no indigenous HH members (see Table 3.3).

37. Of the four heads of HH in Family Group 2, two completed primary education, one completed pre-secondary and one completed university. Other than infants not attending school (three), two family members (11%) had no schooling, two (11%) had completed primary school and another two (11%) were attending primary school, 2 (11%) had completed pre-secondary with one in school at that level, one (6%) had completed secondary school and one (6%) had completed university with another in school at that level. All HHs identified their primary language as Tetun. There are no indigenous HH members (see Table 3.3).

**Table 3.3: Household Head and Member Educational Levels**

<b>Education level</b>	<b>Family Group 1 (no.)</b>	<b>Family Group 2 (no.)</b>
<b>HH Head</b>		
Pre-primary	1	
Primary		2
Pre-secondary		1
Secondary	3	
University		1
<b>HH Member</b>		
No School	4	2
Pre-primary	1	
Primary	3	4
Pre-secondary	2	2
Secondary	3	1
University	1	2

38. **Gender differences.** Women are the primary users of water, responsible to obtain sufficient amounts for family health and well-being. The SES indicates that older teens/young adults in the HH, both male and female, are responsible to fetch water on a daily basis. This corresponds to data from the HH survey conducted for the TA. The distance to the water taps is not far at the present time. This circumstance should be maintained. The impact of the loss of footpaths and access to water taps is discussed in Section C below.

39. **Economy and income.** All four HHs in Family Group 1 own their homes. Eight members (35%) are income generating. The main sources of HH income include: wages – public service for three HH members (38%), wages through private sector for one HH member (12%), wages from NGO for three HH members (38%) and pension for one HH member (12%). Three HHs in Family Group raise chickens and pigs for HH consumption. Two of the HHs also grow maize and cassava on small fenced plots near their homes.

40. Monthly income from employment/pension sources for the four Family Group 1 HHs ranges from \$100 - \$600/month with income/person/month ranging from \$33/\$50 (low range) to \$81/\$125 (high range). No Family Group 1 HHs used banking services (see Table 3.4).

41. All four HHs in Family Group 2 own their homes. Nine members (50%) are income generating. HH sources of income include: wages – public service (3 HH members/33%), wages – private sector (2 HH member/22%), wages – NGO (1 HH member/11%), self-employment (1HH member/11%) and pension (2 HH member/22%). Two of Family Group 2 HHs raise chickens and pigs with one also raising sheep and one also raising buffalo.

42. Monthly income from employment/pensions for the four HHs ranges from \$100 - \$600/month with income/person/month ranging from \$33/\$100 (low range) to \$83/\$250 (high range). Three Group 2 HHs used banking services: two to pay for school and to keep a savings account and one to purchase business equipment (see Table 3.4).

**Table 3.4: Household Economy and Income Sources**

Income sources	Family Group 1		Family Group 2	
	No.	HH income/month	No.	HH income/month
Wages – public service	2	\$100 – 249 \$250 - 499	3	\$100- 249
Wages – private sector	1	\$100 - 249	2	\$100-249 \$250-499
Wages - NGO	3	\$100 - 249	1	\$100-249
Self-employed: agri. sector				
Self-employed: non-agri. sector			1	\$250-499
Pension	1	\$75-99	2	\$75-99
Income Per Month*	No. persons in HH	Income per person/mth (low range/high range)	No. persons in HH	Income per person/mth (low range/high range)
HH1 (incl. FHH in FG1)	3	\$33/50	3	\$67/166
HH2:	4	\$50/125	7	\$39/100
HH3:	8	\$41/63	6	\$46/117
HH4:	8	\$38/94	2	\$100/250

*\*does not include current income from Telemor Tower rental*

43. **Poverty and vulnerability.** The Timor-Leste Socio Living Standard Survey (TLSLS) establishes the official poverty lines, based on average national prices, derived from lower and upper poverty lines both of which include food and essential non-food items (minimum basic needs). The food portion of the poverty line is anchored to a daily intake of 2,100 calories per person. The lower poverty line measures extreme poverty.

44. The TLSLS 2010 defines the upper poverty line to be US\$ 26.68 per month per person and the lower poverty line to be US\$ 21.53 per month per person. From the information gathered during the SES, all eight AHs are above the poverty line. The lower poverty line can be interpreted as representing extreme poverty.

45. Three persons within the eight HHs are 60/61 years old and each receive a pension. Project LAR will not cause them to relocate or have an impact on their current residential structures or land use practices. Compensation for affected trees will be distributed to all households within the two family groups based on negotiated asset allocation. No special measures are required to mitigate differential impacts on older HH members.

46. **Quality of life indicators.** All eight AHs are connected to electricity, with six HHs paying for this service. All of the AHs use pour flush toilets. Five out of the eight AHs access water through the public tap provided at the WTP. The other three AHs access water through the public tap by a hose connected directly to their house (see Table 3.5).

**Table 3.5: Quality of Life Indicators**

<b>Electricity</b>	<b>No. HH</b>	<b>No. HH</b>
Connected	4	4
Pay for electricity	2	4
<b>Source of water</b>		
Public tap - shared	2	3
Public tap – not shared	2	1
Time to fetch water	2 – 10 min	1 – 10 min

### **C. Description of Impacts and Summary of Losses**

47. **Land acquisition.** The total land to be acquired by the project is unknown as it depends on the government's decision concerning land acquisition for the future reservoir. For the two reservoirs, present and future, the land required will be 4800 m<sup>2</sup>. If government decides not to acquire/fence the entire site, the land needed for the one project reservoir will be 3000 m<sup>2</sup>. Should land be acquired for the project reservoir only (Scenario 1), it is expected that both family groups will be affected, with less loss of land accruing to the Caldas/Pires extended family (4 HHs/23 APs) as the bulk of the reservoir will be located on the Sarmento/Dos Santos (4 HHs/18 APs) claimed land.

48. The extent of the impact of land acquisition is also unknown as this hinges on the outcome of the NDLPCS land ownership claim clarification as to whether the land in question is government land or private land.

49. **Structures, crops and trees affected.** No residential structures or outbuildings will be affected. Cropping is not practiced on the reservoir site. 42 trees belonging to Family Group 2 will be affected in both scenarios. 27 trees belonging to Family Group 1 will be affected in both scenarios, bringing the total number of trees affected in Scenario 2 to 69.

50. The SES findings indicated that currently the trees provide no income as they are not yet fruit bearing except for bananas and pineapples where the fruits are used for home consumption, supplementing the HH budget by approximately \$50/year. This data will be reassessed during RP Updating (See Tables 3.6 and 3.7).

**Table 3.6: Number of Trees\* Owned by Family Group 1**

Type of Trees	Number	Use
Ai-cafe	10	A type of mango
Ai-amare	5	firewood
Ai-bubur	12	firewood
<b>Total</b>	<b>27</b>	

\*Translation of tree names from Tetun into Genus and Species is not available. The standard use of the tree is provided.

**Table 3.7: Number of Trees\* Owned by Family Group 2**

Type of Trees	Number	Use/fruit
Ai-bubur	6	firewood
Aidu	1	cashew
Pineapple	25	Pineapple
Coconut	3	Coconut
Banana	2	Banana
Ai-hali	5	firewood
<b>Total</b>	<b>42</b>	

\*Translation of tree names from Tetun into Genus and Species is not available. The standard use of the tree is provided.

51. In addition, a 154 m fence comprised of small trees owned by the Caldas/Pires family group (4 HHs/23 APs) will be affected by land acquisition for both scenarios.

52. **Livelihood impacts.** From the SES, cropping or other agricultural use of the site is not practiced by the AHs. The significant impact on income will be the loss of the monthly rental received from Telemor for the telecommunication towers. For the four HHs sharing the Telemor rental payment, this results in the loss of \$25/month, which for two HHs is a loss of 10% of their low range monthly income. The current rental arrangement with Telemor is based on a yet-unsigned contract for payment of \$100 for a five-year term. The proposed mitigation measure to address this income loss is for continued payment of the contracted amount (\$100) for the contracted period (until mid 2017). This amount is included in the resettlement budget.

53. **Telecommunications tower.** In addition to the tower itself, the fencing surrounding the tower and cement guy wire anchors will be affected if removal is required.

54. **Loss of footpaths.** From site visits, as well as views of the proposed reservoir area from Google Maps, it is apparent that the construction of reservoirs and the surrounding fence will have an impact on the small walking trails<sup>2</sup> used by HHs to access the WTP road. The hillside is very steep, requiring areas for safe footpaths. This issue was not raised by consultation participants, but results from social safeguard team observations of pictorial maps as engineering details were made available. No footpath use study has been conducted. This issue should be raised during RP updating with a request to project engineers to identify mitigation measures which could conceivably consist of engineered footpaths, reduction of fenced corridor to allow footpath use, etc. Hilltop resident usage patterns may also change depending on access to water taps/availability of water from the new reservoir.

55. **Access to water taps.** All four HHs in the Caldos/Pires family group HHs around the site as well as the four HHs in the Sarmentos/Dos Santos family group access water through the public taps inside the WTP compound (taps are located on the left side of the WTP).

<sup>2</sup> These observations were made by the Social Safeguards team and were not raised by AHs/APs during consultations. Consultations for updating the RP will provide AP perspectives.

56. These taps are accessed by hoses leading from them, allowing local access to water through the WTP fence. The placement and fencing of the reservoir(s) might require some to walk much further to access the existing taps. Mitigation measures should be put in place to reduce this impact. This could include additional taps on the new reservoir or the provision of piped water to homes surrounding the reservoir site. These costs would be included in the project budget (refer to Section V Consultation and Disclosure).

57. **Summary of losses.** The summary of potential losses for the identified AHs is given in Table 3.8.

**Table 3.8: Summary of Losses**

<b>Impact and/or loss</b>	<b>Scenario 1</b>	<b>Scenario 2</b>
Total land (m <sup>2</sup> ) to be acquired	3000 m <sup>2</sup>	4800 m <sup>2</sup>
No. of AHs	8	8
No. of APs	41	41
Loss of assets		
Trees	69	69
Fences (shrub)	1 (4 AHs)	1 (4 AHs)
Linear meters of fence	154	154
Loss of income	4AHs	4AHs
telecom tower rental	\$2400	\$2400
Loss of access	Footpaths leading to WTP water taps	Footpaths leading to WTP water taps

#### **IV. LEGAL FRAMEWORK AND ENTITLEMENTS**

58. This RP is based on ADB's Safeguards Policy Statement 2009 (SPS) and the Government of Timor-Leste's applicable policy instruments and laws. The following section details the relevant policies and relevant entitlements for resettlement impacts.

59. The legal framework and entitlements which follow are drawn from the laws of the Government of Timor-Leste, principally the Constitution, the first Land Law (2003), several associated Decrees regarding implementation and interpretation of the draft Land Law, the Civil Code (2011), the draft Expropriation Law (EL) (2011), the draft Real Estate Finance Fund (2011) and ADB's SPS which was approved by the ADB Board of Directors in July 2009 and became effective in January 2010.

##### **A. National Laws on Land Acquisition and Resettlement**

60. Section 141 of the Constitution states that the ownership, use and development of land are key factors for economic production and they shall be regulated by law. Section 54 of the Constitution covers the right to private property and provides for:

- (i) Every individual has the right to private property and can transfer it during his or her lifetime or on death, in accordance with the law;
- (ii) Private property should not be used to the detriment of its social purpose;
- (iii) Requisitioning and expropriation of property for public purposes shall only take place following fair compensation in accordance with the law; and
- (iv) Only national citizens have the right to ownership of land.

61. The first land law of Timor-Leste was promulgated in March 2003 and was designed to serve as an umbrella law for the rest of the land and property regime. The law established the NDLPSC as a legal entity with defined jurisdiction.

62. The law articulated general rules concerning land tenure and property rights to be further developed by ensuing legislation. In addition, this law provided a one-year period for both nationals and non-nationals to register their land claims. Law No. 1/2003 effectively vests all land that belonged to the Portuguese state, and all state property acquired or built by the Indonesian regime, in the new state of Timor-Leste.

63. The Government issued a decree in February 2011 granting compensation to relocate unlawful occupants of State property based on humanitarian considerations. However, the Ministry of Justice (MOJ) through Ministerial Statute is yet to establish the basis for calculating compensation.

64. Another decree passed in July 2011 allows private property rights registration by landowners/persons in areas where cadastral surveys have been completed (following registration and verification of claims by the government) and confirmed that the claims to land are undisputed.

65. The Civil Code passed in 2011 which came into force in March 2012 includes a section that governs day-to-day land decisions such as the sale and lease of land. The following three proposed laws were approved by the Council of Ministers in 2013 but they are yet to be approved by Parliament. These laws are being redrafted for resubmission to Parliament:

- The draft **Land Law** (Special Regime for the Definition of Ownership of Real Estate) decides who owns what land and in the case of conflicting claims, who has the strongest right to the land;
- The draft **Law on Expropriation** (EL) recognizes as fundamental rights of citizens the right to private property and guarantee of fair compensation for expropriated land. Under the draft EL, the expropriation process for public projects can begin when amicable and mutual settlement fails in private negotiations. The EL determines the conditions and establishes the procedures under which the state can take land for "public good" and under which it will provide fair compensation;
- The draft **Real Estate Finance Fund** provides compensation as determined under the other laws.

66. The draft EL recognizes the right to private property and guarantee of fair compensation for expropriated land, as fundamental rights of citizens. Under the draft EL, the expropriation of property for public purposes will be only possible where it is not possible to acquire it amicably through private negotiations. The Council of Ministers, with advice of the Ministry of Justice, will be empowered to issue a notice of public purpose for expropriation. However, land acquisition/resettlement activities under the USIP will follow the procedures outlined in this RP, until such time as the draft EL is promulgated. The procedures in the RP are consistent with the principles and policies of the draft government Land Laws as well as with ADB policy.

## **B. ADB Safeguard Policy Statement**

67. Each of the three ADB safeguard policies involves a structured process of screening, consultation, impact assessment, public review and disclosure, mitigation to address the adverse effects and monitoring and reporting. The safeguard policies require that:

- (i) impacts are identified and assessed early in the project cycle;
- (ii) plans to avoid, minimize, mitigate, or compensate for the potential adverse impacts are developed and implemented; and

- (iii) affected people are informed and consulted during project preparation and implementation. The policies apply to all ADB-financed projects, including private sector operations, and to all project components.

68. The goal of ADB's SPS is to promote the sustainability of project outcomes by protecting the environment and people from projects' potential adverse impacts. Involuntary resettlement as a result of development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are disrupted, and material and immaterial property (housing, land, forest resources, cultural sites, properties of commercial value, social and cultural activities) can be affected. Such impacts can be either temporary or permanent. The Asian Development Bank SPS includes safeguards to address and mitigate these risks.

69. The objective of SPS safeguard requirements 2: Involuntary Resettlement (SR2) include:

- avoid involuntary resettlement wherever possible;
- minimize involuntary resettlement by exploring project and design alternatives;
- enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and
- improve the standards of living of the displaced poor and other vulnerable groups.

70. The SPS states that SR2 covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It applies whether such losses and involuntary restrictions are full or partial, permanent or temporary.

71. The SR2 consists of 12 policy principles to be applied to every project. These are:

- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;
- Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase;
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full

replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible;

- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required;
- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing;
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status;
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders;
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation;
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation; and
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

### **C. Gaps between National Framework and SPS**

72. The policies, principles and procedures contained in this RF are in line with the laws of the Government of Timor-Leste and the SPS. The resettlement policy principles adopted for the project, consistent with the draft Expropriation Law (EL) of Timor-Leste and requirements of ADB SPS, will serve as gap-filling measures until an EL which meets ADB SPS requirement is promulgated.

73. A gap analysis highlighting key differences between government laws and the ADB safeguard policies is found in Appendix B.

### **D. Project Policy and Entitlement Principles**

74. The resettlement policy and entitlement principles for the project are as follows:

- a. Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options APs residing, working, doing business and cultivating land within the required project area as of the completion date of the census and detailed measurement survey will be entitled to compensation and rehabilitation assistance to assist them in improving, or at least maintaining, their pre-project living standards and productive capacities. The Project will ensure that APs are able to find alternative sites or income sources;
- b. Lack of formal legal title or rights will not be a bar to eligibility for compensation and assistance under the Project. APs will not be displaced from affected land until suitable alternative land or compensation is paid that is sufficient to purchase suitable land within the same area;
- c. All compensation will be based on the principle of replacement cost at the time of compensation. For houses and other structures, this will involve the costs for materials and labor at the time of acquisition, with no deduction for depreciation or for salvageable materials. Compensation for land will be replacement land cash adequate to purchase land locally of equivalent size and quality, and where required to improve land to achieve suitable quality;
- d. The process and timing of land and other asset acquisition will be determined in consultation with APs to minimize disturbance;
- e. Where houses and structures are partially affected to the degree that the remaining portion is not viable for its intended use, the Project will acquire the entire asset, and APs will be entitled to compensation at replacement cost for the entire asset;
- f. APs will be systematically informed and consulted about the Project, the rights and options available to them and proposed mitigating measures. The comments and suggestions of APs and communities will be taken into account;
- g. The key information in the RP such as measurement of losses, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in an understandable format such as the distribution of public information booklets (PIBs) prior to submission to ADB for review and approval;

- h. Resettlement identification, planning and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights, and to ensure the restoration of their income and living standards;
- i. Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved. This will include land use permission provided by Pagoda committees.
- j. Land donations by community members will be permitted provided the donation does not economically disadvantage the donor or have a negative impact on a donor's prime residence;
- k. Special measures will be incorporated in the RP to protect socially and economically vulnerable groups such as ethnic minorities, women-headed households, children, households headed by the disabled, the elderly, landless and people living below the generally accepted poverty line. Vulnerable APs will be provided with appropriate assistance to help them improve their standard of living through asset building strategies such as provision of land, replacement housing of minimum standards and increased security of tenure;
- l. There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the RP. Specifically designated resettlement committees will include representatives from APs, especially women and vulnerable groups;
- m. Institutional arrangements will be in place to efficiently and effectively design, plan, consult and implement the land acquisition, compensation, resettlement, and rehabilitation programs;
- n. Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period;
- o. Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Monitoring and evaluation of the land acquisition, resettlement and rehabilitation processes and the final outcomes will be conducted by an independent monitor;
- p. Civil works contracts will not be awarded for a specific subproject or geographic area until (i) compensation payment and relocation to new sites have been satisfactorily completed for that subproject or geographic area; (ii) agreed rehabilitation program is in place; and (iii) the area is free from all encumbrances as per approved RP;
- q. Cash compensation or replacement land for affected households losing entire residential land will be made available well ahead of civil works to allow the affected households sufficient lead time to reconstruct their houses; and
- r. No demolition of assets and/or entry to properties will be done until the affected household is fully compensated and relocated.

## **E. Eligibility and Entitlements**

75. All persons affected by the loss of any fixed or mobile assets as of the cut-off date will be eligible for project compensation and rehabilitation assistance. The cut-off date under the project is the date after which people will not be considered eligible for compensation, i.e. they are not included in the list of APs as defined by the census. The cut-off date for this project is the date of completion of the census and SES (July 15 2015). People who move onto the site or undertake other activities on the site after this date will not be entitled to any compensation.

76. DNSA will inform the Suco chiefs/suco council members of the cut-off date. The RP recognizes the APs are eligible to receive compensation for their losses although they have no formal title but have a claim to the assets.

77. Based on the Project Principles as well as eligibility requirements, the Entitlement Matrix in Table 4.1 identifies potential types of losses and the corresponding nature and scope of entitlements. Following detailed site design, the Detailed Measurement Survey (DMS) and SES will be the basis for determining actual impacts. Replacement cost surveys (RCS) will be carried out to determine actual replacement costs and rates. Compensation standards described in the Entitlement Matrix will not be lowered but can be enhanced as required. The Entitlement Matrix has been previously approved by the MPWTC for the Road Network Improvement Sector Project.

**Table 4.1: Entitlement Matrix**

Type of Loss	Entitled Persons	Entitlements	Responsibility
1. Temporary use of land	Owners/claimants of affected land	Affected landowners/APs will be paid rent on terms negotiated with them based on replacement value. The land will be returned to respective landowners/APs after its restoration.	PMU with assistance of local authorities and community leaders.
2. Permanent loss of land	1. Landowners or customary owners, leaseholders 2. Others with traditional land rights	<p>1. Land for land compensation is the preferred option. If land is not available then:</p> <ul style="list-style-type: none"> <li>The AP keeps the remaining land and compensation at replacement cost and assistance is paid to the AP for the land to be acquired.</li> <li>The entire plot including the residual plot is acquired, if the owner wishes that the MPWTC/PMU will also acquire the residual plot.</li> <li>If the AP is from a vulnerable category, assistance to purchase land if preferred by the AP.</li> </ul> <p>2. Transitional and livelihood support. If more than 10% of an APs land is acquired and sufficient land is not available as compensation, cash payments will not be enough and transitional support and other livelihood supports e.g. training will be needed to ensure APs can improve or at least restore their standards of living to pre-project levels.</p> <ul style="list-style-type: none"> <li>All fees, taxes and other charges, as applicable under relevant laws incurred are to be borne by the project.</li> </ul>	<p>PMU assisted by District, Suco officials, and the NDLPSCS, will help identify alternative replacement land and determine replacement cost through valuation in consultation with community leaders and APs.</p> <p>Training and skills will be arranged through contractors or existing government programs.</p>
3. Loss of residential/commercial structures	Owners/ claimants of affected structures	<p>1. AP will be provided with replacement house/structure(s) with necessary amenities or compensation at replacement value, at present cost with no asset depreciation.</p> <p>2. Transitional assistance (amounts to be determined in the RP according to severity of impacts). If the household is vulnerable additional transitional allowance may be needed.</p> <p>3. A lump sum shifting allowance for temporary, semi-permanent and permanent structures. Amounts to be determined in the RP.</p> <p>4. The AP has the right to salvage materials free of cost from the demolished structure</p> <p>5. Training will be provided to upgrade skills.</p> <p>6. Vulnerable APs will be provided additional rehabilitation support. The RP to determine in-kind support or cash amounts.</p>	PMU as above. Affected structures may be replaced by the civil works contractor under each subproject civil works contract under the direction of the PMU.

Type of Loss	Entitled Persons	Entitlements	Responsibility
4. Loss of rented land or structure	Affected Tenants	<ol style="list-style-type: none"> <li>1. The amount of deposit/advance paid to the landlord or the remaining amount at the time of purchase (to be deducted from the payment to the landlord)</li> <li>2. Transitional and shifting allowance (amount to be determined in the RP).</li> <li>3. Payment at replacement cost for any structure the tenant has erected on the property (to be deducted from the payment to the landlord).</li> <li>4. Vulnerable APs will be provided additional rehabilitation support. The RP to determine in-kind or cash amounts.</li> </ol>	PMU in consultation with local officials, NGOs, APs, community leaders, relevant government agencies.
5. Loss of income from business or land through wages and other employment	Affected persons	<ol style="list-style-type: none"> <li>1. A lump sum grant as a transitional allowance (amount to be determined in the RP).</li> <li>2. Training to upgrade skills for vulnerable groups and linked to jobs. Livelihood support activities to ensure APs can restore income base.</li> <li>3. Vulnerable APs will be eligible for additional support.</li> </ol>	PMU as above
6. Loss of annual / seasonal crops	Affected owners/claimants/persons	Grant for lost crop due to forced relocation, equal to market value of crop for three years plus cost of replacement of seeds for the next season.	PMU with assistance from relevant government ministries and valuation expert.
7. Loss of perennial crops / trees	Affected owners/claimants/persons	<ol style="list-style-type: none"> <li>1. Compensation for trees based on timber value at market price to be determined by valuation specialist.</li> <li>2. For perennial trees, compensation will be depend on species, current average yields and expected life of the trees.</li> </ol>	PMU as above. In DMAs shade trees will be replaced as roadside tree planting.
8. Structures of squatters and informal settlers	Affected persons	<ol style="list-style-type: none"> <li>1. Compensation for loss of structure at replacement cost with no depreciation of assets paid by project. Asset for asset compensation is preferable.</li> <li>2. A lump sum amount depending on the type of structure: temporary, semi-permanent or permanent house for shifting household assets</li> <li>3. Transitional allowance to be determined in the RP.</li> <li>4. Training and livelihood support activities to ensure APs can restore income base.</li> <li>5. Vulnerable APs will be provided additional rehabilitation support. RP to specify in-kind or cash support.</li> <li>6. APs have the right to salvage material free of cost from the demolished structure.</li> </ol>	PMU
9. Shifting business (Kiosks)	Affected households	Ambulatory vendors will be considered as kiosks and will receive a lump sum shifting allowance or replacement structure with improved standards built by project.	PMU. Kiosks and stalls may be rebuilt by civil works contractors under PMU direction.

Type of Loss	Entitled Persons	Entitlements	Responsibility
10.Primarysource of income	Affected individual	1. Income generating and livelihood support activities to ensure APs can restore income base. May include starting production or business activity and rehabilitation support. The RP to specify needed support. 2. Preferential employment in the project, especially for women and the poor.	PMU
11. Severely affected households	Severely affected households identified by social assessment.	Severely affected households will receive (i) additional transition allowance (ii) priority employment in project construction and maintenance works, and (iii) income restoration measures under a gender and livelihoods restoration program	PMU with the help of safeguard specialists and relevant stakeholders.
12. Impacts on vulnerable APs	Vulnerable AP households identified by social assessment	Vulnerable households will receive (i) additional transitional allowance; (ii) priority employment in project construction and maintenance works, and (iv) income restoration measures under a gender and livelihoods restoration program.	PMU with the help of safeguard specialists and relevant stakeholders
13. Community infrastructure and amenities	Affected community and public service agencies	Replacement of public buildings and utilities (schools, transmission lines, markets, clinics, offices). Cultural properties will be conserved by special measure such as relocation in consultation with the community.	These replacement works will be carried out by civil works contractors under instruction from PMU.
14. Other impacts not identified	Affected Persons	Unforeseen impacts will be documented and mitigated based on the principles agreed upon in the RP.	PMU identifies and mitigates impacts as required.

## V. Participatory Consultation

### A. Public Consultation and Discussions with APs

78. Consultations were held with suco councils and residents in the project area, including the sucos of Comoro, Bairo Pite, Fatuhada, Kampong Alor and Motaél. A description of the project plan and other details was presented by the National Water Engineer supported by other team members. Attendance sheets for each consultation are found in Appendix C.

79. In discussing the USIP, consultation participants spoke about the current water supply situation, pointing to its short falls which the project will have to address if it hopes to be successful.

80. **Willingness to pay.** The water bill payment system through the bank is very complicated and time consuming, making it difficult for people to pay their bills. There is lack of information about the water tariff law and many households do not feel obligated to pay water charges but due to the lack of sanctions and control, this attitude will affect other households in the coming months.

81. **Willingness to connect.** Women/youth representatives said the people are willing to pay for new connection but actually some female households head are not able to pay for USD 50 because they haven't enough income.

82. **Implementation of water tariff law.** Consultation participants were of the opinion that the Government should implement the water tariff law and work together with suco leaders to disseminate information frequently to each aldeia to build awareness for willingness to pay. People must understand their role in water system management. The copy of official water regulation document should be available in the suco for people to read when the suco conducts its monthly regular meeting.

83. **Water system improvements.** DNSA should improve the water service and all urban households should have a functioning water meter installed. Many households use water in the wrong way. DNSA installed water meters in each house but the people had a negative attitude and disconnected the meter, thereby having a direct connection to the main pipe. Alternative options should be developed to easily make water bill payments.

84. **Illegal connections.** During the consultations it was reported that many people inside Zone 2 do not have access to the piped water. Some of the households use shared unprotected wells with their neighbors. For example, in the area known as Kakaolidu, the DNSA water supply has not functioned since 2012. This situation leads to illegal connections that multiply from day to day with the result that many people feel they do not have access to enough water for daily needs. In some sucos with piped water, people buy water from the water tanker to meet their needs.

85. Participants explained that the primary reasons for illegal connection are lack of water system control by DNSA, not enough water pressure, no water meters installed in houses and DNSA often not responding to consumer complaints. Politicians have stated that people have free access to water. In the future, Government should explicitly sanction households with illegal connections. Illegal connections can create conflicts between neighbors when they know their neighbor accesses water through an illegal connection or uses a pump. This behaviour could also be changed through an educational program and public media communication, working together with NGOs and suco leaders to engage people in order to make change their behavior.

86. **Positive responses to project.** In general, there is a very positive reaction to the project objective of improving the water supply system and providing access to safe and reliable water service to the residents of the western half of Zone 2 in particular. The aim of the project plan is seen as positive in the long term that the urban HHs will have access to piped water available for 24 hours, 7 days a week.

87. **Concerns about the project.** One of the concerns expressed at many of the consultations was that there would be a lack of collaboration on implementation scheduling between the various ministries, creating ongoing disruption during the construction phase. Damage to other infrastructure i.e. roads, drainage, power lines, garbage bins resulting from other projects is often not repaired or replaced.

88. Participants, particularly aldeia and suco chiefs highlighted the need for really good coordination between the implementing agency/contractors and community leaders to socialize the project objectives and scope of works to the people to avoid social conflict. The new main networking line should not damage other infrastructure (e.g. road, drainage and power lines). Currently some houses are built on top of the existing main networking line, requiring compensation when the pipe is removed.

89. **Role of consultation in project success.** Participants, particularly the aldeia chiefs, said community would benefit from this project but one of the key factors for success should be to involve the community in the planning process and implementation stage. Consultation meetings should be held in each aldeia to identify assets that will be temporarily or permanently impacted such as crops, trees, houses, and land acquisition. The project should provide compensation for all losses.

90. Other participants said that consultation with the affected community would reassure them of compensation for disturbing any assets. Community consultations should include local leaders, youth's representative, older people with women's involvement crucial as they are the primary water users. The Suco Council has three committees representing women: one for single women (focused on youth) and two for women with families. Representatives from these committees should be invited for consultation during project implementation. Socialization should take place prior to civil works so that people are in agreement with the detailed design. This would include connection costs and the monthly tariff.

91. **Conflict resolution.** It is important to prevent a situation where conflict will arise. The project must have the proper approach for any compensation to the community so there will be no conflict during project implementation. In the future, DNSA needs to work with NGOs and community leaders to organize educational campaigns in DMAs/aldeias for prevention of illegal connections and engage people for pay water bills.

92. **Recommendations.** A number of recommendations have been made as follows:

- Replace all the old pipes to be able to provide good water service with easy access;
- Improve the water supply system and provide good service and people will be willing to pay the water tariff;
- Ensure the role of DNSA is strengthened to improve the system control to prevent illegal connections and implement sanctions for people who use pumps (Sanyo) at home;
- Require a consultation with the community when project implementation begins in order to know their problems and understand their complaints;

- Disseminate the water law through national information campaigns and through working with the suco councils on a regular basis to ensure that people in sucos and aldeias understand the contents of the law;
- DNSA should cooperate with suco leaders in the future and give them powers and assistance to control illegal connections and organize campaigns in the community to promote willingness to pay for water;
- Some households have installed water in their house but have not fixed the water taps, so water is left running at night. To avoid this situation, participants proposed that DNSA close the water supply system at night;
- They expect that the project could be implemented in order to improve the water system service however illegal connections must be prevented;
- Involve suco leaders to support the project implementation, monitoring and control of the water system; and
- Build a new water tank in each aldeia to provide safe water at nighttime.

93. **Bairo Pite consultation.** The Project Zone 2 area does not include residents in the aldeias of Moris Ba Damen or Fruslam in which the Central Reservoir site is located. Residents and aldeia chiefs from these aldeias attended the Bairo Pite consultation and vociferously expressed their anger and dismay at being asked to undergo the construction impacts and land acquisition impacts while not benefitting directly from the project. In response to their concerns, the social team requested perspectives from the international water supply engineer on water supply benefits for this segment of the population.

94. The response from the engineer was that “a special connection could be included in the detailed design to make an offtake from the reservoir. The community to be provided with water would need to be defined. The offtake would be metered and a small formal distribution system being installed. This may just be to a public tap. If private connections were provided, these would be metered and water paid for. The supply would be the same as those in the DMAs except that the pressure would not meet the Draft DNSA Design Standards i.e. the pressure would be less than 10m. It is important that the offtake should not be seen as ad hoc as this may encourage informal connections to the system and result in its abuse. This low pressure DMA will need to be formalized with institutional and community rules and agreements to manage the supply. These do not need to be much different from the normal DMA supply; the rules and agreements just needs to clarify that pressure will be low.”

95. Focus group discussions conducted by the social team as a component of the larger TA indicated that water supply issues in Dili often begin “upstream” when those at the beginning of the system tap into the supply or damage the infrastructure, severely reducing pressure and volume for those further down the pipe. The USIP should take the comments received from the consultations, particularly those from Bairo Pite, into consideration during the Detailed Design phase.

## **B. Information Disclosure**

96. **Disclosure.** A summary of the draft and updated RP including the entitlement matrix will be translated into Tetun and Portuguese and will be disclosed to stakeholders by the MPWTC.

97. The translated RP will be available at the MPWTC/DNSA offices in Dili, through the NDLPCS, the offices of the Suco chiefs and aldeia leaders and will be considered an official public document. The RP, once cleared by ADB, will be uploaded to its website.

98. **Public information booklet.** A public information booklet (PIB) will be prepared to enable residents in the project area to be informed further about the project benefits, grievance procedures and compensation mechanisms available for any project impacts on assets. Booklets will be available at Suco meetings.

99. A PIB will be prepared and distributed to all APs and other stakeholders to ensure that they fully understand the details of the RP. The PIB will include the following:

- a. Brief description of the project;
- b. Types of impacts expected;
- c. Measurement of losses;
- d. Detailed asset valuations;
- e. Basic compensation policy, entitlements and special provisions;
- f. Outline of livelihood restoration measures;
- g. Grievance procedures;
- h. Timing of payments;
- i. Displacement schedule;
- j. Consultation with APS and communities
- k. Implementation schedule; and
- l. Contact details to obtain additional information.

## **VI. Grievance Redress Mechanism**

100. Consultation will be undertaken prior to finalization of the detailed design in order that APs' requests and suggestions to minimize resettlement impacts can be incorporated into the design as far as is practicable. During preparation of the resettlement plan, consultation activities such as distribution of PIBs, community information dissemination and feedback, key informant interviews, individual and public meetings, focus group discussions, and separate consultations with APs will be carried out. Consultation with APs will continue throughout project implementation to ensure that information about the overall project and resettlement-related information is properly understood and accepted by the APs.

101. To address disputes and complaints from APs, a grievance redress mechanism will be established, including: (i) a PMU focal point (e.g. community engagement and safeguards officer); and (ii) committees/groups at District and Suco levels. These committees will include government representatives, suco/aldeia chiefs, APs, and recognized civil society leaders. The mechanism will try to resolve grievances at local level with the assistance of local leaders. ITA NIA RAI's experience with conflict resolution and dispute mediation in property rights will be drawn upon as necessary to strengthen PMU's capacity in addressing land related issues. Experience from the Justice for the Poor (J4P) program in grievance redress will also be drawn upon, as appropriate. APs will not be liable for any costs associated with the project's grievance redress process.

102. The chairperson of Suco level group will be the initial grievance focal point to receive and facilitate project related concerns or disputes. She/he will immediately advise the PMU focal point, who will arrange for any matters concerning the project to be addressed immediately through a site visit and consultations. Any grievance which cannot be settled at the Suco level will be submitted to the District level committee or PMU. At each stage the conduct of grievance resolution will be done in coordination with local authorities, MOJ/NDLPCS and MPWTC/PMU. Other than disputes relating to land ownership rights, most grievances related to resettlement benefits, relocation of structures, and other assistance will be resolved at project level. When grievances have finally not been resolved at the project level, the AP can submit the case to the civil courts for an early resolution.

## **VII. Institutional Arrangements**

103. Institutional arrangements pertaining to involuntary resettlement issues under USIP will follow those for other ADB-financed projects with the GoTL. The PMU under the MPWTC will have overall responsibility for implementing the Project. The PMU capacity will be strengthened by appointing an MPWTC focal person for land issues and by recruiting an international and a national social safeguard/resettlement specialist. The design and supervision consultants for the project will also work with social safeguards specialist for resettlement planning and monitoring at project level.

104. The PMU will be responsible for all social aspects of the project. On the social safeguards side, it will manage all land acquisition and resettlement activities. The following are its key functions:

- Planning, coordination, implementation and monitoring of land acquisition, compensation and resettlement;
- Preparing or contracting with specialists for various surveys and the preparation of RPs to comply with government and ADB policies;
- Conducting consultations and ensuring APs are informed and get a choice on their options for resettlement and compensation and can voice their ideas and concerns on the process;
- Assisting in acquiring land/assets required for the USIP;
- Coordinating with MPWTC and NDPLCS and ensuring prompt, adequate and timely compensation payment according to entitlements; and
- Monitoring of resettlement activities and reporting.

105. The PMU will work closely with the NDPLCS as well as MPWTC to deal with land acquisition/resettlement, and to resolve any conflicts that may arise during these processes. The PMU will engage experienced NGOs or local consultants to monitor and validate the negotiated land acquisition process, as needed. NGOs will also be engaged, as appropriate, to assist in consultations and in resolving disputes.

106. Table 7.1 summarizes the key tasks to be carried out by the respective agencies.

**Table 7.1: Resettlement Implementation – Roles and Responsibilities**

Agency	Roles and Responsibilities
Executing agency / implementing agency	<ul style="list-style-type: none"> <li>• Overall execution of the project</li> <li>• Provides funds for land acquisition and resettlement</li> <li>• Liaises with ADB</li> </ul>
NDLPCS	<ul style="list-style-type: none"> <li>• Oversees and supports land acquisition and resettlement process as the national regulatory agency for land</li> </ul>
PMU/MPWTC	<ul style="list-style-type: none"> <li>• Manages the social and resettlement aspects of the project</li> <li>• Finalizes project decisions concerning land acquisition in consultation with MOJ/NDLPCS</li> <li>• Manages design and supervision consultants on all matters dealing with resettlement and consultations</li> <li>• Undertakes the detailed measurement survey (DMS) based on the detailed design and government decisions concerning land acquisition</li> <li>• Updates the RP</li> <li>• Discloses the Updated RP</li> <li>• Prepares a PIB to inform APs, local authorities and interested others about the project, including compensation details</li> <li>• Coordinates with MOF to obtain budget and funds for compensation payments</li> <li>• Schedules and makes compensation payments which are verified/witnesses as required</li> <li>• Records the compensation payment process for monitoring and reporting</li> <li>• Gives permission to contractor to start work when all resettlement activities are completed to the satisfaction of APs</li> <li>• Establishes grievance procedure as outlined in the RP</li> <li>• Monitors all resettlement activities including temporary impacts and impacts on women/vulnerable persons and prepares monitoring reports for ADB</li> <li>• Contracts NGO to provide external monitoring</li> <li>• Provides data and other information to external monitoring agencies</li> <li>• Prepares final project resettlement report</li> </ul>
Suco level resettlement committees/groups	<ul style="list-style-type: none"> <li>• Ensures coordination among relevant ministries</li> <li>• Oversees and reviews implementation effectiveness of land acquisition and resettlement</li> <li>• Works to resolve land related issues and grievances arising during implementation</li> <li>• Guides and supports the PMU in addressing grievances that require higher level intervention</li> <li>• Reviews and takes action on findings of monitoring reports</li> </ul>
ADB	<ul style="list-style-type: none"> <li>• Review and approve all resettlement documentation as required under their respective policies</li> <li>• Disclose RP and Updated RP on its website</li> <li>• Provide guidance as required based on progress reports and supervision missions</li> </ul>

## VIII. Resettlement Budget and Financing

107. All costs associated with land purchase and resettlement will be provided by the government. The MOF/MPWTC will ensure that adequate funds are available for carrying out resettlement according to the budget prepared for the project. The PMU will facilitate the negotiation process and coordinate/undertake allocation of funds for the resettlement budget, approval of payments, and delivery of funds, monitoring of progress and reporting.

108. **Compensation for land.** The land claims are yet to be resolved. If the land is public land, no compensation will be paid. If the land is private land, a purchase price will be negotiated at no less than the stated value of USD 15 per sq. meter<sup>3</sup>, the value for land that is not close to a primary or secondary road.

109. **Compensation for affected trees.** For perennial trees, compensation (as indicated in the entitlement matrix) will depend on species, current average yields and expected life of the trees. Compensation for trees is based on timber value at market price to be determined by valuation specialist. For purposes of budgeting, the values shown in this RP are based on Department of Agriculture valuation. During the IOL, the trees enumerated on the site were primarily saplings, of no commercial value or use at this time.

110. Compensation will be paid as a lump sum for the shrub fence to be affected.

111. **Compensation for loss of rental income.** The project will pay for the remainder of the rental agreement at the agreed rate of USD100/month based on the contract arrangement. The agreement was for a five-year term, starting in mid-2012, ending in mid-2017. At the time of RP preparation, approximately 24 months are remaining in the contract.

112. **Tower relocation.** Telemor will be compensated for its early removal of the communications tower. Compensation will cover: demolition costs, transportation costs and new installation costs.

### A. Budget Estimates

113. Due to the uncertainty about the ownership of the potential reservoir site and whether or not the entire site will be acquired/fenced, the budget at this time is estimated and will be validated during detailed design following the government's decision. Known costs total \$10,505 for structures, removal of the telecommunications tower and pay out for the communication tower rental agreement. The total cost has been estimated \$200,000 to cover potential negotiated land prices, temporary impacts during DMA water supply implementation and contingency expenses. Table 8.1 provides the estimated budget.

114. The budget will be revised when the RP is updated prior to implementation.

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<sup>3</sup> Information received from Bairo Pite Suco Chief, based on MOJ schedule of land values: a) land located on a main road (\$35 m<sup>2</sup>), b) land located on a secondary road (\$25 m<sup>2</sup>) and c) land located in area without a road (\$15 m<sup>2</sup>).

**Table 8.1: Budget Estimates**

Description	Quantity	Unit	Rate (US\$)	Total Cost
<b>Cost of compensation for land</b>				
Private Land				
- Scenario 1	3000	m <sup>2</sup>	\$15	\$45,000.00
- Scenario 2	4800	m <sup>2</sup>	\$15	\$72,000.00
If government owned	3000 - 4800	m <sup>2</sup>	-	-
<b>Subtotal for Land</b>				<b>Estimated: \$45,000 - \$72,000*</b>
<b>Cost of compensation for lost non-land assets (fence and trees)</b>				
Shrub fence (linear meter)	154	m/tree	10	\$1,540.00
<b>Trees:</b>				
Ai-hali (used for firewood)	5	each	50	\$250.00
Ai-cafe (a type of mango)	10	each	50	\$500.00
Ai-amare (used for firewood)	5	each	50	\$250.00
Ai-bubur (used for firewood)	18	each	30	\$540.00
Aidu (Cashew)	1	each	50	\$50.00
Pineapple	25	each	5	\$125.00
Coconut	3	each	100	\$50.00
Banana	2	each	25	\$50.00
<b>Subtotal for non-land assets</b>				<b>\$3,605</b>
<b>Cost for Relocation of Telemor communication tower</b>				
Demolition costs	1	each	1500	\$1,500.00
Transportation costs	1	each	1000	\$1,000.00
New Installation costs	1	each	2000	\$2,000.00
<b>Subtotal for communication tower relocation</b>				<b>\$4,500.00</b>
<b>Income Support - Cost to Pay Out Rental Agreement for communication tower placement</b>				
Monthly rent until 2017	24	months	USD100	\$2,400.00
<b>Subtotal for contract pay-out</b>				<b>\$2,400.00</b>
<b>Total direct cost of known quantities</b>				<b>\$10,505</b>
Scenario 1: private land + direct costs				\$55,505
Scenario 1: Contingency @ 10% of total Direct Cost				\$5,550
<b>Scenario 1 costs</b>				<b>\$61,055</b>
Scenario 2: private land + direct costs				\$82,505
Scenario 2: Contingency @ 10% of total Direct Cost				\$8,250
<b>Scenario 2 costs</b>				<b>\$90,755</b>
<b>Budgeted amount to cover land and temporary impacts</b>				<b>\$200,000</b>

*\*Negotiated prices may vary from recommended prices but will not be lower*

## IX. Implementation Arrangements and Schedule

### A. Implementation Arrangements

115. MPWTC/PMU will begin the implementation process once the RP is finalized with NDLPCS and approved by ADB. Implementation of the RP consists of land acquisition, compensation determination and payment of compensation for affected land, structures, other assets and rehabilitation/resettlement if required. All activities related to land acquisition are scheduled to ensure that compensation is paid prior to the commencement of public works. Public consultation, internal monitoring and grievance redress will be undertaken intermittently throughout the project, depending on the progress of project activities. The civil works contract for the project will only be awarded once the compensation and relocation has been completed for the project and rehabilitation measures are in place, as confirmed by the PMU.

116. The steps for the delivery of compensation for all eligible AHs/APs will be the following:

- **Preparation of invoices.** Invoices for each of the eligible AHs/APs will be prepared by PMU. This document entitles each of the AHs/APs to receive the amount indicated in the invoice;
- **Delivery of the money to local bank.** The money from MPWTC/MOF will be remitted to a bank in Dili City. A bank account will be opened by the PMU, and receive the amount of compensation on behalf of the AHs/APs;
- **Payment.** Each AH/AP will receive cash/cheque for the whole amount of compensation from the PMU. The AH/AP shall sign a document acknowledging the receipt of the whole compensation and a waiver attesting that he/she has no longer any pending claim over the affected property. A photograph shall be taken with the AH/AP receiving the compensation as record of proof and as part of project documentation.

117. **Identity of Person.** At the time of receiving the compensation cash/checks, the AHs/APs will present their *National Identity Card (NIC)*. The NIC is the basic document of the Timor-Leste's national for establishing the identity of a person. Persons without NICs will have to explain to the pertinent authorities the reasons why they are not in possession of the NIC.

### B. Implementation Schedule

118. Table 9.1 presents the proposed Implementation Schedule of the RP. The RP must be implemented before the civil works is begun. The earliest financial resources for resettlement aspects of the USIP must be available on the 6th month after the review and approval of RP from MPWTC/ADB.

**Table 9.1 - Implementation Schedule**

<b>Activities</b>	<b>Timing</b>
Preparation and disclosure of draft RP; Finalize with NDLPCS	Month 1
Update the RP and submit revised version to MPWTC/ADB for review and approval	Month 2
Translate the Updated RP into Tetun/Portuguese and disclose approved RP	Month 3
Obtain allocation for resettlement fund	Month 3
Prepare and Distribute PIB	Month 3 and 4
Undertake AP negotiation process	Month 4
Prepare vouchers and undertake payment process	Month 5
Establish and monitor dispute resolution	Month 5 ongoing
Internal monitoring and reporting to ADB	Month 1 - 6

## **X. Monitoring and Evaluation**

119. **Implementation and progress monitoring.** Implementation of the RP will be monitored to provide feedback to PMU/MPWTC and to assess the effectiveness of the implementation. Evaluation of the resettlement activities will be undertaken after implementation of the RP to assess whether the resettlement objectives were appropriate and whether they were met, specifically, whether livelihoods and living standards have been restored or enhanced. The evaluation will also assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement planning.

120. **Reporting.** Semi-annual resettlement monitoring reports will be sent to ADB in addition to regular quarterly progress reports. The monitoring reports will be reviewed by ADB and will form the basis for the no objection for commencing of civil works. The monitoring will involve all concerned agencies and may also involve third parties like NGOs. These monitoring parties will also get a copy of the monitoring report.

121. **Impact monitoring.** Monitoring of all resettlement and consultation tasks and reporting to ADB will be conducted by the PMU, assisted by the national and international social safeguard specialists. Monitoring will include reporting on progress in the activities envisaged in the implementation schedule with particular focus on public consultations, land purchase (if required), determination of compensation, record of grievances and status of complaints, financial disbursements, and level of satisfaction among APs. Potential indicators for monitoring are presented in Table 10.1.

**Table 10.1: Monitoring Issues and Indicators**

<b>Monitoring Issues</b>	<b>Monitoring Indicators</b>
Budget and timeframe	Have all safeguard staff in the PMU been appointed and mobilized for field and office work?
	Are resettlement implementation activities being achieved against agreed implementation plan?
	Are funds for resettlement being allocated on time?
	Has the PMU received the scheduled funds?
	Have funds been disbursed according to the RP?
Delivery of AP entitlements	Have all eight AHs (41 APs) received entitlements for trees, fences, rental income according to numbers and categories of loss set out in the entitlement matrix?
Consultation, grievances and other issues	Have resettlement information brochures/leaflets been prepared and distributed?
	Has the Updated RP been disclosed locally and on the ADB website?
	Have consultations taken place as scheduled including meetings, groups and community activities?
	Have any APs used the grievance redress procedures? What were the outcomes?
Benefit monitoring	Have conflicts been resolved?
	What changes have occurred in patterns of occupation/land use compared to the pre-project situation?
	What changes have occurred in income and expenditure patterns compared to pre-project situation?
	Have APs income kept pace with these changes?

122. If deemed necessary, external monitoring will be conducted by the NGO contracted to provide USIP community engagement services.

## Appendix A – Request for Land Ownership Clarification

GHD Project Office  
201 Plaza Hotel  
Avenida Presidente Nicolau Lobato  
Dili  
Room 201  
Phone: 7733 8344

Data: 16 Julho 2015

Klasifikasaun: IMPORTANTE

Assunto: Akuisasaun Rai- Tanki Central Foun

Exmo: Diretor Nasional DNSA

Exelencia,

Liu husi projetu ADB TA 8750- TIM: Preparasaun Servisu Melloramentu Projetu Seitor Urbana fo asistencia hodi halo estudu ba modelu planeamentu kanalizasaun sistema be,e iha cidade Dili. Proposta projetu ne,e atu hari tanki central foun besik fatin WTP central tuan iha suco Bairro-pite.

Atu informa katak ekipa konsultan halao ona konsultasaun iha suco no aldeia, nomos halo ona konsultasaun ba uma kain sira nebe hela iha fatin nebe atu tau tanki central foun. Karta ida ne,e hanesan pedidu formal ba DNSA hodi ajuda faselita prosesu akuisasaun rai nebe proposta atu hari tanki central foun iha futuro.

Ami aprecia tebes ba DNSA nia suporta iha prosesu akuisasaun rai ne,e no ami hein resultadu husi prosesu ne,e bele finaliaza iha semana ikus fulan Julho hodi kompleta relatorio ba ADB no bele kontinua prosesu tuir mai.

Anexas :

- Sumairio informasaun
- Mapa lokalidade

Ba ita boot sira nia kolaborasaun no apoiu tomak la haluha ami hato'o obrigadu barak.

Komprimentus,

Marget Davis

International-Social Poverty Gender and social Safeguard specialist  
Dili Urban Improvement Sector Project

## **TA 8750- TIM: Preparasaun Servisu Melloramentu Projetu Seitor Urbana**

### **Sumario informasaun**

**Data : 16 Julho 2015**

- Lokalidade : Suco Bairo-Pite ( iha Jica WTP nia sorin)
- Fatin nebe proposta atu uza ho medida : Luan 60m, Naruk 80m

### **Actual Situasaun**

Agora dadaun fatin ne,e comunidade reklama katak fatin ne,e sira uza hodi kuda aihan iha tempu udan no hakiak animal. Kompania Telemor halo akordo ho rai nain hodi hari antenna cellphone iha fatin ne,e ho durasaun tinan 5 nia laran hahu iha tinan 2012. Telemor selu ba rai nain \$100 kada fulan. Fatin ne,e fahe ba parte rua, parte ida nain husi sra. **Fernanda Caldas nia familia no parte seluk nain husi Sr. Abel Sarmiento, Jose Fernandes no Joao dos Santos.** Informasaun ne,e kolekta durante halo peskiza ba uma sira ne,ebe iha fatin ne,e. Fatin ne,ebe Telemor uza hari antena ne,e nain husi Sra. Fernanda Caldas. Husi parte Sra. Fernanda Caldas haleu ho lutu moris, no iha evdiensia hanesan hudi, ai amare, no ai café. Husi parte seluk iha aihoris hanesan nu,u, aidu, no ainanas.

### **Konsultasaun Ho Chefe Suco.**

Enkontro ho Conselho suco Bairo Pite informa katak fatin ne,e uluk mamuk no laiha comunidade hela iha fatin ne,e. Depois de krise 2006, comunidade hahu hela iha fatin refere. Uma kain hahu okupa fatin ne,e hodi hari uma. Xefe suco informa katak tuir lolos fatin ne,e properiedade Governo nian tamba uluk fatin ne,e mamuk no aliran. Komunitade sira iha direito atu uza deit fatin ne,e hodi halao aktividade. Xefe suco hanoin se karik projetu tama iha fatin bele hare no konsulta didiak ho komundiade sira no halo kompensasaun ba comunidade nia aihoris,.

### **Konsultasaun Ho Xefe Aldeia Fruslam No Moris Ba Dame.**

Xefe aldeia Fruslam informa katak, iha fatin ne,e comunidade sira uza hodi kuda batat no forerai iha tempu udan deit. Familia husi Sra. Fernanda Caldas maka uza fatin ne,e iha aprte sorin no sira iha akordo ho Telemor hodi hari antena cellphone . Kada fulan Telemor selu osan ba sira nia familia \$100. Ida ne,e hahu husi tinan 2012. Tuir sira nia hanoin comunidade tenki fo apoio ba plano desenvolvimento nune se Governo iha plano atu uza fatin ne,e comunidade presiza kopera ho diak. Sira husu presiza ekipa halo konsultasaun diak ho uma kain sira ne,e no bele fo kompensasaun ba sira nia aihoris ruma nebe kuda iha fatin ne,e. Maibe rai ne,e lolos properiedade estado nian.

Xefe aldeia Moris ba Dame- Informa katak tuir nia hatene fatin ne,e mamuk no uluk ailaran tamba ne,e sai properiedade Governo nian. Nune wanihira Governo presiza atu halo desenvolvimento comunidade labele iha interesse tau impedimento.

### **Konsultasaun Ho Sra. Fernanda Caldas**

Tuir informasaun husi familia ne,e katak sira nia inan aman hele iha area ne,e desde tempu Portugesa. No sira hahu uza fatin ne,e halo tos hodi kuda aihan haensan batat, forerai iha tempu udan. Sira halo luto moris haleu ne,e sinal katak sira uza fatin hodi halao aktividade. Status rai ne,e sira rejisto ona iha Departementu Terras e Properiedade iha tinan 2010. Sira mos iha akordo fo aluga ba Telemor hodi hari antena cellphone no hetan rendementu husi fatin ne,e \$100 kada fulan. Akordo ho Telemor sei uza to,o tinan 5 hahu husi tinan 2012.

Tuir sira nian hanoin katak se Governo iha plano uza fatin ne,e hodi tau tanki, prinsipalmente sira aseita hodi uza maibe husu ba Governo hodi fo kompensasaun ba sira nia rai no aihan nomos sira lakohi lakon rendementu nebe durante ne,e hetan husi Telemor, tamba ida ne,e hamoris sira nia familia

## Appendix B - Gap Analysis

Parameter	Timor-Leste Laws on Land Acquisition/Resettlement <sup>4</sup>	ADB Safeguard Policy Statement June 2010 (Involuntary Resettlement)	Project Policy
<b>Project Screening and Consultation</b>	The Expropriation Law includes provisions for public consultation, which provides for early screening of the project, as well as public hearings which include publicizing the proposed public hearings in the media.	Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	The Project impacts are based on early screening, survey/census, cutoff-date, and assessment of impacts
	The Expropriation Law includes provisions of the public hearing, including requirements for publicity about the proposed public hearings in the Official Journal and in the media. A report of the consultation is to be made, including a description of the public hearings. The EL provides for information to be provided to affected persons before expropriation occurs.	Carry out meaningful consultations with APs, host communities, and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programmed. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.	The Project includes measures on consultations and information disclosure.
<b>Severely impacted APs losing productive land</b>	The EL states that land expropriation should occur only to the extent necessary to achieve the project purpose.	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).	The Project includes measures on avoiding/minimizing land acquisition and resettlement.
<b>APs without formal land ownership papers</b>		Avoid involuntary resettlement wherever possible. Minimize involuntary resettlement by exploring project and design alternatives.	Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participate in consultations and benefit schemes and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date.
<b>Compensation for Project Acquired Land</b>		Land based livelihoods restoration based upon land based strategies where possible, or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land. Provide adequate and appropriate replacement land. If land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost.	Where appropriate land based compensation is not viable, replacement cost surveys will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market value, to be updated at the time of compensation and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements.
<b>Differences between compensation</b>	The Expropriation Law states that expropriation shall leave displaced persons in circumstances such that their <u>standard of living is</u> equal to or higher than the one that	Provide physically and financially for APs with needed assistance including i) if there is relocation, secured tenure to relocation land, better housing at resettlement	Physically displaced (relocated) APs are to receive relocation assistance, secured tenure to relocated land, better housing at resettlement sites with

The Expropriation Law is not yet approved and effective.

<b>rates and market rates</b>	they enjoyed before the expropriation took place. The EL provides for establishment of the amount of compensation by arbitration, with appeal to the common courts. The Expropriation Law includes provision of compensation and granting reasonable time before administrative possession.	sites with comparable access to employment and production opportunities, integration of APs economically and socially into host communities, ii) transitional support and development assistance such as land development, credit facilities, training or employment opportunities, and, iii) civil infrastructure as required.	comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities
<b>Compensation for structures</b>		Rate of compensation for project acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments.	Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments
<b>Compensation for registered businesses</b>		Affected business owners are entitled to i) costs of reestablishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.	Affected business owners are entitled to i) costs of reestablishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.
<b>Compensation for non-registered businesses</b>		No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance.	Project staff must certify that the AP has a business in current operation and approve the level of lost income.
<b>Monitoring</b>		Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	The Project includes monitoring and disclosure methods, including requirements of semi-annual safeguard monitoring report by EA.
<b>Disclosure</b>	The EL requires that information is to be provided to affected persons before expropriation occurs. A resettlement plan must be disclosed during the consultation phase.	ADB policy and project social safeguard documents (RF, RP) require continuous public disclosure throughout all stages of the project, from identification and feasibility and project design and throughout implementation.	Consultation will begin before project approval and continue on an ongoing basis.

## Appendix C– Consultation Attendance Sheets: Signed

### TA 8750 TIM – PREPARING THE URBAN SERVICE IMPROVEMENT SECTOR PROJECT

#### Suco Consultation Attendance Sheet

Town: \_\_\_\_\_ Venue/Location sede suco Bairro-pite  
 Subject: \_\_\_\_\_ Date: 08/07 2015


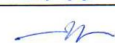





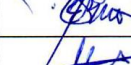


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JOAO C. GONCALVES	—	MORIS RAMOS	—	
ORLANDO DA COSTA	—	SREUNAN	—	
Martinho de Jesus Maia	—	São José	78033387	
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Cesar Manuel da Silva	—	Bitá-Bá	77326418	
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Automotoir. Cordelhe	—	Ande Macleal	77311075	
Luis Soares	—	Rio de Janeiro	77373868	
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Madalena Pereira	—	—	76631629	
Francisco Pereira	—	—	—	
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TA 8750 TIM – PREPARING THE URBAN SERVICE IMPROVEMENT SECTOR PROJECT

Suco Consultation Attendance Sheet

Town: \_\_\_\_\_ Venue/Location COMORO

Subject: \_\_\_\_\_ Date: 10-06-2015

Naran	Posisaun	Institusaun	Tel. (HP)	Asinatura
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Fernando Costa de Sa	chf suco	Comoro	77292896	
Mario Ricardo	Rep. chefe aldeia	S. Miguel		
Julio Amaral	Rep. chefe aldeia	Posto Real		
Vicente de Jesus	Rep. chefe aldeia	Fomento I		

FUNDACAO HAFOUN TIMOR LORO SA'E  
 Program Name: Social Survey  
 Donor: ADB



Transport allowance  
 Date : 22 / 07 / 2015

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9.	Aguida Da Silva	Estudante		77628087
10	Mariano Martins	Chefe Aldeia		<i>[Signature]</i>

FUNDACAO HAFOUN TIMOR LORO SA'E

Program Name: Social Survey

Donor: ADB



Transport allowance

Date : 23 / 07 / 2015

Suco Kampung Alor

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3	AMÉRICO DOS ANJOS MARTINS	Xefe de Aldeia 01		<i>[Signature]</i>
4	Leão do FIZYA	ops. SUCO		<i>[Signature]</i>
5	LUIS DE F.R.A. CORREIA	chefe suco INTERINO		<i>[Signature]</i>
6	MARBERTO M.S. DE ARAUJO	chefe Aldeia 03		<i>[Signature]</i>
7	Brendito Gomes	Juventude		<i>[Signature]</i>
8	Nereyn Carvalho	- " -		<i>[Signature]</i>
9	Antonio de Santos			<i>[Signature]</i>
10	Leão da Costa			<i>[Signature]</i>

FUNDACAO HAFOUN TIMOR LORO SA'E

Program Name: Social Survey

Donor: ADB



Transport allowance

Date : 27 / 07 / 2015

Suco Motael

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3	JOSÉ BARROS	Polícia OPS		<i>[Signature]</i>
4	FRANCISCO E F DA SILVA	CHefe ALDEIA PALAPA		<i>[Signature]</i>
5	JOAQUIM VAZ	- " -	HURA	<i>[Signature]</i>
6	JOSE FRANCA	- " -	REP. NAIN	<i>[Signature]</i>
7	DOMINGAS A. de Araujo	Rep: Feto Rua	HURA	<i>[Signature]</i>