

# Resettlement and Ethnic Group Development Plan

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March 2021  
Project Number: 53395-001

## Timor-Leste: Water Supply and Sanitation Investment Project – Lospalos City Subproject

Prepared by the Directorate General for Water and Sanitation, Ministry of Public Works for the Asian Development Bank.

## **CURRENCY EQUIVALENTS**

The currency of Timor-Leste is the United States dollar.

## **ABBREVIATIONS**

ADB	-	Asian Development Bank
AP/AH	-	affected person/affected household
COI	-	corridor of impact
DGAS	-	Directorate General for Water and Sanitation
DMS	-	detailed measurement survey
EA	-	executing agency
GoTL	-	Government of Timor Leste
GRC	-	Grievance Redress Committee
GRM	-	grievance redress mechanism
IOL	-	Inventory of Loss
PCU	-	Project Coordination Unit
PIB	-	project information booklet
PIC	-	Project Implementation Consultants
PMS	-	primarily measurement survey
RCS	-	replacement cost study
ROW	-	right-of-way
RP	-	resettlement plan
SAH	-	Severely Affected Households
SES	-	Socio-economic survey
SPS	-	Safeguard Policy Statement
WSSIP	-	Water and Sanitation Supply Investment Project

## **WEIGHTS AND MEASURES**

ha	-	hectare
km	-	kilometer
m	-	meter
m <sup>2</sup>	-	square meter

## DEFINITION OF TERMS

Affected person (AP) / Affected Household (AH)	-	Refers to any person or persons, household, firm, private or public institution that, on account of changes resulting from the project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of affected household (AH), it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components.
Compensation	-	It is payment in cash or in-kind at replacement cost for an asset acquired by the Project.
Cut-off date	-	This refers to the date prior to which the occupation or use of the project area (i.e., within the COI) makes residents/users of the project area eligible to be categorized as AHs. Persons who occupy government land inside the ROW subsequent to the cut-off-date are not eligible for compensation and other entitlements.
Detailed Measurement Survey (DMS)	-	With the aid of approved detailed engineering drawings, this activity involves updating the results of the IOL, severity of impacts, and list of APs that was done earlier during the preparation of the feasibility study resettlement (RP).
Entitlements	-	This refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. that are provided to the APs/AHs, depending on the type and severity of their losses, to restore their economic and social base.
Land acquisition	-	Refers to the process whereby an AP/AH is compelled by the government through the project's executing agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purpose in return for compensation at replacement cost.
Rehabilitation and income restoration	-	This refers to additional cash or in-kind support provided to APs/AHs losing productive assets, incomes, employment or sources of living, to supplement compensation for assets acquired by the project, in order to achieve full restoration of living standards and quality of life.
Relocation	-	This is the physical transfer of an AP/AH from his/her pre-project place of residence and/or business.
Replacement cost	-	This refers to the amount in cash or in-kind, inclusive of transaction costs and taxes, needed to replace an asset and is the value determined as compensation for: <ul style="list-style-type: none"> <li>i) Agricultural land and pond based on market prices that reflect recent land sales prior to the commencement of the Project or displacement, and in the absence of such recent sales, based on productive value;</li> <li>ii) Residential land based on market prices that reflect recent land sales prior to the commencement of the Project or displacement,</li> </ul>

		and in the absence of such recent land sales, based on similar location attributes;
	iii)	Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;
	iv)	Annual crops equivalent to the highest production of crop over last three years multiplied by the current market value of crops;
	v)	Perennial crops and trees based on current market value per the type, age, diameter at breast height and productive capacity; and
	vi)	Other assets (i.e., cultural, aesthetic) based on current market value for repairing and/or replacing assets or the cost of mitigating measures.
Replacement Cost Study	-	This involves the conduct of empirical research to determine the amount of compensation needed for an AP/AH to be able to buy a replacement of an asset lost to the project and/or to recoup lost income.
Resettlement	-	This refers to all measures taken by Project authorities to mitigate any and all adverse social impacts on the AHs, including compensation for lost assets and incomes, and the provision of income restoration relocation assistance as needed.
Resettlement Plan	-	Also referred to as land acquisition and compensation plan (LACP), this is a time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	-	This refers to APs/AHs that will (i) lose 10% or more of their productive landholdings and income sources, and/or (ii) have to relocate.
Significant Project Impact	-	This occurs if the subproject has 200 or more severely affected persons (i.e. at an average household size of 5.4 among the AHs, this is equivalent to 37 severely affected households or SAHs).
Vulnerable groups	-	These are distinct groups of people who might suffer disproportionately or face the risk of further marginalization due to displacement from assets and sources of incomes and they specifically include: (i) female headed households without support, (ii) disabled and/or elderly household heads, (iii) households falling under the generally accepted indicator for poverty, (v) landless households, (vi) indigenous people or ethnic groups.

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## **EXECUTIVE SUMMARY**

### **A. Background**

1. The project will support the Government of Timor-Leste to provide safe, reliable, and affordable water supply to the 62,000 people in participating cities by 2040. It will (i) finance the construction of new, and the expansion of existing, facilities for water supply and sanitation (ii) strengthen the regulatory and institutional capacity of both the Directorate General for Water and Sanitation (DGAS) and the Municipal Water, Sanitation, and Environment Services (SMASA), in project implementation and operations and maintenance (O&M). The project is in line with the government's Strategic Development Plan Strategy (2011–2030),<sup>1</sup> and will contribute to its response to the coronavirus disease (COVID-19) pandemic by improving the overall health and hygiene of the population of the participating cities.

2. The project will improve the population's access to water supply and sanitation infrastructure through: (i) rehabilitation and improvement of existing water supply storage and treatment facilities; (ii) rehabilitation and expansion of the water supply distribution network forming district metered areas; (iii) and installation of meters for all existing and new household connections; (iv) improvement of sanitation for low-income communities; (v) rehabilitation of school and public toilet facilities; and (vi) construction of septage treatment facilities.

### **B. Scope of Impacts**

3. There are two affected households in Lospalos. There will be minor land acquisition and loss of trees. There are no severely affected households

4. The safeguard category for involuntary resettlement is B. The project aims to maintain most infrastructure on unencumbered state public land. There will be land acquisition of 0.09375 Ha with pipelaying within state-owned roads with minimal impact corridors. There will also be a loss of 14 trees. No structures will be impacted. The safeguard category for Indigenous Peoples is B and therefore this REGDP has been developed for Lospalos

### **C. Vulnerability and Ethnic Groups**

5. The vast majority of the population of Timor-Leste are Indigenous People in that they are the original inhabitants of the area well before pre-colonial times and the continuation of customary laws and traditions. The terminology linked to Indigenous People is problematic as the label of indigenous was used in colonial times to negatively categorise people and attaining government positions or an education could therefore mean losing that label. People do not therefore, generally 'self-identify' as Indigenous People despite having characteristics which led to the SPS being triggered.

6. According to the ADB criteria, in Lospalos, there are no Vulnerable AHs.

### **D. Resettlement Costs**

7. The estimated cost of implementation of this plan, including compensation and allowances is USD \$ 3,474. Voluntary donation of land or assets will not be permitted.

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<sup>1</sup> Government of Timor-Leste. 2011. *Timor-Leste Strategic Development Plan (2011–2030)*. Dili.

## I. INTRODUCTION

### A. Background

1. The Government of Timor-Leste proposes to address both water supply and sanitation service levels in three selected municipal capitals through a project to upgrade and provide new facilities and improve operation and maintenance capacity.

2. The project will ensure that more people enjoy an improved supply of drinking water and sanitation facilities in Timor-Leste contributing to reducing the high incidence of water and poor sanitation related diseases, particularly in children under five. By the end of the project safe and reliable water supply will be provide to the municipal towns of Lospalos, Same and Viqueque. In addition, all households will have new toilets as well as toilets available in public places in the towns. Finally, septic tank sludge will be safely transported and disposed of in purpose built treatment facilities in each of the three cities.

### B. Expected project outputs

3. **Output 1: Regulatory environment improved.** The project will support DGAS and the participating cities in developing, approving, and implementing a gender and socially inclusive institutional development roadmap that will guide the transfer of urban water supply and sanitation functions of the SMASAs to the newly established state-owned utility,<sup>2</sup> with consideration for appropriate information and communication technology, and digital solutions to improve efficiency in public service management. At the sector level, the project will support the DGAS in establishing service delivery guidelines on water supply and preparing a sanitation action plan for citywide inclusive sanitation.<sup>3</sup>

4. **Output 2: Urban infrastructure improved.** The project will improve access to water supply and inclusive sanitation infrastructure in the three participating cities through: (i) construction of new water supply storage and treatment facilities; (ii) rehabilitation and expansion of the water supply distribution network and formation of district metered areas; (iii) installation of meters for all the household connections; and (iv) construction of public toilets and septage treatment facilities, including septage collection and transport.

5. **Output 3: Institutional effectiveness improved.** To ensure that infrastructure created can deliver services efficiently, the project will enhance the capacity of DGAS and the SMASAs to plan, deliver, operate, and maintain water supply and sanitation infrastructure over the long-term. Women's participation in the sector will be encouraged including through enhanced job skills training for women and men water services employees. To monitor institutional effectiveness, the project will develop and implement customer service feedback and complaint procedures that ensure accessibility and responsiveness to the specific needs of male and female customers. Enhanced O&M arrangements will also be developed to improve the sustainability of the project assets and services.

### C. Focus of the REGDP

6. This REGDP will focus on the results of the socioeconomic profile of the AHs in Lospalos, including the scope and description of resettlement impacts and the entitlements

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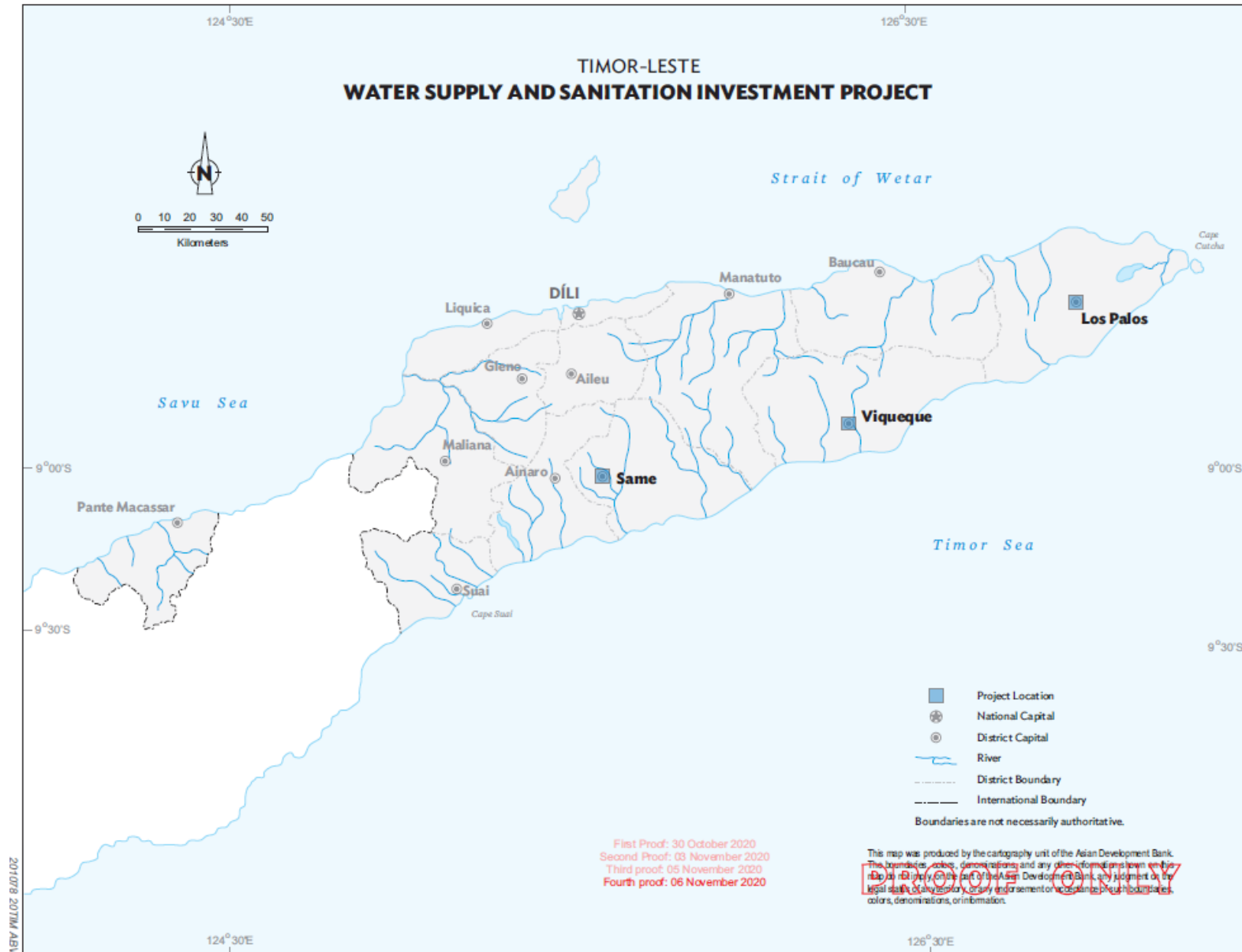
<sup>2</sup> The roadmap will cover key aspects of planning, service delivery, and financial management, and identify solutions that will be implemented over the project period.

<sup>3</sup> Citywide inclusive sanitation aims to achieve the following: (i) everyone in the city has access to and benefits from sustainable sanitation services, and (ii) human waste is safely managed along the whole sanitation service chain.

due to these AHs, public consultations held, and the amount needed to pay AHs their compensation and allowances.

7. This documents sets out the impacts on communities, describing their customary management of land and conflict resolution. The acknowledgement of these systems is vital to ensure that development efforts to do not further compound the loss of cultural heritage and identity experienced during colonialization and occupation.

Figure I-1 Project Location Map





local communities. This is necessary as land ownership is managed by customary law and so land titles or other documents normally used to verify ownership are not available in rural Timor-Leste. All land was clear of encroachers and the use of land documented. Photographs of key locations can be found in the appendices.

10. Transect walks were conducted along the alignment of the existing pipes near the location of the Papapa Spring. Community members reported that the existing pipe systems were constructed through funding support from JICA.

11. It was reported that land is passed from generation to generation (customary arrangements). Permission to use land is given by an elder or 'Liurai' and this is a generally accepted arrangement. Further details on this are included in section IV.

12. All impacts are as stated by project preparation consultants. These will need to be further verified as due to the COVID-19 Pandemic, field work was limited and external due diligence by ADB was not possible. Further details on mitigating the risks involved with delaying verification can be found in section VI.

**Table I-1 Land due diligence**

Project Components	Physical site		Site ownership		Comments
	Area ('000 m2)	Date Visited	Public	Private	
<b>Intakes</b>					
Northwest Borefield					
Bore 1	0.00125	07-12-20		√	Members of the community who were present during the visit reported that the AH are actual users and claimant of the land (please refer to Plate 1)
Bore 2	0.00125	07-12-20		√	
Bore 3	0.00125	07-12-20		√	
Bore 4	0.00125	07-12-20		√	
South Bore field					
Bore 1	0.00125	07-12-20		√	Members of the community who were present during the visit reported that the AH are actual users and claimant of the land (please refer to Plate 2)
Bore 2	0.00125	07-12-20		√	
<b>Raw Water Transmission (Length x 0.6m-width)</b>					
Northwest Bore 1			√		Transmission pipes will run along the road corridor
Northwest Bore 2			√		
Northwest Bore 3			√		
Northwest Bore 4			√		
Existing bore			√		
Northwest Bore 2/3			√		
Northwest Bore 3/4			√		
Northwest Bore 4/ Northwest Tank			√		
South Bore 1			√		
South Bore 2			√		

Project Components	Physical site		Site ownership		Comments
	Area ('000 m2)	Date Visited	Public	Private	
<b>WTP</b>	2.2365	08-12-20	√		The WTP is on an existing location which is public land based on public knowledge. Members of the community, confirms that the land has no claimant and active user (please refer to Plate 3).
<b>Reservoirs (including pump stations)</b>					
Northwest tank	0.9000	07-12-20		√	Members of the community who were present during the visit reported that the AH are actual users and claimant of the land (please refer to Plate 4).
Papapa West Tank	0.9000	08-12-20	√		There is an existing ground tank The location is public land based on public knowledge. Members of the community, reported that the land has no claimant or active users (please refer to Plate 5).
South Tank & Pump station	0.9000	08-12-20	√		The location is public land based on public knowledge. Members of the community, confirm that the land has no claimant or active users. (please refer to Plate 6).
<b>Treated Water Transmission Mains (Length x 0.6m-width)</b>					
Northwest tank to bifurcation to Papapa West Tank	2.8122		√		Transmission pipes will run along the road corridor
Connection of Papapa West Tank	0.3540		√		
Bifurcation to Papapa West Tank - Future connection to supply Zone 1.3	0.5730		√		
Connection to South Tank	2.3328		√		
Papapa WTP to Papapa West tank	0.2190		√		

Project Components	Physical site		Site ownership		Comments
	Area ('000 m2)	Date Visited	Public	Private	
<b>Distribution network (Length x 0.6m-width)</b>	35.7804		√		Distribution pipes will run along the road corridor
<b>STP</b>	10.9812	08-12-20	√		The location is a public land based on public knowledge. Members of the community, reported that the land has no claimants or active users (please refer to Plate 7).
<b>Public Toilets</b>					
Public toilet 1		07-12-20	√		Location is public land within the perimeter of the Lospalos Market (please refer to Plate 8)
Public toilet 2		07-12-20	√		Location is public land within the perimeter of the Cultural Center in Lospalos (please refer to Plate 9)
Public toilet 3		08-12-20	√		Location is public land in the future government site in Lospalos (please refer to Plate 10)
Public toilet 4		08-12-20	√		Location is public land within the perimeter of the health center in Suco Home (please refer to Plate 11)



## II. PROJECT IMPACTS

13. There are 2 affected households in Lospalos, and one is a singled (male) headed household but has working children in the household who are not dependents. Therefore this HH is not considered vulnerable.

14. Neither AH is severely affected by the loss of productive land. Other losses include 14 trees.

**Table II-1 Summary of Land Impacts**

HH ID No	Land use	Total area of productive land owned (ha)	Total area affected land (ha)	Percent of productive land impacted
L.1	Grazing of Domestic Animals	1.00	0.09250	9.25%
L.2	Coconut/Grazing of Domestic Animals	0.80	0.00125	0.16%

### A. Affected Landholdings

15. The project will acquire 937.5 m<sup>2</sup> of land that is used for grazing of animals. The land will be used to build bore wells and a storage tank.

### B. Affected Main Structures

16. There are no anticipated impacts on primary structures

### C. Affected Secondary Structures

17. There are no anticipated impacts on secondary structures

### D. Affected Fruit and Timber Trees

**Table II-2 Affected Trees**

No	Type/Name	Number
	<b>Timber Trees</b>	
1	Ai mana	3
2	Ai katimu	3
3	Ai lok	8
	Total	14

### E. Risk of Economic Displacement

18. There will be some temporary disturbance to activities along main roads where the replacement pipe network will be laid.

19. This will be for no longer than three days and will be managed by ensuring continued access. Full details of traffic management will be contained with the CEMP. Therefore there is no anticipated economic displacement.

## F. Unforeseen Impacts

20. New AHs/APs that will emerge in the course of project implementation (for example, due to changes in project scope or impact will be provided the same entitlements as the AHs/APs identified in this REGDP.

21. Should any unanticipated impacts occur ADB must be informed immediately for advice about how to proceed.

## G. Summary of Impacts

22. The table below gives a summary of the assets that AHs will lose on account of the subproject.

**Table II-3 Summary of Impacts – Lospalos**

No	Particulars	Unit	Total
1	Land	ha	0.09375
2	Timber trees	no	14

**Table II-4 Summary of Impacts – Lospalos**

No	HH_ID	Vulnerable AH	Assets impacted
1	L.1	No	Land (0.0925ha), Timber Trees (11)
2	L.2	No	Land (0.0012ha), Timber Trees (3)

## H. Affected Fruit and Crops

23. Both AHs will lose trees, as can be seen from the total is 14 trees.

**Table II-5 Affected Trees**

No	Type/Name	Number
	<b>Timber Trees</b>	
1	Ai mana	3
2	Ai katimu	3
3	Ai lok	8
	<b>Total</b>	<b>14</b>

24. All impacts are as stated by project preparation consultants. These will need to be further verified as set out in section VI. Any changes found during this verification process will require an updated REGDP.

## I. Categorization

25. The safeguard category for involuntary resettlement is B. There are impacts on 2 HHs. The project aims to maintain most infrastructure on unencumbered state public land. Pipelaying will occur within state-owned roads with minimal impact corridors.

26. The legal recognition of Indigenous Peoples in Timor-Leste is complicated by a long history of colonization, the widespread adoption of Christianity and occupation. The

terminology linked to Indigenous People is problematic for the Timorese. The label of 'indigenous' was used in colonial times to categorise people as 'uncivilized' and attaining government positions or an education could therefore mean losing that label. There remains significant stigma around that terminology and field work indicated that people did not self-identify as being from any ethnic grouping aside from being Timorese.

27. In this situation, it is not appropriate to distinguish and categorize between different groups. Indigenous People in Timor-Leste, in common with Indigenous and First Nations peoples all over the world, share a deep, spiritual connection to their land and natural resources.

28. Despite wide adoption of Christianity, a review of literature reveals that the vast majority of the population share indigenous values and spiritual beliefs which are reflected in strong local institutions, customary justice and land management.

29. ADB SPS for Indigenous Peoples safeguards are triggered where a project is anticipated to have either a positive or negative affect, directly or indirectly on IP;

- (i) dignity, human rights, livelihood systems or culture
- (ii) territories or natural or cultural resources (the tangible aspects of their identity).<sup>4</sup>

30. The safeguards apply when a distinct, vulnerable, social and cultural group is present whom can be described as having the following four characteristics which may be in present in varying degrees. The description of the characteristics and justification can be found in the table below. It is therefore determined that this project is categorized as a B for IP.

**Table II-5 – ADB SPS Criteria for IP Categorization**

ADB SPS Criteria	Project Status
Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;	The issue of self-identity is complex due to the negative stigma of self-identifying or being identified as an IP.
Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;	This is a key issue as land ownership is understood to be customary and linked to each clan's origin story, believing land to be given to them by a mythical first settler. There is a strong and highly significant spiritual link to water and land use which must be respected in project plans. Not recognizing this attachment would further compound the losses experienced by the communities in the project areas.

<sup>4</sup> ADB SPS (2009)

ADB SPS Criteria	Project Status
Customary, cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and	Land ownership in Timor-Leste still follows customary practices which are widely recognized and respected.
A distinct language, often different from the official language of the country or region.	There are 16 languages recognized however language is an academic categorization, the origin story of each clan / family group is the most critical to be recognized.

31. While a review of the criteria requires that people need to be both distinct and vulnerable to trigger application of the term IP for the purposes of ADB projects. Despite not being in a minority, the IP groups in Timor-Leste are distinct and are vulnerable due to a lack of recognition of their unique identity and their customary land and legal systems. This, in the context of development projects, risks compounding further the loss of identity and recognition of ownership created by colonization and a turbulent recent history. It is not yet known, for the purposes of this project, if there are disadvantaged or marginalized groups.

32. The key relevance of IP issues for this project are related to

- (i) Development of an appropriate GRM which takes into account local conflict resolution mechanisms
- (ii) Consultations and stakeholder engagement that are detailed and respect clan and family relationships
- (iii) Participatory Project design – to ensure that livelihoods, cultural activities and O&M plans are culturally appropriate
- (iv) Customary land use to be correctly negotiated in line with community expectations

33. These topics and safeguard requirement are set out in this REGDP and will inform the customary water management plans that will be developed in the first year of the project.

34. As the majority of the population is indigenous and there is a sensitivity to terminology, the use of the word 'Indigenous' will not be used to describe the affected groups, communities or people. Reference to affected people or communities is intended to be inclusive of the indigenous peoples impacted by the project activities.

### III. SOCIOECONOMIC PROFILE OF AHs

35. The DMS5 and a survey (SESAH<sup>6</sup>) covering the 2 AHs in Lospalos was conducted between December 7 to 9, 2020.

36. Two enumerators carried out the SESA, asset registration and DMS on the same day. AHs signed to show their acceptance of the asset registration, DMS and SESA details. A copy of this was left with the household.

<sup>5</sup> DMS Form is shown in Appendix 2

<sup>6</sup> SESA questionnaire is shown in Appendix 3

## A. Basic Information on the AH Heads

**Table III-1 Information of the AH Heads**

HH ID	HH head name <sup>7</sup>	Gender head HH	HH size	Marital Status
L.1	Joao Fernandes Xavier	Male	3	Widower
L.2	Joaquim de Jesus Soares	Male	1	Single

**Table III-2 Household Members and composition**

No	HH_ID	Family Size			
		Total	Male(M)	Female(F)	Total
1	L.1	Joao Fernandes Xavier	3	0	3
2	L.2	Joaquim de Jesus Soares	1	0	1

**Table III-3 Educational Attainment**

No	HH_ID	Educational Attainment
1	L.1	Completed primary
2	L.2	Higher/ post-secondary

## B. Primary Occupation of AH Heads

37. One household has already retired who reports some agricultural income along with their pension.

**Table III-4 Primary Occupation of the AH Heads**

No	HH_ID	Head Gender	Occupation
1	L.1	Male	Farming/Retired/ pensioner
2	L.2	Male	Government Employee

## C. Income of the AHs

38. The poverty line was set in 2014<sup>8</sup> at \$46.37 per person per month. This will form the basis for calculations of allowances and identification of vulnerable households.

39. Both households reported holding livestock for sale or for cultural activities.

<sup>7</sup> Photos of the AHs are shown in Appendix 4.

<sup>8</sup> TIMOR-LESTE SURVEY OF LIVING STANDARDS-3

**Table III-5 Income Profiles**

HH-ID	Wages or salary from skilled labor	Wages or salary from unskilled labor	Money earned from agriculture	Money earned from forestry	Money earned from business (e.g. shop, eatery)	Pension or subsidy received from government	Total
L.1			300			230	530
L.2	600						600

**Table III-6 Income Profiles**

N o	HH-ID	Annual Income (US\$)	Monthly Income/ per Capita	Below Poverty Line (US\$46.37)
1	L.1	6360	177	No
2	L.2	7200	600	No

**Table III-7 Livestock**

No	HH-ID	No. of Buffalo	No. of Cattle	No. of Horses	No. of Pigs	No. of Chickens
1	L.1	0	25	0	1	25
2	L.2	0	1	0	1	10

**D. Land Ownership**

40. Land ownership and use in TL is governed by customary systems. These are widely accepted and acknowledged and there have not yet been efforts to formalize this in the project areas. Therefore claims on land that are confirmed during community and household consultations will be accepted as valid claims on land.

**Table III-8 Land Ownership of the AHs**

No	HH_ID	LAND	Area (ha)	Land Use	DOCUMENT
1	L.1	Construction Land	0.15	Residential	Customary use
		Total area of agricultural lands	1.00	Mixed	
		Total productive land	1.00		
		Total land for commercial production	0.50		
		Total land for HH consumption	-		
2	L.2	Construction Land	0.06	Residential	Customary use Cadastral Survey Control Number
		Total area of agricultural lands	0.80	Mixed	
		Total productive land	0.80		
		Total land for commercial production	0.20		
		Total land for HH consumption	0.05		

**E. Water Supply and Sanitation**

41. Both AHs reported having pour flush toilets, one indoor and one outdoor.

42. Both AHs reported using bottled drinking water with other water coming from standpipes or a tube well.

## **F. Vulnerable Households**

43. According to the agreed criteria there are no vulnerable AHs affected by project activities in Lospalos.

## **IV. LEGAL FRAMEWORK**

### **Legal and Institutional Framework of Timor-Leste**

44. The constitution of the Democratic Republic of Timor-Leste was created in (2002) with the formation of Timor-Leste as an independent nation on the 5th of May 2002.

45. Provisions and principles adopted in the project resettlement policy will supplement the provisions of relevant decrees currently in force in Timor-Leste.

46. A comparison between ADB SPS 2009 and GoTL regulations on involuntary resettlement and the relevant applicable to the WSSIP project are presented in Appendix 5. Where there are gaps the higher standard will apply.

47. The UN General Assembly adopted a non-legally binding UN Declaration on the Rights of Indigenous Peoples in 2007 of which Timor-Leste is a signatory. There are also three key conventions on cultural heritage, particularly relevant to projects that require broad community support. The Convention Concerning the Protection of the World Cultural and Natural Heritage, also known as the World Heritage Convention (1972), has been widely adopted by almost all DMCs. The two more recent conventions relate to indigenous cultures and traditional knowledge have been ratified by the majority of the United Nations Educational, Scientific and Cultural Organization's member states: The Convention for the Safeguarding of Intangible Cultural Heritage (2003), ratified by 143 of 190 member states, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), ratified by 117 member states.

48. Apart from the above conventions, there is no specific legislation regarding the identification of IPs in Timor-Leste as they are the majority and therefore do not require special recognition within the population.

49. The main criteria for the identification of different groups of IPs in an academic sense is tied to language. The census in 2015 recorded 32 different languages spoken as well as Portuguese. Academic studies reviewed indicated between 16 and 18 distinct languages. The origin of these can be traced back to two broad language groups - Austronesian (Malayo-Polynesian) and Papuan (Melanesian).

50. Tetum is spoken by the majority of people in Timor-Leste and is an indigenous language, now heavily influenced by Portuguese. The constitution Section 13(1) of the 2002 constitution designates Portuguese and Tetum as Timor-Leste's two official languages. The same section also provides that "Tetum and the other national languages shall be valued and developed by the State." English and Indonesian are sometimes used and section 159 of the constitution provides that these languages serve as "working languages within civil service side by side with official languages as long as deemed necessary".

### **Customary Law**

51. Customary Law and practices play a central role in resolving disputes and negotiating sharing of natural resources between individuals and communities. These systems have been resilient through a turbulent history and the project must gain a clear understanding of these

and how they relate to the planned project and the development of the new water utility (Fitzpatrick et. al. 2008).

52. people and the environment, promoting traditional environmental protection and management, through the control of, access to and use of natural resources. Tara bandu passes traditional knowledge, laws and respect for the environment down through generations, and these vary from community to community. It has been seen by the state as a means to facilitate decision making and conflict resolution on the use of natural resources (Palmer 2015)

53. Any conflict or Issues and especially those related to land use are presided over by local Elders (Lia Nain) based on traditional practices (Lulik) which for many centuries have regulated community relationships linked to kinship in sacred houses (Uma Lulik).

54. This coupled with a post-conflict environment requires very detailed community engagement to ensure that the development of natural resources such as water consider the customary practices which are an integral part of everyday life.

55. There is a risk that not properly engaging with the communities will result in conflict and vandalism of structures that are not agreed to. There is a strong desire for water systems within communities, but the need to examine not just the environmental impacts of changing flow, but the social impacts cannot be overstated. Evaluations of past projects also identify this as an area for improvement.

56. Gender is a key concept for the provision of water as many of the tasks identified during the socio-economic survey were carried out by women and represent a significant burden of time. Further work is needed to understand the implications of customary justice systems for women and access to water and sanitation. It is not a question of following all customary practices, it is to understand the implications and then negotiating within the communities. This may include how the project and its associated activities can empower women and ensure equal access to project benefits and have their perspectives taken into account.

## **ADB Institutional Framework**

### **A. ADB's Safeguard Policy**

57. The ADB's Safeguard Policy Statement (SPS) combines three of its key safeguard policies; environment, involuntary resettlement (IR) and indigenous peoples (IP). It aims to promote sustainability by managing potential environmental and social risks. The project is considered category B as less than 200 persons will experience significant impact as per ADB SPS.

58. The objectives of the involuntary resettlement safeguards are to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance or at least restore the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. There are 12 policy principles related to involuntary resettlement which are found on page 17 of the Safeguards Policy Statement (2009) of ADB. Details on each policy principle are found within the SPS.



59. The ADB policy on gender and development adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities.

60. Other policies of ADB that have a bearing on resettlement planning and implementation are: (i) Public Communications Policy (2011) and the Operations Manual Section L3/BP (2012); and (ii) Accountability Mechanism (Operations Manual Section L1/BP, dated 29 October, 2012). Following these requirements, the Project is required to share and disclose project information with AP, stakeholders and the general public including concerning the Grievance Redress Mechanism (GRM).

61. According to ADB's 2009 Safeguard Policy Statement, the objectives are to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they:

- (i) receive culturally appropriate social and economic benefits;
- (ii) do not suffer adverse impacts as a result of projects; and
- (iii) can participate actively in projects that affect them.

62. ADB indigenous peoples' policy as presented in the SPS includes the following principles:

- (i) Screen early on to determine whether Indigenous Peoples are present in, or have collective attachment to, the project area; and whether project impacts on Indigenous Peoples are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.
- (iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.
- (iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective

expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities. (v) Avoid, to the maximum extent possible any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.

- (v) Produce an Indigenous Peoples Plan which is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vi) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final EGDP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.
- (vii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (viii) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

63. Consistent with the principle of social equity and environmental justice, the subproject design will be carried out with the support of those affected by project activities. DGAS will ensure participation of the communities in all subproject activities and their equal participation in training programs (e.g. sanitation, hygiene, financial literacy and operation and maintenance. Due to watershed degradation and emerging water issues in urban areas, this engagement and local knowledge is critical to ensure sustainable development of water resources.

64. Broad Community Support will be documented through the minutes of the consultations attended by the relevant communities and will be integral to the Community Water Management Plans that will be developed. Initial consultations indicate a strong desire for improved water and sanitation.

## B. Project Principles

65. The table below highlights the project's resettlement principles.

**Table IV-1 Project Principles**

No.	Topic	Key Principles
1	Owners / Users of Affected Assets	Owners and/or users of affected assets and loss of resources or access to resources shall be entitled for compensation and rehabilitation measures.
2		Lack of legal rights to the assets lost would not bar the project-affected people from entitlement to such compensation and rehabilitation measures.
3		Customary Land and cultural aspects will be acknowledged and respected
4	Resettlement Planning	If possible, involuntary resettlement and loss of land, structures and other assets and incomes shall be avoided and minimized by exploring all viable options
5		Preparation of resettlement plans and their implementation shall be carried out with participation and consultation of project-affected people.
6		Schedule of budget for resettlement planning (including socio-economic surveys and/or census) and implementation shall be incorporated in project planning and financing.
7	Compensation for Affected Persons (APs) / Affected Households (AHs)	Project affected people shall be provided with compensation for their lost assets, incomes and businesses. The provision with rehabilitation measures shall be sufficient to assist project-affected people in improving or at least maintaining their pre-project living standards, income levels and productive capacity.
8		Replacement of affected assets shall be provided following the principle of replacement costs, without deduction for the value of salvaged materials, taxes, transaction costs and depreciation.
9		Payment of compensation or replacement of affected assets and any resettlement to new locations all concerning project affected people shall be completed prior to the award of civil works contract. Rehabilitation measures must also be in place, but not necessarily completed, as these may be ongoing activities
10		Compensation and rehabilitation assistance to vulnerable households such as households headed by women, the disabled and elderly, the landless and poor would be carried out with respect for their cultural values and specific needs.

## V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

66. The first round of public consultations were held in August 2020 in the affected Sucos in Lospalos. This introduced the project and was a general briefing. This was followed by focus group discussions in November. A second round of consultations was held in December 2020. During these consultations, residents were informed about the (i) the next phase of the design of the subprojects; (ii) planned DMS and socioeconomic survey (SES) in the area; (iii) land acquisition and compensation process; (iv) policy on cut-off-date for eligibility to project entitlements; (v) grievance redress mechanism; and (vi) role of the asset registration. Individual household consultations were also held at this time for all affected HHs.

67. The public consultations indicated that there was broad community support for the installation of water supplies and demand is high.

68. Minutes for the meetings can be found in Appendix 7.

**Table V-I Public Participation Key dates**

No.	Date/Time	Venue	Activity	Locations
1	October 5, 2020	Lospalos	City Level Consultations	City Hall
2	November 9, 2020	Lospalos	Focus Group Discussions	Suco Fuluro and Home Level FGDs
3	December 7, 2020	Lospalos	Suco level Consultations	Suco Fuluro Public Consultation
4	December 8, 2020	Lospalos	Suco level Consultations	Suco Home Public Consultation

## VI. VALIDATION REQUIREMENTS – PANDEMIC CONSIDERATIONS

69. The COVID-19 global pandemic has affected safeguard planning due to the difficulty with mobilizing personnel to carryout field work and data validation. At the time of writing, external verification has not yet been completed on the ground and therefore there is a need to shift verification of field data and further consultations to be carried out in the pre-construction phase of the project.

70. There is also a need to better understand cultural components of water use and customary land due to the presence of indigenous groups in Timor-Leste.

71. The risk to the project or communities of delaying the data validation and carrying out further consultations is assessed as low using criteria from<sup>9</sup> guidance notes issued by ADB. This conclusion is drawn assessing the following criteria.

**Table VI-1 Risk Matrix – Data Validation**

<b>Risk</b>	<b>Mitigation</b>
Significance of anticipated safeguards impacts	Validation of impacts will be needed. Anticipated to be low risk as there are 2 HHs affected, project infrastructure has some flexibility to further avoid impacts if needed. Risk of incomplete data low and validation process is straightforward.
Presence of Indigenous Peoples	There are indigenous peoples present in the project area however impacts are expected to be positive and an IPP is being developed. Consultations have been conducted which indicate it is likely that there is broad community support for improvement of water systems. Further refinements can be made pre-construction as detailed in the IPP.
Capacity of human resources in Timor-Leste	Written guidance of each step of process of data gathering has been provided, very close remote supervision given during data gathering and preparation of REGDPs was provided by ADB. Risk of project delay due to this factor is low.
Contextual risks.	Timor-Leste is a post conflict country however given the low risk nature of the project and the clear project benefits of a water supply this risk profile has not been impacted by the COVID pandemic.
Achieving meaningful consultation	Written guidance, training and remote supervision was provided regarding consultations and FGDs was provided. A further round of consultations can be carried out pre-construction to verify findings of consultations already conducted.
Accuracy and availability of data.	Data has been gathered in line with advice given, this will need to be validated but is low risk given the low impact nature of the project and the close supervision given.

72. Verification of data contained within this REGDP can be carried out by ADB during due diligence visits planned for Q4 2021. If there are any significant changes in project impacts then the REGDP will be updated prior to construction commencing.

<sup>9</sup> Guidance Note on Safeguards implementation during the COVID-19 pandemic.  
For ADB Staff

## VII. GRIEVANCE REDRESS

**Table VII-1 Grievance Redress Process**

Steps, Actions and Levels of Intervention		Duration
▼	<b>ALDEIA AMD SUCO COUNCIL</b>	
1	<p>1.1 The AP (Complainant) explains problem/issue verbally or in writing to one of the following; Aldeia and Suco Council (ASCs), construction site supervisor, contractor engineer, and municipal project coordinator. They would be the first contact for affected persons (APs) to raise their concerns. If unwritten the ASC will record details of the complaint and provide consideration based on their traditional method of conciliation and mediation. Multiple points of entry for grievances is encouraged although said written grievance should be submitted to the ASC as the repository for grievances. AP files a complaint/grievance verbally or in writing to the ASC to seek faster resolution at village level.</p> <p>1.2 The ASC is responsible for land acquisition and compensation (LAC) issues and/or the village would establish a sub-project related village LAC committee.</p> <p>1.3 The committee aims to provide clarifications and solutions within its village and with the complainant.</p> <p>1.4 This mediation aims at a sub-project internal immediate solution.</p> <p>1.5 If the complaint cannot be solved at this stage, the next step applies.</p>	2 days
▼	<b>SUB-PROJECT LEVEL</b>	
2	<p>If not solved before:</p> <p>2.1 Complainant presents complaint/s or grievance/s verbally or in writing.</p> <p>2.2 A sub-project grievance committee (SPGC) would be the second contact for affected people (APs) to address their concerns.</p> <p>2.3 Registration of the complaint by SPGC.</p> <p>2.4 In collaboration with ASC and AP this SPGC would elaborate on the complaint.</p> <p>2.5 If the complaint cannot be solved at this stage, the next step applies.</p>	Further 10 days
▼	<b>CITY</b>	
3	<p>If not solved before:</p> <p>3.1 APs would address their complaints to the Grievance Redress Committee (GRC).</p> <p>3.2 Involvement of authorities and departments</p> <p>3.3 Collaboration with APs, SPGC and village committee.</p> <p>3.4 This level aims at a formal, mutual agreement to solve the grievance.</p> <p>3.5 If the complaint cannot be solved at this stage, the next step applies.</p>	Further 10 days
▼	<b>NATIONAL</b>	
4	<p>If not solved before:</p> <p>5.1 Final step to solve land acquisition, boundary and/or compensation issue.</p> <p>5.2 Court will take note and register the case.</p> <p>5.3 Court to provide final decision.</p> <p>5.4 In case of required actions, the complainant and/or sub-project proponent is obliged to follow the findings and decision of the court.</p>	Open, but further 20 days
N-1: The shown approach is in line with the Technical Guidelines on Compensation and Resettlement of Affected People by Development Project, March 2010.		
N-2: The shown days per step should be understood as a maximum duration.		
N-3: The grievance procedures are also applied for environment related complaints.		

73. A refinement of this process is a key output of the REGDP and needs to take into account issues of gender.

74. An aggrieved AH may also bring its complaint directly to the ADB Timor-Leste Resident Mission, or to the ADB Office of the Special Project Facilitator. The PCU will keep a record of grievances received, including names and pertinent information about the AHs, nature of the complaints, dates the complaints are lodged, and resolution of the same. Grievances not resolved will also be recorded, detailing negotiations and proposals which could not be agreed on, and the dates these negotiations took place.

#### **A. Project Entitlements**

75. Only persons and organizations with fixed assets and sources of income in subproject COI at the time of the cut-off date are eligible to receive project entitlements. The cutoff date for Lospalos was disseminated on the 4th of December (Appendix 8). Notice of cutoff date was also included in DMS forms given to AHs.

76. There are three types of APs (i) legal owners and holders of title; (ii) those who do not currently possess legal titles but have legal rights to the land, including customary rights; and (iii) those who do not have any recognizable rights to land.

77. This matrix outlines the entitlements of APs/AHs based on the type and severity of their losses

**Table VII-2 Entitlement Matrix**

<b>No</b>	<b>TYPE OF LOSS</b>	<b>APPLICATION</b>	<b>DEFINITION OF ENTITLED PERSON</b>	<b>ENTITLEMENT POLICY</b>
1	Loss of Productive Agricultural Land  (Income generating land)	Less than 10% of total productive agricultural land holding lost (therefore, marginal impact on household income and living standards).	a) Legal user with valid title or customary or usufruct rights. AHs would be within the corridor of impact	AHs will be entitled to: <ul style="list-style-type: none"> <li>– Equivalent area of land or</li> <li>– Cash compensation for acquired land at replacement value.</li> <li>– Cash compensation for land preparation.</li> </ul>
			b) Tenant, leaseholder and sharecropper	AHs will be entitled to: <ul style="list-style-type: none"> <li>– Support to locate equivalent leased land or</li> <li>– Reimbursement for un-expired lease</li> <li>– Compensation for land improvement</li> </ul>
			c) AHs without valid title (encroachers, squatters)	AHs will be entitled to: <ul style="list-style-type: none"> <li>- Cash compensation for loss of land preparation</li> <li>- Squatters / Encroachers will not be entitled to land compensation.</li> </ul>
		More than 10% of productive land holding lost, or where <10% lost but the remaining land becomes economically unviable. (severe impact on household income and living standards)	Legal user with valid title or customary or usufruct rights. AHs would be within the corridor of impact	AHs will be entitled to: <ul style="list-style-type: none"> <li>– Equivalent area of land with equivalent productive potential. Or</li> <li>– Cash compensation for acquired land at replacement value.</li> <li>– Cash compensation for land preparation.</li> </ul>
			b) Tenant, leaseholder and sharecropper	AHs will be entitled to: <ul style="list-style-type: none"> <li>– Support to locate equivalent leased land or</li> <li>– Reimbursement for un-expired lease</li> <li>– Compensation for land improvement</li> <li>– Transitional allowance until equivalent new lease opportunity located.</li> </ul>



No	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	ENTITLEMENT POLICY
			c) AHs without valid title (encroachers, squatters)	AHs will be entitled to: <ul style="list-style-type: none"> <li>- Cash compensation for loss of land preparation</li> <li>- Squatters / Encroachers will not be entitled to land compensation.</li> </ul>
	Loss of residential, commercial, industrial or institutional land	Loss of residential, commercial, industrial or institutional land with remaining land sufficient to reorganize	a) AHs with valid title or customary and usufruct right.	AHs will be entitled to the following: <ul style="list-style-type: none"> <li>- Cash compensation for affected portion of the land at replacement value.</li> </ul>
			b) AHs such as tenants and leaseholders	AHs will be entitled to the following: <ul style="list-style-type: none"> <li>- Reimbursement for un-expired lease</li> <li>- Transitional allowance until equivalent new lease opportunity located.</li> </ul>
			c) AHs without title (squatters and encroachers)	AHs will be entitled to the following: <ul style="list-style-type: none"> <li>- Cash compensation for affected structures at replacement value.</li> <li>- Transitional allowance until equivalent new lease opportunity located.</li> <li>- Squatters / Encroachers will not be entitled to land compensation.</li> </ul>
		Loss of residential, commercial, industrial or institutional land without sufficient remaining land. APs will be required to relocate	a) AHs with valid title or customary land use rights.	AHs will be entitled to the following: <ul style="list-style-type: none"> <li>- An equivalent area of land in an acceptable location, or</li> <li>- Cash compensation for the entire land holding at replacement value.</li> </ul>
			b) AHs such as tenants and leaseholders	AHs will be entitled to the following: <ul style="list-style-type: none"> <li>- An equivalent area of leased land</li> <li>- Reimbursement for un-expired lease</li> <li>- Transitional allowance e</li> </ul>

No	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	ENTITLEMENT POLICY
			c) PAPs without title (squatters and encroachers)	<p>AHs will be entitled to the following:</p> <ul style="list-style-type: none"> <li>– Cash compensation for any affected structures at replacement value</li> <li>– Transitional allowance equivalent to two months' income.</li> <li>– Squatters / Encroachers will not be entitled to land compensation.</li> </ul>
<p><b>Implementation Considerations:</b></p> <p>*This could be Classified as Agricultural, Residential, Commercial, Industrial and can be changed to be project specific</p> <ul style="list-style-type: none"> <li>• Verification of land size and use will be required as part of resettlement planning</li> <li>• In the case of land loss, if land is not available cash compensation should be based on replacement cost including transaction costs. This should be set by the appropriate agency, within the same year that compensation will be paid</li> <li>• Compensation must be fully paid prior to impact</li> <li>• All entitlements will be subject to a gap analysis of local laws and ADB SPS (2009) requirements. In the event of gaps, the higher standard will apply (Appendix 9).</li> </ul>				
2	Structures (Residential, commercial, industrial or institutional)	Partial loss of structure and the remaining structure viable for continued use.	a) Legal owner of the affected structure with valid title or customary rights.	<p>AHs will be entitled to the following:</p> <ul style="list-style-type: none"> <li>- Cash compensation for affected part of the structure at replacement value; and</li> <li>- Allowance to cover repair cost of the remaining structure.</li> </ul>
			b) Owner of affected structure without title (squatter / encroacher)	<p>AHs will be entitled to the following:</p> <ul style="list-style-type: none"> <li>- Cash compensation for affected part of the structure at replacement value; and</li> <li>- Allowance to cover repair of the remaining structure.</li> <li>- OR Contractor to restore to pre-project conditions</li> </ul>
		Entire loss of structures or where only partial impact, but the remaining structure is rendered unviable for continued use, and sufficient land for reorganization.	a) Legal owner of the affected structure with valid title or customary rights	<p>AHs will be entitled to the following:</p> <ul style="list-style-type: none"> <li>- Structure of equivalent standard in an acceptable location or</li> <li>- Cash compensation for entire structure at replacement value.</li> </ul>
			b) Owner of affected structure without title (squatter / encroacher)	<p>AHs will be entitled to the following:</p> <ul style="list-style-type: none"> <li>- Cash compensation for entire structure at replacement value.</li> </ul>

No	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	ENTITLEMENT POLICY
			c) Tenant / leaseholder in the partially affected structure	AHs, if displaced, will be entitled to the following: – Transitional allowance until equivalent new lease opportunity located.
<b>Implementation Considerations:</b> <ul style="list-style-type: none"> <li>At least thirty (30) days' notice is issued prior to the date of eviction or demolition. APs may be allowed to self-demolish their structures where safe to do so to enable them to preserve materials that still have salvage value.</li> </ul>				
3	Loss of trade / livelihood / occupation	Agricultural / industrial / commercial or institutional wage employment impacts	Individuals	AHs will be entitled to the following:  - Employment in reconstructed enterprise or package for re-employment or starting a business and transition allowance equivalent to one year's wages in case of permanent closure. - In case of temporary closure, compensation will be wages equivalent to closure period.
4	Loss of access to common resources and facilities	Loss of access to rural common property resources and urban civic amenities	Communities / Households	AHs will be entitled to the following:  - Replacement of common property resources / amenities. - Access to equivalent amenities / services.
5	Loss of standing crops	Standing Crops located in the corridor of impact	Household who cultivates the land.	AHs will be entitled to cash compensation equivalent to market value of damaged crops.
6	Loss of trees and productive plants including NTFPs, firewood herbs and forage foods	Affected Trees and Plants	Owners of the affected trees irrespective of land tenure status.  Includes women who may gather items from public ./ unused land for sale or consumption	AHs will be entitled to cash compensation equivalent to market value on the basis of type, age & productive value.  Alternative sources should be explored and discussed during community consultations
7	Loss of public infrastructure	Infrastructure (electric water supply, sewerage & telephone lines; public health center; public water tanks)	Relevant agencies.	Compensation in cash at replacement cost to respective agencies.
8	Losses during transition of displaced	Affected Assets	Losses during  • Shifting / transport	The AHs will be entitled to the following:

No	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	ENTITLEMENT POLICY
	persons / establishment		<ul style="list-style-type: none"> <li>• Maintenance</li> <li>• Construction</li> </ul>	<ul style="list-style-type: none"> <li>- Provision of transport or cash equivalent for transport arrangement</li> <li>- Cash payment for 3 months</li> <li>- Lumpsum cash payment for materials and labor or provision for materials</li> </ul>
9	Temporary Losses	Affected structures or other fixed assets	Affected HHs	In cash, on the basis of replacement cost of material and labor without deduction for depreciation or salvageable materials for the damages during the period of temporary possession.
		Business Disruption	Affected HHs	compensation at market value and for loss of net income x number of days of income lost.
		Severely affected structures	Affected HHs made to shift temporarily from their present location	Entitlement will be in terms of rent allowance to cover the cost of alternate accommodation for the period of temporary displacement.
		Loss of crops and trees	Affected HHs	compensation at market value and for loss of net income from subsequent crops that cannot be planted for the duration of temporary possession
		Temporary acquisition	Affected HHs	No compensation for land if returned to the original user, but a monthly rent as per market value will be paid to PAPs. PAPs will be compensated immediately and damaged assets will be restored to its former condition.
		Long term disruption	Affected HHs	<p>If the disruption continues for more than one year, PAPs will have an option to:</p> <ul style="list-style-type: none"> <li>- continue the temporary use arrangements, or</li> <li>- opt for permanent acquisition at replacement value and any other rehabilitation entitlements provided to other permanently affected PAPs under the same project.</li> </ul>
<p><b>Implementation Considerations:</b> In the event of temporary disruption to access (Pipe laying with restoration of access within 3 days for example) This can be managed with effective communication and measures to mitigate this should be set out in the REGDP</p> <ul style="list-style-type: none"> <li>▪ Contractors will be responsible for the arrangement and payment of land rent, restoration of land and compensation for non-land assets and lost income.</li> <li>▪ Temporary impacts due to construction will be monitored and reported as part of monitoring of the Environment Management Plan.</li> </ul>				
10		Support to Vulnerable HHs	Vulnerable households, as per established criteria	<p>All Vulnerable households will be provided the following:</p> <ul style="list-style-type: none"> <li>- Skills training and access to income restoration activities to</li> </ul>

No	TYPE OF LOSS	APPLICATION	DEFINITION OF ENTITLED PERSON	ENTITLEMENT POLICY
			from ADB SPS (2009)	<p>reach minimum national poverty standards</p> <ul style="list-style-type: none"> <li>- Priority in any employment opportunities</li> </ul> <p>Vulnerable households classified as economically vulnerable (poor or below the poverty line) or single headed households that lack manpower (high dependency ratio) will receive an assistance allowance of 1 month x \$46.37 per person in AH.</p> <p>Vulnerable HHs that are also severely affected will receive 3 months x 46.37 per person in AH.</p>

## B. Unit Costs of Affected Assets

78. The compensation unit rate covers the amount in cash or in-kind, including transactions costs and taxes, needed to replace an asset and is the value determined as compensation for:

- i) Agricultural land and fishponds based on market prices that reflect recent land sales prior to the commencement of the Project or displacement, and in the absence of such recent sales, based on productive value;
- ii) Constuction or residential land based on market prices that reflect recent land sales prior to the commencement of the Project or displacement, and in the absence of such recent land sales, based on similar location attributes;
- iii) Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;
- iv) Annual crops equivalent to the highest production of crop over last three years multiplied by the current market value of crops;
- v) Perennial crops and trees based on current market value per the type, age, diameter at breast height and productive capacity; and
- vi) Other assets (i.e., cultural, aesthetic) based on current market value for repairing and/or replacing assets or the cost of mitigating measures.

79. The rates used in this REGDP are calculated from GoTL unit rates from 2015. For the purposes of budget estimation this has been used with an adjustment for inflation and are not valid for use for payment of compensation.

80. Unit rates are required to be updated in the year of project implementation following a replacement cost survey to establish current market rates.

81. No physical and economic displacement will occur until compensation at full replacement cost and other entitlements due to APs are paid to them in accordance with the final REGDP.

## **VIII. MITIGATIVE MEASURES**

### **A. Compensation Arrangements**

82. Mitigation of the impacts will be through cash compensation, allowances for vulnerable households and monitoring to ensure return to pre-project conditions and affected households are brought to minimum national poverty standards.

83. Voluntary donation of land or assets is not permitted.

84. The contractor will be responsible for any rental arrangements for storage of materials or for any other use of private land.

85. The subproject does not require relocation therefore no special relocation strategies are required.

86. Support for the vulnerable household will be provided in the form of cash assistance.

### **B. Indigenous Peoples and Gender Arrangements**

87. The risks of not considering the unique perspectives of the communities where the project will be implemented are linked to issues such as:

- (i) Potential conflict over land and water use
- (ii) Vandalism of structures if ownership of land and appropriate permission regarding water use are not gained.
- (iii) Continued use of non-revenue water thereby undermining financial sustainability efforts
- (iv) Perspectives of women being lost
- (v) Low demand for new water systems
- (vi) Unique Indigenous knowledge lost and stigma of indigeneity further compounded

88. The Community Water Management Plans will therefore include

- (i) Refining of the current proposed GRM to take into account local conflict resolution mechanisms
- (ii) Further consultations and stakeholder engagement that is detailed and respect clan and family relationships
- (iii) Adaptations to project design – to ensure that livelihoods and O&M activities are culturally appropriate and offer opportunities for women
- (iv) Customary land use to be correctly negotiated in line with community expectations
- (v) Appropriate cultural practices, chosen by the communities are funded by the project to ensure that spiritual concerns acknowledged.

89. The project has prepared a GAP to cover all three project sites. Households headed by women are classified as a vulnerable group and will be entitled to additional cash assistance and priority for assistance.

90. All members of AP households regardless of ethnicity or gender are equally eligible to apply and, depending on their qualifications, be prioritized for employment by the contractor(s) for civil works for the Project. Women will be equally invited as unskilled workers during construction

91. Women will be invited for consultation meetings which will consider their availability and performance for income-generation activities related to their traditional gender roles. Women will have equal decision-making responsibility alongside men when giving their opinions and views concerning subproject design, and other project-related activities that will require their active involvement.

92. Women's participation during project implementation will be closely monitored through the design of the Project Performance Monitoring System (PPMS). All databases and monitoring indicators for land acquisition, compensation and resettlement activities will disaggregate data and other information by sex and ethnicity. Please see the project GAP for further details.

## **IX. RESETTLEMENT COSTS**

93. The following sections set out the compensation and assistance the project will provide the AHs/APs for their losses.

### **A. Source of Funds for Resettlement**

94. The government will be responsible for providing the budget for land acquisition, allowances and compensation costs.

### **B. Implementation, Administration and Contingency Costs**

95. Administrative costs relative to the implementation of the REGDP, in addition to the cost of monitoring, are included in other budget items of the whole project. Therefore, only the cost of compensation, cash allowances, and a 10% contingency are reflected in this REGDP. DGAS will ensure that adequate funds are made available as and when necessary for the efficient and timely implementation of resettlement. The only unit rate available at the time of writing were from 2015. This has been adjusted for inflation using which gives an average rise of 1.4% over the preceding five years.

96. The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. The borrower/client will also collect baseline data on housing, house types, and construction materials. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account.

### **C. Estimated Cost of Resettlement**

97. The estimated total cost of resettlement for the subproject, including a 10% contingency, is calculated at USD \$ 3,474

**Table IX-1 Summary of Resettlement Costs**

Items				Unit Cost	Total Amount (US\$)
A.	Compensation				
A.1	Land	937.5	sqm	3.00	2,812.50
A.2	Plants and Trees	14	plants/trees		174.00
B.	<b>Total Cost of Compensation and Allowances</b>				<b>2,986.50</b>
C.	Contingencies (10% of B)				<b>298.65</b>
				<b>Sub-Total</b>	<b>3,285.15</b>
D.	<b>Inflation Estimate at 1.4% per year.</b>			Total in USD	<b>3,474</b>

**D. Schedule of REGDP Preparation and Implementation****Table IX-2 Schedule of REGDP Implementation**

Activities	Schedule
Detailed studies and SESA	September 2020
Submission by PMU of the draft REGDP to ADB	February 2021
ADB concurrence to the REGDP	February 2021
Posting of the draft REGDP in relevant government offices and on the ADB website	March 2021
REGDP consultants to start – including IEM	January 2022
Validation of Project Impacts and update of REGDP if required	February 2022
Individual AH meetings to disclose project impacts, entitlements, and develop compensation agreements	April 2022
Payment of compensation and allowances	July 2022
ADB to issue letter of no objection once compensation complete.	August 2022
Start of civil works	October 2022





## **A. Ministry of Public Works**

100. Ministry of Public Works through DGAS is the Project Owner and the Implementing Agency (IA) for the Project. As IA, its responsibilities include: (i) over-all management of the project; ii) establishment of the PMU at the; iii) recruitment of the project supervision consultants; iv) approval of the project's annual implementation plans and other related project plans and budget; and, vi) reporting to ADB and the government on project status.

## **B. Project Management Unit (PMU)**

101. The Project Management Unit (PMU) will have the following functions: (i) facilitate consultation meetings with APs/AHs, (ii) prepare compensation plans based on RCS results as basis for compensation payments of affected assets and submit this to DGAS for budget allocation; (iii) set up Suco Resettlement Committee; (iv) undertake negotiations and final agreement with APs on compensation; and (v) conduct actual compensation payments to APs and prepare disbursement report (v) monitor and report on all IP implementation activities; (v) act as grievance officers to deliberate and resolve resettlement-related complaints of APs/AHs and recommend to the IA the issuance of a notice-to-proceed (NTP) to civil works contractors when full compensation and relocation activities will have been completed as indicated in a monitoring report so that site clearance activities can be undertaken.

## **C. Suco Resettlement Committee (SRC)**

102. The SRC will assist the PMU in their resettlement tasks. Specifically, the SRC will be responsible for the following:

- Assign Suco officials to assist the PMU in implementation of resettlement activities;
- Assist the PMU in conducting public consultations, DMS and update the SES amongst AHs;
- Mobilize AHs/APs to actively participate in the resettlement updating process;
- Witness and sign the Agreement Compensation Forms along with the affected households;
- Attend to the resolution of grievances lodged at their level.

## **XI. MONITORING AND EVALUATION**

### **A. Internal Monitoring**

103. The PMU will provide an update on social safeguards (resettlement and indigenous peoples/ethnic groups) compliance in the quarterly progress reports. PMU will submit the semi-annual social safeguards monitoring reports every six month of each year. The report will include information on key monitoring indicators, and include and assessment against (i) compliance with the projects REGDPs. (ii) the availability of personnel, material, and financial resources; and (iii) identification of any problem and the need for remedial actions to correct any problems that arise.

104. Semi-annual social safeguards monitoring reports for January-June will be submitted to ADB latest 15 July, and for July-December on 15 January of the following year.

105. Internal monitoring and evaluation will assess the implementation of the REGDP according to the following criteria:

- a. Assessing if mitigation measures and compensation are sufficient.
- b. Identifying methods of responding expeditiously to mitigate problems.
- c. Smooth transition between LAC activities and civil works.
- d. The grievance redress mechanism is functioning.
- e. Safeguard contractual obligations of the civil works contractor are complied with.
- f. Provisions of the loan covenant are met.

## Appendix 1- Photographs of Key Locations



Plate 1- Location of one Northwest boreholes



Plate 2- Locations of South Bore field



Plate 3- Locations of WTP





Plate 4- Location of Northwest Tank



Plate 5- Location of Papapa Tank



Plate 6- Location of South Tank and Pump station



Plate 7- Location of the STP





Plate 8- Location of a Public Toilet in a Market Place in Lospalos



Plate 9- Location of a Public Toilet inside the perimeter of the Cultural Center





Plate 10- Location of a Public Toilet in the future site government offices in Lospalos



Plate 11- Location of a Public Toilet - Health Center in Suco Home

## Appendix 2- Detailed Measurement Survey (DMS) Form

	<p><b>RFP/039/MOP-2019 – Detail Engineering Design for Four Municipal Capitals Water Supply &amp; Sanitation – Baucau-Lospalos-Viqueque-Same</b></p>	
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### ASSET REGISTRATION FORM Household Information

HH ID No.	
Name of Head of HH	
Name of Spouse	
Home Address	
Address of impacted assets if location is different from home address	

**Take photos of all affected assets with the Head of HH or his authorized representative.**

#### I. Affected Structures

Code	Description of Impact

Type of Structure Codes:

1- House

2- Business/Commercial Structure

3- Fence

4- Ancillary structure



## II. Affected Land

No	Type of land (Code)	How was the land acquired? (specify)	How long have you occupied the land? (year)	Is the land productive? (Y/N)	How do you use the land? (specify)	Documentation provided (check)
1						
2						
3						
4						
5						

## Type of land Codes

- 1- Residential
- 2- Cropland (Annual crops)
- 3- Garden Plot
- 4- Grazing livestock

- 5- Plantation
- 6- Empty
- 7- Sacred
- 8- Specify

No	Item	Area (sq.m.)
1	Total area of productive land owned (Not including residential)	
2	Total area affected land	
3	Total area of remaining productive land	

III. Affected Crops, Trees and Plants on affected land *(Use additional sheets if necessary)*

## A. Affected Crops

no	Name Crop/s affected	Stage of Production (Code)	Area (qm)	Average Annual Production	Average Annual Income	Percent area of affected land (%)

## Stage of Production Codes

42

- 1- Newly Planted
- 2- Vegetative
- 3- Ready to harvest

#### B.Fruit Trees

No	Name	Size (S,M,L)	Number of trees of the same size	Average annual production (kg)	Average Annual Income/year

#### C.Timber Trees

No	Name	Size (S,M,L)	Number of trees of the same size	Describe type of product and estimated average annual production	Average Annual Income/year

#### D.Palm Trees

No	Name	Size (S,M,L)	Number of trees of the same size	Describe type of product and estimated average annual production	Average Annual Income/year

## E.Bamboo

No	Name	Stage of Production (Code)	Number of culms (if ready to harvest)	Average annual production	Average Annual Income/year

## Stage of Production Codes

- 1- Newly Planted
- 2- Vegetative
- 3- Ready to harvest

## F.Horticultural crops

No	Name	Stage of Production (Code)	Number with the same stage of production	Describe type of product and estimated average annual production	Average Annual Income/year

## Stage of Production Codes

- 4- Newly Planted
- 5- Vegetative
- 6- Ready to harvest

I/we, asset owners that specify above, acknowledge that I/we have participated in every steps of this asset registration; I/we have inspected each and every items of the asset under this registration and confirm that is fully covered and correct.

I/we, asset owners as specified above, acknowledge that the land / asset may not be required for the project and the compensation rates will be made available in the year that the project is implemented. I/We are aware that any compensation will be made on the condition of the assets as they are recorded on this day. Any new assets added after this date will not be eligible for compensation.

I/we are aware that there is a Grievance process should there be any disagreement regarding any part of the process.

I/we, asset owners that specify above, understand that this list of assets are subject to further verification of my rights and entitlements; If we are unable to prove ownership we are not automatically subject to compensation.

I/we, asset owners that specify above, sign below to acknowledge the information and statement specify above, as a reference.

At.....Date.....

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Signature of Husband

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Name and Signature of the Field Staff

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Signature of the Wife

WITNESSED BY:

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### Appendix 3- Socio-Economic Assessment of Affected Households (SEAH) Form

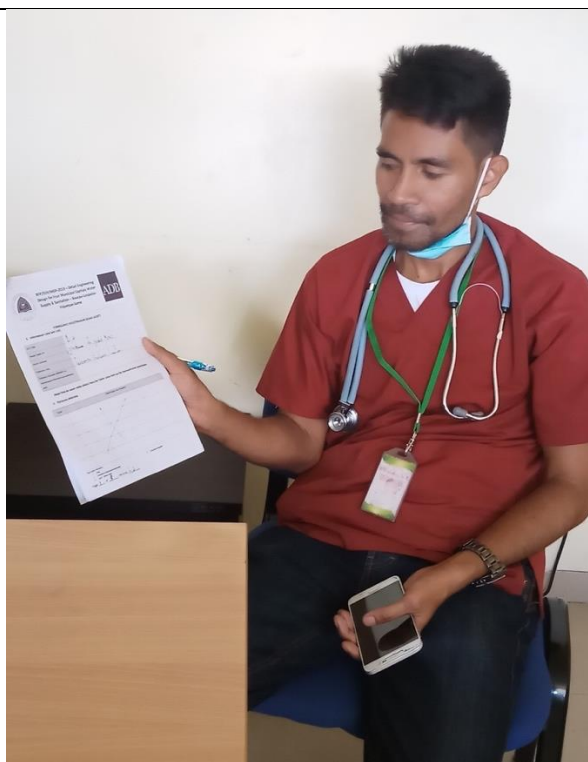
No	Questions
1	Name Interviewer
2	Date
3	Lat
4	Long
5	ID No
6	Home Address
7	Is the house accessible during the rain and wet season?
8	Is the location of the assets to be impacted same as the home address?
9	Address of assets to be impacted
10	Civil status of the HH
11	Gender of the HH
12	Name of the HH
13	Age of the HH
14	Name of the HH spouse
15	Age of the HH spouse
16	Does the HH belongs to an ethnic group?
17	Primary language of the HH
18	Secondary language of the HH
19	Employment status of the HH
20	Highest level of education of HH
21	Is the HH a PWD?
22	Are there other members of the household that are PWD?
23	Does the household own a house?
24	Area (m2) of the house
25	Does the household owns an agricultural land?
26	How many locations?
27	Location of agricultural lands
28	Total area of agricultural lands
29	% of agricultural land that is productive
30	% of agricultural land for commercial production
31	% of agricultural land for HH consumption
32	Maincrop planted
33	Does the HH owns livestock/poultry?
34	No. of Buffalo
35	No. of Cattle
36	No. of Horses
37	No. of Pigs
38	No. of Chickens
39	Purpose of rearing livestock/poultry
40	Does the HH have dependents?
41	Males <5 years old
42	Females <5 years old
43	Males 5-17 years old

- 44 Females 5-17 years old
- 45 Males 18-64 year old
- 46 Females 18-64 year old
- 47 Males >65 years old
- 48 Females >65 years old
- 49 Total Males
- 50 Total Females
- 51 Total Male and Female
- 52 Males 5-17 years old regularly attending school
- 53 Females 5-17 years old regularly attending school
- 54 Males >18 years old regularly attending school
- 55 Females >18 years old regularly attending school
- 56 Male -none
- 57 Female -none
- 58 Male -Some primary
- 59 Female -Some primary
- 60 Male -Completed primary
- 61 Female -Completed primary
- 62 Male - Some secondary/junior/vocational school
- 63 Female - Some secondary/junior/vocational school
- 64 Male -Completed secondary/junior/vocational school
- 65 Female -Completed secondary/junior/vocational school
- 66 Male -Higher (including university, post-secondary vocational school, business or teachers training college)
- 67 Female -Higher (including university, post-secondary vocational school, business or teachers training college)
- 68 Total Males
- 69 Total Females
- 70 Males working regularly locally
- 71 Females working regularly locally
- 72 Males working regularly overseas
- 73 Females working regularly overseas
- 74 Wages or salary from skilled labor (e.g., professional work, carpentry)
- 75 Wages or salary from unskilled labor
- 76 Money earned from agriculture
- 77 Money earned from fishing
- 78 Money earned from forestry/forestry product (selling goods)
- 79 Money earned from business (e.g. shop, eatery)
- 80 Pension or subsidy received from government
- 81 Remittances from relatives or friends
- 82 Rental income (e.g., farm lot, store rental)
- 83 Total
- 84 Is there another source of income
- 85 Amount of other source of income
- 86 Specify the other source of income
- 87 Amount of other source of income
- 88 Specify the other source of income

- 89 Total of other sources of income
- 90 Total Gross Income
- 91 Is there other source of income in kind
- 92 Food
- 93 Education
- 94 Healthcare (i.e., consultation, medicine)
- 95 Housing (i.e. rental, maintenance)
- 96 Electricity for lighting/electrical appliances
- 97 Energy/fuel for cooking
- 98 Water consumption
- 99 Sanitation/toilet facility
- 100 Drainage
- 101 Solid waste collection
- 102 Transport including fuel
- 103 Communication (phone, internet)
- 104 Clothing
- 105 Others
- 106 Specify
- 107 Others
- 108 Specify
- 109 Others
- 110 Specify
- 111 Total Expenses
- 112 Net Income
- 113 How many times in the last 12 months did the HH don't have sufficient food?
- 114 How many times in the last 12 months did the HH don't have sufficient water?
- 115 How many times in the last 12 months did the HH don't have enough for other essentials?
- 116 To what extent are you concerned that your HH will not be able to provide itself with the basic food and non-food necessities in the next 12 months?
- 117 Source of water for drinking
- 118 Source of water for cooking
- 119 Source of water for handwashing
- 120 Source of water for dishwashing
- 121 Source of water for other purposes
- 122 Does the HH owns a Toilet?
- 123 Type of toilet does your HH use
- 124 Where is the toilet located?
- 125 Does the toilet have a septic tank?
- 126 If yes, type of septic tank

**Appendix 4- Photos of Affected Households**

L.1 Joao Fernandes Xavier



L.2 Joaquim de Jesus Soares



## Appendix 5- Existing Policy and Legal Framework of Government of Timor-Leste

A. **Constitution of Democratic Republic of version -Leste.** Section 141 of the Constitution states that the ownership, use and development of land as one of the factors for economic production shall be regulated by law and Section 54 of the Constitution covers the right to private property and states that prescribes:

- (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.

9.

1. 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 by the NDLPCS as a legal entity and defined its jurisdiction, and articulated general rules concerning land tenure and property rights to be further developed by ensuing legislation. Moreover, this law established a one-year period for both nationals and non-nationals to register their land claims. The Land Law 2003 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.
2. **Decree No. 6** issued by the Government in February 2011 provides for granting compensation to relocate unlawful occupants of State property based on humanitarian considerations.
3. **Decree No. 27** approved on July 6, 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.
10. **The Civil Code** which was promulgated in 2011 and came into force in March 2012 includes a section that governs day-to-day land decisions such as the sale and lease of land.
- 11.

B. **The new Land Law (Transitional Land Law 2017)** was approved on June 05, 2017 by Timorese Parliament. The Law interprets who owns what land and in the case of conflicting claims, who has the strongest right to the land. The purpose of the Law is to clarify the legal status of land ownership by bringing into effect the different dimensions of the right to private property provided for in the Constitution of Timor-Leste. Clarification of property rights is done through the recognition of prior property rights. In addition, the law creates the concept of informal property rights and recognizes community ownership. Access to land is guaranteed in two ways. Firstly with the creation of the National Land Registry, intended to allow the emergence of a safe and transparent real estate market, and secondly with the clarification of assets belonging to the State, potentially enabling it to carry out a better management of its assets, which can be distributed to those who may not otherwise have access to land. The law also provides criteria for the resolution of disputes and the principle of compensation where there is “duplicity of rights”.

- B. **The Expropriation Law 2017** is the most current and relevant law pertaining to involuntary land acquisition and compensation. The Law determines the conditions and establishes the procedures and limits under which the state can take private land for public good including land needed for public electricity generation and distribution systems and under which it will provide fair compensation. The Expropriation Law recognizes the right to private property and guarantee of fair compensation for expropriated land, as fundamental rights of citizens. Under the Law, 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.

### C. ADB's Social Safeguards Policy

- a. ADB's Policy on Involuntary Resettlement is presented in its SPS, 2009. The aim of ADB Policy on Involuntary Resettlement is to avoid or minimize the impacts on people, households, businesses, and others affected by the acquisition of land and other assets, including livelihood and income. Where resettlement is not avoidable, the overall goal of the ADB policy is to help restore the living standards of the displaced persons to at least their pre-project levels by compensating for lost assets at replacement costs and by providing, as necessary, various forms of support. The objectives of the involuntary resettlement policy are: (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives, if involuntary resettlement is unavoidable; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.
- b. Apart from the SPS, 2009, other relevant ADB's Policies that are applied in resettlement planning and implementation include Gender and Development Policy (1998), Public Communications Policy (2011), and Accountability Mechanism Policy (2012). The Gender and Development Policy (1998) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to cause substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. The Public Communications Policy (2011) requires active participation of displaced persons and other stakeholders during the development and review of safeguard policies on ADB-assisted programs and projects. The Accountability Mechanism Policy (2012) aims to enhance ADB's capacity in responding to and/or resolving the problems associated with implementation of its policies in all programs or projects it assists. It consists of a consultation phase and a compliance review phase, by which the problems or issues raised by the displaced persons and/or stakeholders are investigated and resolved.

## Appendix 6- Categorisation Forms

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks		
<b>Involuntary Acquisition of Land</b>						
1. Will there be land acquisition?	X			3.394 Hectare of customary land, remainder is reported to be government land.		
2. Is the site for land acquisition known?	X			Based on DED		
3. Is the ownership status and current usage of land to be acquired known?	X			Customary land ownership needs to be verified		
4. Will easement be utilized within an existing Right of Way (ROW)?	X			Majority of works will be within the ROW of roads and existing structures		
5. Will there be loss of shelter and residential land due to land acquisition?		X				
6. Will there be loss of agricultural and other productive assets due to land acquisition?	X					
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?	X			A total of 941 trees will be compensated for		
8. Will there be loss of businesses or enterprises due to land acquisition?		X		Any disruption is expected to be temporary, EMP contains measures to limit the disruption to traffic and businesses.		
9. Will there be loss of income sources and means of livelihoods due to land acquisition?		X		One severely affected HH.		
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>						
10. Will people lose access to natural resources, communal facilities and services?		X				
11. If land use is changed, will it have an adverse impact on social and economic activities?		X				
12. Will access to land and resources owned communally or by the state be restricted?		X				
<b>Information on Displaced Persons:</b>						
Any estimate of the likely number of persons that will be displaced by the Project?      [ ] No      [X] Yes						
If yes, approximately how many? 22 AHs as shown below.						
<b>Location</b>	<b>AHs</b>	<b>Severely Affected</b>	<b>Vulnerable HH</b>	<b>Land Acquisition (Ha)</b>	<b>Trees to be compensated for</b>	<b>Resettlement costs (Estimate)</b>
Same	12	1	3	0.95	406	44,890,15
Viqueque	8	0	1	2.35	521	95,074.90
Lospalos	2	0	0	0.09335	14	3474
<b>Total</b>	<b>22</b>	<b>1</b>	<b>4</b>	<b>3.394</b>	<b>941</b>	<b>143,439.05</b>

Are any of them poor, female-heads of households, or vulnerable to poverty risks?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
Are any displaced persons from indigenous or ethnic minority groups?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes

<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)	<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
<b>A. Indigenous Peoples Identification</b>				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?	X			The population of Timor-Leste are majority indigenous to the area
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?		X		As they are the majority they are not recognized as a minority
3. Do such groups self-identify as being part of a distinct social and cultural group?		X		No due to significant stigma from colonial times and significant political pressure to nation build as Timorese
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?	X			There is a deep spiritual connection to the land and natural resources
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?	X			There is strong resilience of customary land and law
6. Do such groups speak a distinct language or dialect?	X			32 different languages recognised in the census of 2015
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?	X			Colonial times and through Indonesian occupation
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?	X	X		Not represented as groups separately but there is recognition of customary laws and elders.
<b>B. Identification of Potential Impacts</b>				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?	X			Provision of water supply is a benefit

<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)	<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)		X		
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)	x			Should improve access to water for livestock raising and better health.
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?	x			
<b>C. Identification of Special Requirements</b> <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?		X		
14. Physical displacement from traditional or customary lands?		X		
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?		x		
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?	X			
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?	X			There will be very limited land acquisition, extra consultations time has been built into first year of project to make sure this is done within a customary framework.
<b>D. Anticipated project impacts on Indigenous Peoples</b>				
<b>Project component/ activity/ output</b>	<b>Anticipated positive effect</b>		<b>Anticipated negative effect</b>	
This subproject will improve water supply and sanitation infrastructure in Lospalos, Same and Viqueque	Enhanced water services		None. There will be no involuntary resettlement of IPs	



## Appendix 7 – Minutes of Public Consultations

**CONSULTING CONTRACT SERVICES FOR DETAILED ENGINEERING DESIGN OF TIMOR-LESTE FOUR MUNICIPAL  
CAPITALS  
WATER SUPPLY & SANITATION PROJECT  
SAME – LOSPALOS - VIQUEQUE  
RFP/039/MOP-2019  
Notas de Reunião/Meeting Report**

<b>Local: SUCO FUILURO Public Consultation</b> <b>Data/Date : 08/12/2020</b> <b>Hora/Time: 09h30m (Lospalos)</b>
--

PRESENTES/ATTENDANCE		
Entidade/Entity	Nome/Name	Rubrica/Signature
Please see attached attendance list		

Agenda/Topic	Issues/Comments (Fuiluro)
<b>Introduction and Presentation</b>	<p>The Public Consultation was opened formally by the Chefe Suco of Fuiluro, followed by a short introductory remarks from the representative of the Community Police and ADB.</p> <p>Julio Calau (AdP TL-National Water Resources Expert) and Petronilo Munez, Jr (AdP TL-Social Safeguards Expert) presented the various components (Water supply, Sanitation, Social Safeguards) of the project in detail using the “Tetum” dialect. They were assisted voluntarily by the Community Police Officer in translating their presentations in the “Fataluko dialect”.</p> <p>Emphasis were given on the importance of women’s participation in the project cycle and their opinions, ideas and suggestions are of equal importance to those coming from the men.</p> <p>The importance of having a good communication was also given emphasis as it will help improve the project design and the success of the project implementation.</p> <p>The participants were also informed of cut-off date, it’s relevance to the project and why the SEAH and DMS activity are being conducted by the Consultant.</p> <p>Repeatedly the audience were asked if they understood the presentation and majority responded affirmatively.</p> <p>A copy of the presentation is attached to these minutes.</p>



Agenda/Topic	Issues/Comments (Fuiluro)
<b>Questions from the DED Consultants</b>	<ul style="list-style-type: none"> <li>• Question 1. Are you in favor of the proposed GRM process? Response 1. Yes- Majority</li> <li>• Question 2. Do you have any other suggestion to improve the proposed GRM process? Response 2. None- Majority</li> <li>• Question 3. For women, do you want to be involved (work) during the project implementation Response 3. Yes- Majority of Women</li> <li>• Question 4. Is there an existing woman's organization in Suco Fuliluro? Response 4. Yes- Majority</li> <li>• Question 5. Do you agree to locate one of the Public Toilets near the Cultural Center? Response 5. Yes- Majority</li> <li>• Question 6. Do you agree to locate one of the Public Toilets at the back of the Market place? Response 6. Yes- Majority</li> <li>• Question 7. Which other location do you think we should locate another Public Toilet? Response 7. (From Chefe Suco) At the government center where most annual activities happen and where most government offices will be transferred - Majority of the audience agrees with the response</li> </ul>

Agenda/Topic	Issues/Comments (Fuiluro)
	<ul style="list-style-type: none"> <li>Question 8. Which of the these design of Public Toilet do you prefer? Response 8. Type 2- Majority (Copy of design is attached to these minutes)</li> <li>Question 9. Who do you think should manage the Public Toilet? Response 9. The women groups - Majority</li> <li>Question 10. The project will make sure that the taps are inside the houses. Where do you want to locate the water taps? Response 10.               <ol style="list-style-type: none"> <li>Kitchen- Majority</li> <li>Bathroom- Majority</li> </ol> </li> </ul>
<b>Question from Audience</b>	<ul style="list-style-type: none"> <li>Question 1 (Men) . Would you consider Adeia Chaiwaca as one of the locations of the Public Toilets because it is where most of the people, especially the youth, gather to jog, exercise and practice every afternoon.? Response 1. Yes, we will take that into consideration and we will visit the location immediately.</li> <li>Question 2. (Women) . When will the project be implemented? Response 2. We don't know the exact schedule but the reason why we are here consulting with you is we want to have the project approve immediately so it can be implemented as soon as possible. But we have to understand that there is a process for project approval and we need you to be patient with it and what we are doing is one among the many requirements of that process.</li> <li>Question 3 (Men) .We know of another water source but it is outside and far from the project coverage. Can this be still considered as part of the design so we can increase the project coverage? Response 3. Thank you for that information. The reason why that particular you are speaking of was not included in the design because the location of the water source is, as you said, outside of the project coverage or in a rural area. We will bring this information to the government for them to consider it as part of the Rural Water Supply interventions.</li> </ul>



**MINISTÉRIO DAS OBRAS PÚBLICAS**  
**DIRECÇÃO GERAL ÁGUA E SANEAMENTO (DGAS)**

Rua: Avenida 20 de Maio - Calcoé, Caixa postal No 17, Tel. 3317157, 3317158 - Dili

"Consulta Pública ba Desenvolvimento Projeto Abastecimento Be'e Mos no Saneamento iha Capital Municipio"  
 Dia: 08 de Dezembro de 2020

**LISTA PREZENZA**

**Suco Fuiloro - Municipio Lospalos**

NO	NARAN	SEXO		INSTITUISAUN/POZISAUN	SUCO/ALDEIA	NO CONTACTO	ASSINATURA
		F	M				
1	Josefina D. Celestina	✓			30 de agosto	76049283	<i>[Signature]</i>
2	Betriza da concença	✓			LosPala		<i>[Signature]</i>
3	Rozita da Silva	✓			—		<i>[Signature]</i>
4	Rozilda da Vitoria	✓			—		<i>[Signature]</i>
5	Brigida Pinto	✓			30 de agosto		<i>[Signature]</i>
6	Dencia dias	✓			30 de agosto		<i>[Signature]</i>

7	Anina de Jesus		<del>Laurebu</del>	Laurebu	-	<del>Prof</del>
8	Juana beira		<del>Laurebu</del>	Laurebu	-	<del>Prof</del>
9	Carlota dos Santos		<del>30 de Agosto</del> Dona da casa	30 de agosto	76741541	<del>Prof</del>
10	Iria Marques Cabral		<del>30 de Agosto</del> Dona da casa	—	76007351	<del>Prof</del>
11	Herlino Maria Soares Garcia		Res Estudante	Res	7521489F	<del>Prof</del>
12	Zenoveia Lira		— // — //	Kulu-hun	76297069	<del>Prof</del>
13	Juana dos Santos de Jesus		— // —	Kulu-hun	75760982	<del>Prof</del>
14	Dieza Freitas dos Santos Nina		— // —	Kulu-hun	75750946	<del>Prof</del>
15	Abrilia Mascarenhas Ribeiro		Estudante	Assalariado	—	<del>Prof</del>
16	ELISITA DECARVALU		Dona Da casa	30 agosto	76370851	<del>Prof</del>
17	MARITA SOARES		— // —	30 de agosto	75135210	<del>Prof</del>
18	Francisco dias Quintas		Laurepu	30 de agosto	—	<del>Prof</del>
19	Adriano Paulo ximenes		Finalista	Lerc-Loko	75293057	<del>Prof</del>
20	Sabina Dias		Dona de Casa	Loshala	-	<del>Prof</del>
21						



AdP  
Timor-Leste  
Associação de Desenvolvimento



22	Helena dos Santos da Costa	F		APUJO SUCO	Fuileiro/STO-ATO	78550447 76709121	Hande
23	Paimira F. DOS SANTOS	F			Fuileiro/	75351525	RND
24	Juliana Da Silva	F			Fuileiro	76782582	gill
25	Sergio moriano fimeres	M			- 11 - 11 -	76814164	Samir
26	Gereon Kari Lopes	M			- 11 - 11 -	75315855	Gumma
27	Ester de Jesus	F			- 11 - 11 -	7725569	EAT
28	Rosita Soares	F			- 11 - 11 -	75556629	RDS
29							
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37							

**CONSULTING CONTRACT SERVICES FOR DETAILED ENGINEERING DESIGN OF TIMOR-LESTE FOUR MUNICIPAL CAPITALS  
WATER SUPPLY & SANITATION PROJECT  
SAME – LOSPALOS - VIQUEQUE  
RFP/039/MOP-2019  
Notas de Reunião/Meeting Report**

<b>Local: SUCO HOME Public Consultation</b> <b>Data/Date : 08/12/2020</b> <b>Hora/Time: 14h00m (Lospalos)</b>
---

PRESENTES/ATTENDANCE		
Entidade/Entity	Nome/Name	Rubrica/Signature
Please see attached attendance list		

Agenda/Topic	Issues/Comments (Home)
<b>Introduction and Presentation</b>	<p>The Public Consultation was opened formally by the Chefe Suco of Home, followed by a short introductory remarks from the representative of the ADB.</p> <p>Petronilo Munez, Jr (AdP TL-Social Safeguards Expert) presented the various components (Water supply, Sanitation, Social Safeguards) of the project in detail using the “Tetum” dialect. He was assisted voluntarily by the Chefe Suco in translating his presentations in the “Fataluko dialect”. Emphasis were given on the importance of women’s participation in the project cycle and their opinions, ideas and suggestions are of equal importance to those coming from the men.</p> <p>The importance of having a good communication was also given emphasis as it will help improve the project design and the success of the project implementation.</p> <p>The participants were also informed of cut-off date, it’s relevance to the project and why the SEAH and DMS activity are being conducted by the Consultant.</p> <p>Repeatedly the audience were asked if they understood the presentation and majority responded affirmatively.</p> <p>A copy of the presentation is attached to these minutes.</p>

Agenda/Topic	Issues/Comments (Home)
<b>Questions from the DED Consultants</b>	<ul style="list-style-type: none"> <li>• Question 1. Are you in favor of the proposed GRM process? Response 1. Yes- Majority</li> <li>• Question 2. Do you have any other suggestion to improve the proposed GRM process? Response 2. None- Majority</li> <li>• Question 3. For women, do you want to be involved (work) during the project implementation Response 3. Yes- Majority of Women</li> <li>• Question 4. Is there an existing woman's organization in Suco Home? Response 4. None- Majority</li> <li>• Question 5. Do you want to form a woman's organization and be trained so you can be involved during the project implementation? Response 5. Yes- Majority of Women</li> <li>• Question 6. Where is the best location of the Public Toilet? Response 6.               <ol style="list-style-type: none"> <li>1. Suco Center</li> <li>2. Public Health Care Center – Majority</li> </ol> </li> </ul>



Agenda/Topic	Issues/Comments (Home)
	<ul style="list-style-type: none"> <li>• Question 7. Which of the these design of Public Toilet do you prefer? Response 7. Type 2- Majority (Copy of design is attached to these minutes)</li> <li>• Question 8. Who do you think should manage the Public Toilet? Response 8. The community - Majority</li> <li>• Question 9. The project will make sure that the taps are inside the houses. Where do you want to locate the water taps? Response 9. 3. Kitchen- Majority 4. Bathroom- Majority</li> </ul>
<b>Question from Audience</b>	<ul style="list-style-type: none"> <li>• Question 1 (Men) . Can schools also avail of the water supply system? Response 1. Yes, all can avail or connect to the system and their connection will also be metered.</li> <li>• Question 2. (Men) . Where will the pipelines run, in front of the house or at the back? Response 2. All pipes will be laid within public lands, along the road corridor and hidden under the soil.</li> <li>• Question 3. (Women). Will the water supply system reach all the houses? Response 3. The system will reach all houses within the project coverage as shown in the map.</li> <li>• Question 4. (Women). What will be the price of water? Response 4. The current price now in Dili is US\$0.20/cubic meter of water or 1,000 liters of water which is more or less equivalent to 200 jerry cans. During the project implementation it is expected that the government will set a standard pricing.</li> <li>• Question 5. (Women). How about those houses that are outside of the project scope? Response 5. The project is meant to cover urban areas, or areas where most of the community lives, along municipal roads. For those that are not covered, the government also has water supply projects that are meant for rural areas.</li> </ul>

Agenda/Topic	Issues/Comments (Home)
<b>Suggestions from Community (Response/Comments from DED)</b>	<ul style="list-style-type: none"> <li data-bbox="600 276 2038 339">• Suggestion 1. (Men) .Create a group/committee to oversee the project during the construction, operation and maintenance phase</li> <li data-bbox="600 355 2038 419">• Suggestion 2. (Men) .Members of the community should be given the priority in terms of hiring manpower during the project implementation</li> </ul> <p data-bbox="645 443 2038 547">Comments from DED: The community members will definitely be given the highest priority and the local authorities will play a big role in recommending who can be involved. However for those who will be engaged to work, they are expected to work diligently.</p> <ul style="list-style-type: none"> <li data-bbox="600 571 2038 635">• Suggestion 3. (Women). For houses who are outside the project coverage, they need to be given also the opportunity to fetch water from the system using public taps.</li> </ul> <p data-bbox="645 659 2038 762">Comments from DED: We truly appreciate your recommendation. Since all connections will have to be metered then we have to find a way how make your suggestion work. Someone has to be responsible in managing metered public taps.</p>



**MINISTÉRIO DAS OBRAS PÚBLICAS**  
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Rua: Avenida 20 de Maio - Calcoé, Caixa postal No 17, Tel. 3317157, 3317158 - Dili

"Consulta Pública ba Desenvolvimento Projeto Abastecimento Be'e Mos no Saneamento iha Capital Municipio"

Dia: 08 de Dezembro de 2020

**LISTA PREZENZA**

Suco Home - Municipio Lospalos

NO	NARAN	SEXO		INSTITUISAUN/POZISAUN	SUCCO/ALDEIA	NO CONTACTO	ASSINATURA
		F	M				
1	Leir dos Fontes		✓	Xefe suco	Larinatcha	78490745	[Signature]
2	Carmela Fernandes	✓		Comunidade	Larinatcha	78328550	[Signature]
3	Gilberto Fernandes		✓	-	Larinancha	75418486	[Signature]
4	ERCILIA: Fernandes	✓		delegada	Larinatcha		[Signature]
5	Anicio de Jesus		✓	Delegado	Reisoru	75345913	[Signature]
6	Alarico Da Costa		✓	Comunidade	Larinatcha	—	[Signature]

			Aldeia	Região		
7	Cambeito da Costa	M	Beisaru	Agilfoa	--	
8	Augusto	V	--	Juventude	--	
9	Pedro	M	Larinatcha	Juventude	--	
10	Manuel da Costa	M	--	Professor	--	
11	João Xavier	M	--	Xefe Aldeia	76661079	
12	OSCAR CELESTINO DUC.	M	--	VETERANOS		
13	DOMINGUS D. COSTA	M	--	COMUNIDADE		
14	Miguel Fernandes	M	--	--		
15	JV PINTO	M	--	--		
16	ACAPITO FLORES	M	--	--		
17	Simo Da Costa	M	--	--		
18	Raimundo da Costa	M	--	Comunidade		
19	JUSTINO FERNANDES	M	LARINACHA	--		
20	EURICO - PINTO	M	Larinacha	comunidade		
21	Zeca Fernandes	M	Larinacha	professor		

			Aldeia	Povoação	
22	Americo dos Santos	M	Larinacha	Comunidade	
23	MATUELO DOS SANTOS	M	Li Laputau	— " —	
24	Cesaltina Pereira	F	Larinacha	<del>— " —</del>	
25	Adelina Alves	F	— " —	— " —	
26	Ana Rosa da Silva	F	— " —	— " —	
27	Jurita Esteves	F	— " —	— " —	
28	Alvina Viana	F	— " —	— " —	
29	Herminia Fernandes	F	— " —	— " —	
30	Margelia Pereira	F	— " —	— " —	
31	Amalia das Dores	F	Tchenuloru	Komunidade	
32	Rianly Ximenes	F	— " —	— " —	
33	Sedonia T. S. Belo	F	Reisoru	— " —	
34	Euf. Lagamei	M	Reisoru	— " —	
35	Elena Fernandes	F		— " —	
36	Miguelina da Cruz	F	Reisoru	— " —	
37	Lina Alves	F	Larinacha	— " —	

			Aldeia	Página		
38	Celina da costa	F	Larinacha	Estudante		And
39	Julina Da costa	F	Larinacha	Estudante		JH
40	Rozina cristovão	F	Larinacha	comunidade		JH
41	Sabina sabana sr	F	Larinacha	comunidade		SFS
42	Aucelia do santos	F	Larinacha	comunidade		Rox
43	Mariana Fernandes	F	Larinacha	Comunidade		Mely
44	JUSTINA Fernandes	F	Larinacha	Comunidade		JH
45	Juliana da costa	F	Larinacha	Comunidade		JH
46	ALda dos santos	F	LARINACHA	Comunidade		Rox
47	JOANINHA DE	F	LILAPUHO	—		JH
48	REGINA PEREIRA	F	LARINACHA	—		Rox
49	ROZILDA DA SILVA	F	LARINACHA	—		Rox
50	Regina dos santos	F	Lilapulo	Professora Comunidade		Rox
51	Netencia Isulino da c-Munteiro	F	Larinacha	Professora		JH
52	Martino fernandes	M	—	Comunidade		MZ
53	Clemente Prabola	M	Larinacha	Comunidade		JH

			<del>Residência</del>	<del>Residência</del>		
54	Alarico Fernandes	M	Comunidade	Larinacha		<del>AB.</del>
55	INES FAUSTINA	F	DELEGADA	LILAPUHU		<del>fun</del>
56	EMILIO GONCALVES	M	<del>de</del> LILAPUHU	KOMUNIDADE		<del>Euf</del>
57	Matheus Pereira	M	Laisou	Comunidade		<del>g</del>
58	<del>Isso</del> Sousa Da Costa	f	Comunidade	- - -		<del>Isid.</del>
59	Olivia Fernandes	m	Larinaca	- - -		<del>ad</del>
60	Sulcia Munteruru	<del>fu</del>	Larinaca	- - -		<del>uf</del>
61	Ana Fernandes	†	Larinaca	- - -		<del>Ad</del>
62	Agripina Fernandes	†	Larinaca	- - -		<del>Ad</del>
63	Mariana Fernandes	†	Larinaca	- - -		<del>sef</del>
64	Rafaelina Fernandes	†	Larinaca	- - -		<del>Bas</del>
65	Vitoria Fernandes	F	Larinaca	- - -		<del>g</del>
66	Merliana Fernandes	†	Larinaca	- - -		<del>uf</del>
67	Lucitania Fernandes	†	Larinaca	- - -		<del>uf</del>
68	Vitoria Da Costa	†	Reisou	- - -		<del>sef</del>
69	Branca nebes	†	Larinaca	- - -		<del>Bas</del>





Plate 12 -Public Consultation in Suco Fuiluro



Plate 13- Public Consultation in Suco Home





Plate 14- Transect walk photo documentation

## Appendix 8- Notice of Cut-Off Date



República Democrática  
de Timor-Leste

Classification: INTERNAL



Ministério das Obras Públicas

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Ref: 357...../C50605/DGAS/XII/2020

Date: 4 December 2020

**To: Mr. José Vilanova Pires**  
**Director of SMASA Lautém**  
**Lospalos**

**CUT-OFF NOTICE**

In relation to the

**Water Supply and Sanitation Investment Project in Same**

**CUT-OFF DATE FOR PROPOSED PROJECT : 4 DECEMBER, 2020**

This notice is to inform the intention to develop a water supply and sanitation project in this area. This will be a joint project between Directorate General for Water and Sanitation (DGAS) and the Asian Development Bank (ADB).

While the design is not yet finalized, surveys are ongoing and in this phase of the project small parcels of land have been identified that **may** be required for the project. Although this is not final at this time, DGAS has issued this formal notice on this day 4 December, 2020.

Pursuant to the policies required by the ADB, the status of affected properties, inclusive of all structures (private and public/ physical and economic), crops and trees **on or before the cut-off date**, is to be inventoried and documented in accordance with national guidelines for proper compensation. All improvements or enhancements made after the cut-off date are not eligible for compensation.

Further consultations, information regarding compensation and project benefits will be disclosed during public consultations once project design is complete.

Signed by :



**Gustavo da Cruz**  
Director General

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## Appendix 9 – Gap Analysis

Issues	ADB's SPS (2009)	Timor-Leste Laws on Land Acquisition and Resettlement	Gaps between ADB's SPS (2009) and Timor-Leste Laws	Gap Filling Measures
<b>Objective</b>	Avoid involuntary land acquisition resettlement wherever possible. Minimize involuntary resettlement by exploring protect and design alternatives.	There is no explicit reference to the need for avoidance or minimizing of resettlement impacts.	Timor-Leste Laws do not have the provision of avoiding or minimizing the involuntary resettlement impacts	The Resettlement Plan includes measures to avoid or minimize land acquisition and resettlement impacts of the Project.
<b>Project screening</b>	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.	<ul style="list-style-type: none"> <li>Articles 19 and 21 of Expropriation Law call for conducting a cadastral survey, social impact assessment and resettlement plan where land being expropriated involves residential households.</li> <li>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.</li> </ul>	There are no specific requirements for a census or cut-off date for entitlements under the Timor-Leste Laws.	The Project impacts will be identified based on early screening, survey/census, cut-off date, and assessment of impacts.
<b>Consultation</b>	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	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	<p>Consultations are only required at the planning stage.</p> <p>There are no specific provisions on preparing and implementing resettlement plans based on meaningful consultations with DPs, including the poor, landless, elderly, women and other vulnerable groups and no</p>	Consultations are conducted on an ongoing basis with stakeholders including DPs. Development of mitigation measures will take into consideration the needs and views of stakeholders and those affected.



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	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.	hearings. The Expropriation Law provides for information to be provided to DPs before expropriation occurs. Once the report on the public consultation results is published, a social impact study and property survey of DPs is carried out.	requirements of public consultation and public engagement during implementation under the Timor-Leste Laws.	
<b>DPs without titles to land or any recognizable legal rights to land</b>	Ensure that DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	Decree No. 06/2011 on compensation for resettlement authorizes the payments of compensation to unlawful occupants of state property to resettle elsewhere.	According to the Timor-Leste Laws, payment of compensation to unlawful occupants of state property is not mandatory.	DPs 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 affected non-land assets such as dwellings and structures. However, the eligibility of the DPs without titles to land will be defined by a cut-off date. Any informal settlers who encroach on the project area after the declaration of the cut-off date are not eligible for any compensation.
<b>Compensation at full replacement cost</b>	The calculation of full replacement cost will be based on the following: elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable	The Expropriation Law stipulates requisitioning and expropriation of property for public purposes shall only take place following fair compensation in accordance with the law. The Expropriation	There is no explicit guidance provided on how to determine fair compensation and/or replacement costs and no requirement for third party validation to appraise the	An independent and qualified replacement cost appraiser will be engaged by the PMU to assist the NDLPSCS in appraising the replacement cost of affected land and other assets.

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	payments, if any. Depreciation of structures and assets should not be taken into account	Law requires that land expropriation should follow principles of justice and equality on account of ensuring that expropriation must ensure that the standard of living of DPs is equal to or higher than the one prior to compensation. The Expropriation Law is also required to guarantee fair compensation based on market value. The NDLPSC has the mandate and responsibility to assess the value of land and related assets.	replacement cost of affected land and other assets.	
<b>Compensation for loss of income</b>	The loss of income or livelihood sources will be compensated promptly at full replacement cost.	Legal provisions are deficient to recognize entitlements for loss of incomes and means of livelihood due to land acquisition	There is no specific provision on entitlements for loss of income and livelihoods under the Timor-Leste Laws.	Households whose income or livelihood sources will be affected by the Project are entitled to compensation for income loss. Affected business regardless of status of business registration will be compensated for the lost net income from the affected business.
<b>Assistance for physically displaced households</b>	In the case of physically displaced persons, the borrower/client will provide (i) relocation assistance, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, and civic	The Expropriation Law allows compensation for lost assets.	Timor-Leste Laws do not provide for any specific assistance including transitional support and development assistance to DPs other than offering compensation for lost assets.	All displaced persons will be entitled to relocation assistance such as transportation assistance, transitional assistance and other resettlement measures as necessary and eligible to participate in the Income

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<b>Assistance Vulnerable People</b>	<p>infrastructure and community services as required; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) opportunities to derive appropriate development benefits from the project.</p> <p>for Improve the standard of living of displaced persons and other vulnerable groups, including women, to at least national minimum standards, and assist them with legal affordable land, adequate housing, and appropriate income sources.</p>	Article 10 of the Expropriation Law obliges the government to take the necessary measures to ensure the adequate information, consultation and participation of vulnerable groups, and promote the right to equality and non-discrimination, but without elaboration on what measures required to reach these outcomes.	Timor-Leste laws do not prescribe specific measures for improvement of living standards to national minimum standards, nor for restoration of livelihoods, or access to income generating sources, and there are no specific measures to be taken for vulnerable people.	<p>Restoration Program of the Project.</p> <p>Vulnerable affected households are eligible to participate in the Income Restoration Program of the Project.</p>
<b>Income Restoration Program</b>	<p>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</p>		The Timor-Leste Laws do not elaborate the option and implementation of assistance and livelihood restoration for the affected households.	Severely affected households who lose 10% or more of total productive land and assets and/or have to relocate and vulnerable affected households are eligible to participate in the Income Restoration Program of the Project.

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<b>Compensation payment</b>	<p>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.</p> <p>All compensation and resettlement entitlements must be provided before any displacement or commencement of works.</p>	<p>Article 41 of the Expropriation Law requires that (i) takeover of expropriated land cannot occur until: a) public notice of expropriation has occurred; b) list of assets has been drawn up; c) resettlement plan has been implemented; d) replacement land as agreed by DPs has been provided free of charge; e) Fair compensation to DPs has been deposited with a banking institution; (ii) DPs are granted a reasonable period of time to vacate expropriated property, not to exceed ninety days.</p>	<p>There is no specific mention of works in the Expropriation Law but possession of expropriated land by the Government not permitted until Resettlement Plan and other fair compensation have been implemented.</p>	<p>Civil works contracts will not be awarded for a specific component or geographic area until (i) compensation and assistance have been paid in full to the affected households and communities; (ii) relocation has been completed and the Income Restoration Program for the severely affected households and vulnerable affected households is in-place; and (iii) the area is free from any encumbrances.</p>
<b>Grievance redress mechanism (GRM)</b>	<p>Establish a GRM to receive and facilitate resolution of the DPs' concerns and grievances regarding the project's environmental performance.</p>	<p>The Expropriation Law suggests disputes over expropriation process to be handled through normal administrative and court processes.</p>	<p>Under the Timor-Leste Laws, there is no specific requirement of a project-level GRM to be established, including roles and responsibilities and documentation of grievances.</p>	<p>A project level GRM will be established in consultation with the affected households and communities to resolve complaints regarding land acquisition, compensation, assistance and resettlement of the Project.</p>

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<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.	As regulated by the Laws, NDLPSC and project proponents have the responsibility to monitor land expropriation processes.	There is no provision on external monitoring of resettlement implementation and post-implementation evaluation to assess whether the objectives of the Resettlement Plan have been achieved under Timor-Leste Laws.	The PMU will undertake internal monitoring on land acquisition and resettlement.  Monitoring reports will be shared with relevant stakeholders and uploaded on the ADB and EDTL's websites for disclosure.
<b>Resettlement Plan Preparation</b>	Prepare a Resettlement Plan elaborating on displaced persons entitlements, income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation plan.	Article 21 of the Expropriation Law calls for a social impact study and resettlement plan to be developed to mitigate adverse effects and to compensate for the losses due to expropriation, based on social impact assessment and consultations with DPs. Resettlement plan is to include: (i) different alternatives to housing for stakeholders to choose from; (ii) mechanisms for restoration of income and lost livelihoods; (iii) timetable for plan's implementation; (iv) estimation of costs of implementing different alternatives; (v) supervision mechanisms for implementation of the relocation plan.	There are no specific details of how requirements of the plan are to be developed and carried out, including institutional arrangements or time-bound implementation plans under Timor-Leste Laws.	A Resettlement Plan will be prepared if there is land acquisition and resettlement by the Project covering displaced persons entitlements, income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation plan.



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<b>Disclosure of Resettlement Plan</b>	The draft Resettlement Plan, including documentation of the consultation process, must be disclosed in a timely manner before project appraisal (in an accessible place, and a form and language understandable to DPs and other stakeholders.) The final Resettlement Plan must also be disclosed.	The Expropriation Law requires prior public notice of consultation phase including availability of project documents. Consultations are held in "simple and adequate" language, and minutes taken of stakeholder questions and comments, and publication of public consultation report following consultation.	There are no specific government requirements on how and where disclosures of public consultation reports and/or resettlement reports are to be made.	Requirements on information disclosure will be specified in the Resettlement Plan. Before submitting to the ADB and after acceptance of ADB on the Resettlement Plan, the document in the Timor Leste language will be posted in accessible public areas and sent to the relevant agencies and community leaders. A summary of the final Resettlement Plan will be provided to the community leaders. The final Resettlement Plan will also be uploaded to the websites of ADB