

# **Updated Resettlement and Ethnic Group Development Plan**

**Democratic Republic of Timor-Leste  
Water Supply and Sanitation Investment Project**

**Viqueque Subproject**

**Asian Development Bank  
Loan number: 53395-001**

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## CURRENCY EQUIVALENTS

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

## ABBREVIATIONS

ADB	-	Asian Development Bank
AP/AH	-	affected person/affected household
BTL	-	Bee Timor-Leste
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 (REGDP).
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, and in the absence of such recent land sales, based on similar location attributes;</li> <li>iii) Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;</li> <li>iv) Annual crops equivalent to the highest production of crop over last three years multiplied by the current market value of crops;</li> </ul>

		<ul style="list-style-type: none"> <li>v) Perennial crops and trees based on current market value per the type, age, diameter at breast height and productive capacity; and</li> <li>vi) Other assets (i.e., cultural, aesthetic) based on current market value for repairing and/or replacing assets or the cost of mitigating measures.</li> </ul>
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.

### NOTE

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## EXECUTIVE SUMMARY

### Background

The project will support the Government of Timor-Leste to provide safe, reliable, and affordable water supply to the 15,000 urban households in participating cities. 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 new public water utility BTL (Bee Timor Leste), in project implementation and operations and maintenance (O&M). The project is in line with the government's Strategic Development Plan Strategy (2011–2030). 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 (DMAs); (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.

### Scope of Impacts

There are 12 affected households in Viqueque, none are expected to be severely impacted as losses of access to productive land are minimal (total 2,970m<sup>2</sup>) and further losses are confined to secondary structures and 1211 trees. The land is customarily held and used for grazing with some trees that are claimed by individuals. Significant amounts of land remain available for grazing in the area adjacent to existing locations.

The safeguard category for involuntary resettlement is B. The project aims to maintain most infrastructure on unencumbered state public land. Pipelaying will occur within state-owned roads with minimal impact corridors. The safeguard category for Indigenous Peoples is B and therefore this REGDP has been developed for Viqueque and was updated in October 2023 based on the DED and verification from Department of Land and Property, Ministry of Agriculture and the Building Department.

### Vulnerability and Ethnic Groups

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 as 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.

According to the ADB criteria, there are two vulnerable HHs whose income places them below the poverty line.

### Resettlement Costs

The estimated cost of implementation of this plan is **\$53,108.20 USD** including all compensation and allowances. All compensation and allowances will be paid by the government prior to construction impacts. Any unforeseen impact during the physical implementation of the project will be covered using the same principal of this updated REGDP.



## I. INTRODUCTION

### A. Background

1. The Government of Timor Leste proposes to address both water supply and sanitation service levels in three (3) 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, households will have new toilets available in public places in the cities. 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 BTL and the participating cities in developing and approving an Institutional Development Roadmap that will guide the transition of service providers to one autonomous institution. At the sector-level, it will support BTL in establishing planning and service delivery guidelines on water supply and sanitation. As part of improving the regulatory environment, women's participation in the sector will be encouraged, including engagement with local universities to promote education for women in water engineering and/or relevant disciplines.

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

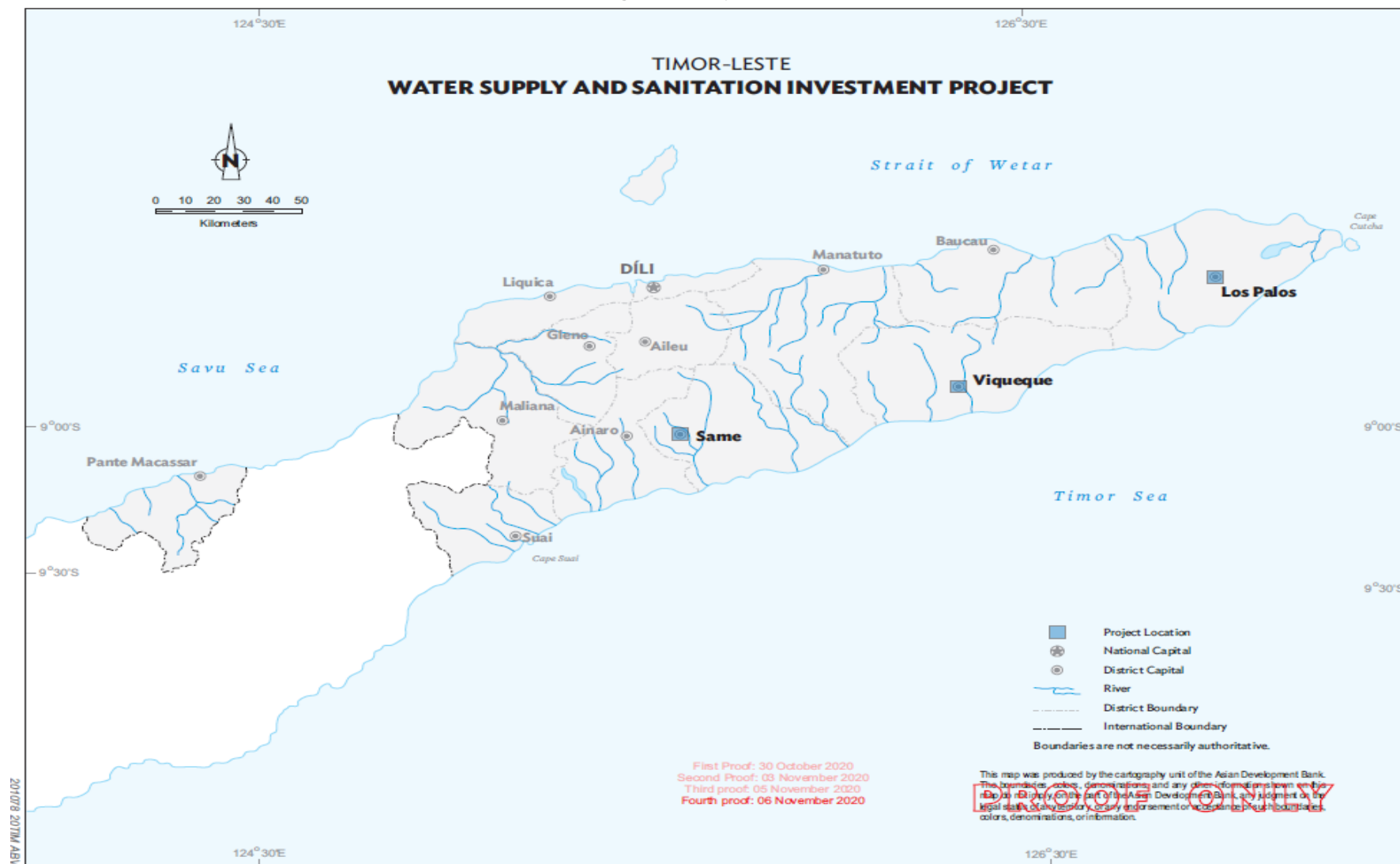
5. **Output 3: Institutional effectiveness improved.** To ensure that infrastructure created can deliver services efficiently, the project will enhance BTLs capacity to plan, deliver, operate, and maintain water supply and sanitation infrastructure over a long-term period. The project will support delivery of an Institutional Development Roadmap, which will also consider information and communication technology components appropriate to the environment and implement digital solutions to improve efficiencies in public service management

### C. Focus of the Updated REGDP

6. This Updated REGDP will focus on the results of the socioeconomic profile of the AHs in Viqueque, including the scope and description of resettlement impacts and the entitlements due to these AHs, public consultations held, and the amount needed to pay AHs their compensation and allowances. This was updated following approval of the final Detailed Engineering Design in March 2023 and verification from Department of Land and Property, Ministry of Agriculture and the Building Department that was conducted in September 2023.

7. This document 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 1 - Project Locations





## E. Measures to Minimize Adverse Social Impacts

8. Efforts have been made to reduce the resettlement impacts by the following actions;
- i) Alignment of project components along existing structures such as roads and existing water system infrastructure
  - ii) Public consultations and due diligence to ensure minimal impact on private land and structures

## F. Land Ownership Due Diligence Results

9. Project impacts were assessed using a field survey of all planned project infrastructure, transect walks within affected areas and information of use and ownership was confirmed by 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 Appendix 1.

10. Transect walks were conducted along the alignment of the existing pipes and the community members reported that the pipe systems from Loihuno spring to the main town center were built during the Indonesia occupation.

11. Most of the lands in the urban areas are claimed as customarily held, based on the information gathered from the community during the transect walk land ownership 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. And were verified by PMU consultant for resettlement in August 2023 This verification was carried out in conjunction with department of Land and Property and the Ministry of Agriculture.

**Table 1 – Project Components Due Diligence**

Project Components	Physical site		Site ownership		Comments
	Area ('000 m2)	Date Visited	Public	Private	
Intakes – All existing structures will be improved.					
Loihuno Spring	0.0250		√		With existing structures (Intake, transmission pipes (please refer to Plate 1) Members of the community near the vicinity of the spring also confirmed that the location is public land
Cuha River intake	0.6850	12-12-20	√	√	The intake is in middle of River Cuha The water treatment facility is located in a land claimed as customary (please refer to Plate 2)
Raw Water Transmission (Length x 0.6m-width)					
Loihuno Spring - Second BPT			√		Transmission pipes will run along the road corridor
Second BPT - Main Tank			√		
River intake - Raw water tank	0.4860		√		
Raw water tank - WTP			√		
WTP - Main Tank	0.1440		√		



Project Components	Physical site		Site ownership		Comments
	Area ('000 m2)	Date Visited	Public	Private	
<b>Water Treatment Plant (WTP)</b>	8.8208			√	Land is claimed as customary (please refer to Plate 3) Members of the community who were present during the visit confirms that the AH are actual users and claimant of the land.
<b>Reservoirs (including pump stations)</b>					
Main Tank	0.9207			√	Land is claimed as customary law (please refer to Plate 3) Members of the community who were present during the visit confirms that the AH are actual users and claimant of the land.
Loihuno Tank	0.0100		√		Members of the community near the vicinity of the spring also confirmed that the location is a public land (please refer to Plate 4)
West Tank and pumping station	1.0036			√	Land is used by 3 AH based on customary law (please refer to Plate 5) Members of the community who were present during the visit confirms that the AH are actual users and claimant of the land.
North East Tank	0.8963			√	Land is claimed by 2 AH as private based on customary law (please refer to Plate 6) Members of the community who were present during the visit confirms that the AH are actual users and claimant of the land.
South East Tank	0.5364			√	Land is claimed as customary law (please refer to Plate 7) Members of the community who were present during the visit confirms that the AH are actual users and claimant of the land.
<b>Treated Water Transmission Mains (Length x 0.6m-width)</b>					
Main tank - bifurcation to West Tank	1.5240		√		Transmission pipes will run along the road corridor
Connection to West Tank	1.6680		√		
Bifurcation to West Tank - Bifurcation to North East Tank	7.4280		√		
Connection to North East Tank	9.4830		√		
Connection to South East Tank	11.4720		√		
<b>Distribution network (Length x 0.6m-width)</b>	16.7903		√		Distribution pipes will run along the road corridor

Project Components	Physical site		Site ownership		Comments
	Area ('000 m2)	Date Visited	Public	Private	
<b>STP</b>	10.0925		√		Members of the community who were present during the visit confirms that the land is a communal land (please refer to Figure 11)
<b>Public Toilets</b>					
Public toilet 1 (Carubalo)	0.1400		√		Location is within the Church-owned land accessible to the town center (please refer to Figure 12)
Public toilet 2 (Carubalo)	0.1400		√		Location is within the new location of the market (please refer to Figure 13)
Public toilet 3 (Carubalo)	0.1400		√		Location is within the perimeter of the Suco Center (please refer to Figure 14)
Public toilet 4 (Uma Quic)	0.1400		√		Location is within the perimeter of the Suco Center (please refer to Figure 15)

## II. PROJECT IMPACTS

13. There are 12 affected households in Viqueque, none are severely affected as restrictions to land is minor or does not significantly contribute to livelihood income. Other losses are confined to fences, trees and crops which will be compensated for.

### A. Affected Landholdings

14. No AH is severely impacted as there is no land acquisition or restriction of access to land over 10% of productive value to the household.

Table 2 - Summary of Impacts

No	Project Element	HH ID	HH Name
1	FSTP	V1	Juliana Soares
2	FSTP	V2	Antonio Freitas
3	Northeast Tank / Access road	V3	Miguel Soares
4	Northeast Tank / Access road	V4	Inacio Soares
5	Northeast Tank / Access road	V5	Tiago Viana X. Soares
6	Northeast Tank / Access road	V6	Arlindo Andre S. O. Salsinha
7	South East Tank	V7	Martinho Soares
8	River Intake	V8	Atanacio Rangel
9	West Tank (Pemancar)	V9	Mario (Representing)
10	Loihuno Tank	V10	Mario (Representing)
11	WTP	V11	Januario de Jesus Soares
12	WTP	V12	Vasco Viana

### B. Affected Main Structures

15. There are no anticipated impacts on primary structures

### **C. Affected Secondary Structures**

16. 38m of a fencing structure will be impacted.

### **D. Affected Fruit and Timber Trees**

17. There 12 Housheolds who will lose a total of 1,211 trees and plants due to restrictions to land as indicated in the table below. There are two areas where trees have been reported to be privately owned on customary land. A full inventory of these trees have been taken and when the owner can be verified these can be compensated for. As many Timorese from this area are living and working elsewhere this can be a challenge.

### **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.

Table 3 - Tree Impacts by HH

HH ID	Banana	Orange	Lemon	Jack fruit	Guava	Papaya	Taro	Coconut (b)	Coconut (s)	Chili	Cassava	Mango	Teakwood (b)	Teakwood (m)	Teakwood (s)	Mahoney (b)	Mahoney (m)	Mahoney (s)	Gemelina (b)	Gemelina (m)	Soursop	Kami'i	Total
V1	56				7	1	37	8		7				3					7	3			129
V2	1	9	1				51	9					11	21	12				4				119
V3							15	5					57	28	83								188
V4													78	58	36								172
V5							7	1					18	12	21								59
V6				2			131	4							5								142
V7	1										8		21	35	24	21	35	47				1	193
V8								11	4														15
V9								23				2	16	5	9						35	8	98
V10				2			26	2				1										1	32
V11								5				4											9
V12												4	8	12	31								55
	<b>58</b>	<b>9</b>	<b>1</b>	<b>4</b>	<b>7</b>	<b>1</b>	<b>267</b>	<b>68</b>	<b>4</b>	<b>7</b>	<b>8</b>	<b>11</b>	<b>209</b>	<b>174</b>	<b>221</b>	<b>21</b>	<b>35</b>	<b>47</b>	<b>11</b>	<b>3</b>	<b>35</b>	<b>10</b>	<b>1211</b>



## 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 Updated 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 project.

**Table 4 - Summary of Impacts by Asset**

No	No of HHs	Particulars	Unit	Total
1	3	Land (Access)	m <sup>2</sup>	2,970
2	1	Fence	m	38
3	6	Fruit trees	no	126
4	11	Timber trees	no	731
5	9	Palm trees	no	72
6	7	Plants	no	282

23. All impacts are as stated by project preparation consultants. These were verified in March 2023 and again in August 2023 along with the Department for Land and Property and Ministry of Agriculture and resulted in this Updated REGDP. All affected Households will lose trees, some of which are timber trees, fruit trees, chilli plants and beetlenut plants are also expected to be impacted.

24. All impacts are as stated by project preparation consultants. This Updated REGDP has been updated based on the final DED and DMS that was carried out in April 2023.

## H. Categorization

25. The safeguard category for involuntary resettlement is B. There are impacts on 12 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 negatively categorise people 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>1</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 5 - ADB SPS Criteria for IP Categorisation**

<b>ADB SPS Criteria</b>	<b>Project Status</b>
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.
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.

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

<sup>1</sup> ADB SPS (2009)

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 Updated REGDP and will inform the customary water management plans that are contained in this document (Section XX)

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 DMS2 and a survey (SESAH3) covering all HHs in Viqueque was conducted between December 4 to 6, 2020. The survey was updated in September and October 2023 based on the final DMS and verification of the IOL. This led to some changes in AHs and their status as the original data was collected during the pandemic and economic conditions are more stable when compared to 2020.

36. 2 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

#### A. Basic Information on the AH Heads

37. Average household size was 5.6. As in the other municipal locations, many families reported having family members working overseas or in Dili. Viqueque had a high proportion of hardwood trees which need little maintenance and can be used for cash when needed.

Table 6 - Household Information

Project Component	Household ID	Name of Head of AH	No of APs
FSTP	V1	Juliana Soares	7
FSTP	V2	Antonio Freitas	6
Northeast Tank / Access road	V3	Miguel Soares	5
Northeast Tank / Access road	V4	Inacio Soares	8
Northeast Tank / Access road	V5	Tiago Viana X. Soares	7
Northeast Tank / Access road	V6	Arlindo Andre S. O. Salsinha	6
South East Tank	V7	Martinho Soares	6
River Intake	V8	Atanacio Rangel	5
West Tank (Pemancar)	V9	Mario (Representing)	0
Loihuno Tank	V10	Mario (Representing)	0
WTP	V11	Januario de Jesus Soares	5
WTP	V12	Vasco Viana	6

#### B. Socio-economic status

38. As can be seen from the table below the primary occupation of the AHs is farming.

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

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

**Table 7 – Summary of HH income**

HHID	Name of Head of HH	No of APs	Monthly Income		Per Capita Income	Vulnerable HH
V1	Juliana Soares	7				
V2	Antonio Freitas	6				
V3	Miguel Soares	5				
<b>V4</b>	<b>Inacio Soares</b>	<b>8</b>				<b>Poor HH</b>
V5	Tiago Viana X. Soares	7				
V6	Arlindo Andre S. O. Salsinha	6				
<b>V7</b>	<b>Martinho Soares</b>	<b>6</b>				<b>Poor HH</b>
V8	Atanacio Rangel	5				
V9	Mario (Representing)	0				
V10	Mario (Representing)	0				
V11	Januario de Jesus Soares	5				
V12	Vasco Viana	6				

### C. Income of the AHs

39. As can be seen from the table below five AHs reported a regular salary. Forestry and agriculture are important livelihood activities. Trading and farming are also common activities.

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

41. All households reported holding livestock for home consumption. This was raised as an issue for water during the focus group discussions with women who reported that they were responsible for care of livestock.

**Table 8 - Primary Income Source**

Household primary income source (Monthly)												
HH ID	Salary or wage			Farming			Trading			Pension from gov.		
	M	F	Amount	M	F	Amount	M	F	Amount	M	F	Amount
V1							1				1	
V2							1				1	
V3	1						1					
V4	1											
V5	1						1					
V6							1					
V7	1											
V8							1					
V9												
V10												
V11				1								

<sup>4</sup> Timor-Leste Survey Of Living Standards-3

Household primary income source (Monthly)												
	Salary or wage			Farming			Trading			Pension from gov.		
HH ID	M	F	Amount	M	F	Amount	M	F	Amount	M	F	Amount
V12	1											

Table 9 - Secondary Income Source

	Salary or wage			Farming			Trading			Pension		
HH ID	M	F	Amount	M	F	Amount	M	F	Amount	M	F	Amount
V1				1						1		
V2				1						1		
V3				1								
V4					1					1		
V5												
V6				1								
V7					1							
V8				1						1		
V9												
V10												
V11				1						1		
V12					1							

#### D. Land Ownership

42. Land ownership and use in rural TL is governed by customary systems with parallel emerging legislative frameworks. Customary land is widely accepted and acknowledged and whilst there are efforts to formalize this in the project areas, documents are lacking. Therefore claims on land that are confirmed during community and household consultations will be accepted as valid claims on land. The issue of customary land is further explored in section IV

#### E. Water Supply and Sanitation

43. All of the surveyed AHs reported having a pour flush toilet, All of these were outside the house.

44. Water use indicated that five AHs buy bottled water as they use rainwater for cooking when the a public tap / standpipe was not available.

#### F. Vulnerable Households

45. According to the agreed criteria, there are two HHs who reported income below the poverty line and is therefore considered to be vulnerable.

## **IV. LEGAL FRAMEWORK**

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

46. 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 20th of May 2002.

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

48. 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.

49. 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.

50. 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.

51. 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).

52. 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".

### **B. Customary Law**

53. 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).

54. Despite shared beliefs, the origin of a clan is more relevant than origin of a language or different group. With clans believing land to be given to them by a mythical first settler. That land is passed down within generations do not always align with the boundaries put in place by formal government systems but is generally understood and known by the communities themselves.

55. Elders in the community play an integral role in conflict resolution in the customary justice system at the hamlet (aldeia) or village (suco) level. Tara bandu are recognized as a traditional framework of laws of communities in Timor-Leste. They regulate the relationships between 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)

56. 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).

57. 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.

58. 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.

59. 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.

### **C. Customary Water Management Plan**

60. The concept of Community Water Management Plans were therefore included in the original REGDP and envisaged to cover;

- 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.

61. Elders in the community also play an integral role in conflict resolution in the customary justice system at the hamlet (aldeia) or village (suco) level. Tara bandu are recognized as a traditional framework of laws of communities in Timor-Leste. They regulate the relationships between people and the environment, promoting traditional environmental protection and management, through the control of, access to and use of natural resources.

62. 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)

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65. In March 2023 further consultations were held with community leaders, spiritual leaders and clan elders. This was facilitated by a National expert on Indigenous Peoples land policy and issues who provided the following background on the belief systems of Timorese people



66. Before the arrival of Europeans to the island of Timor, local people already had a sophisticated belief system which centered around the idea of fertility. The prominent figure of that system is a female-fertility goddess called “Maromak” (the mother of the enlightened one). All things that have fertility values to support or give life centered around Maromak, such as land, water, lakes, rivers, forest, trees, hills, rocks, etc. For this reason, Timorese still treat natural resources as a living entities which must be respected.

67. Timorese attribute ‘lulik’ – meaning sacred, holy or forbidden to all important natural resources. This is the reason why land is considered rai-lulik (sacred land), bee lulik (sacred water, ai-lulik (sacred tree), foho-lulik (sacred hill), etc.

68. For the above reasons, natural resources must be respected and permission though animal sacrifices in ceremonies is required when accessing these resources. The objectives of the ceremonies are four fold. First, to show respect to the resources itself, such as land, tree, water, hills, etc. Secondly, to seek forgiveness for disturbing the life of micro-organisms that live on these resources. Thirdly, to respect the spirits of the ancestors who now reside in the unseen world. Fourthly, to show gratitude to Maromak who provided to humans her fertility values.

69. Timorese believe that there are consequences for disrespecting natural resources. Disregarding resources will upset the creator or fertility goddess. Because the belief system is centered around the idea of fertility, the sanctions for disregarding the fertility goddess will cause infertility to human in the form of sickness, death, natural disaster, war and conflicts, failed harvest, long dry season, dry spring, illness or death of livestock, etc.

70. These are the reasons why Timorese conduct ceremonies when accessing natural resources such as land, springs, rivers, lake, etc. Even to harvest corn and rice, ceremonies must be conducted to show gratitude to nature and Maromak. Spings and water sources often have recognized customary owners who are an important stakeholder and spiritual spokesperson for the clan (Extended family group) that hold the customary rights to the water source.

71. The strength of connection of Timorese to these natural resources requires contractors and especially outsiders to be respectful of the customary rules and traditions at all times. Building social capital and cccc round the new water utility and grant public support for the new systems must include this facet.

#### **D. ADB’s Safeguard Policy**

72. 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.

73. 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.

74. 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.

75. 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).

76. 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.

77. 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 REGDP 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.

78. 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. BTL 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.

79. 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 (CWMP) that will be developed. Initial consultations indicate a strong desire for improved water and sanitation.

80. In this case a combined RP and IPP has been produced and updated resulting in this Updated REGDP which contains the CWMP.

## E. Project Principles

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

**Table 10 - 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.

No.	Topic	Key Principles
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.
11	Grievance Redress Mechanism	The GRM will address affected people's concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all affected people.
12	Meaningful Consultations with specific cultural considerations	Will be carried out throughout the project cycle with full respect to local customary traditions, conflict resolution systems and beliefs

## V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

82. The first round of public consultations were held in August 2020 in the affected Sucos in Viqueque. This introduced the project and was a general briefing followed by focus group discussions. 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.

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

84. Minutes for the meeting can be found in Appendix 7. Further consultations with individual households, village elders and community leaders have been held in March 2023 and again in September 2023 with the verification of the DMS.

85. Further public consultations will be held in the lead up to construction activities. This will include schedule of construction, access to the GRM and detailed plans regarding the benefits that the new water supply will bring. Closer to commissioning of the new water supply work will need to be done to assist the community in understanding billing cycles, complaint mechanisms for operations and how to properly manage the new water supply.

**Table 11 - Public Participation Key Dates**

No.	Date/Time	Town	Activity	Locations
1	October 10 2020	Viqueque	CityLevel Consultations	City Hall

No.	Date/Time	Town	Activity	Locations
2	November 16 2020	Viqueque	Focus Group Discussions	Uma Quic
3	November 17 2020	Viqueque	Focus Group Discussions	Carubalo and Uma Uain Craic
4	December 4, 2020	Viqueque	Suco level Consultations	Suco Carubalo and Suco Loihuno
5	December 5, 2020	Viqueque	Suco level Consultations	Suco Uma Quic and Uma Uain Craic

#### A. Consultation Results

86. During the consultations with clan elders, water source customary owners and member of the community the following themes emerged.

87. The ownership of the source was well understood by all stakeholders. In the case of Los Palos, the water supplies are from bore holes with very minimal impact. An area for tank storage will be reached by an access road through a pastoral area and there is sufficient space that this will not have a livelihood impact.

88. There has been no conflict around the use of water and all stakeholders indicated strong support for the project as a lack of water has been a significant hardship for all families in the city.

89. Communities requested that labour be drawn locally in order that local customs are respected and that the project further benefits economic opportunities in the city.

90. Appropriate cultural practices, chosen by the communities have already been funded by BTL and will continue to be to the project to ensure that spiritual customs are closely followed.

## VI. GRIEVANCE REDRESSAL

91. The MPW through its PMU will established a Project Level Grievance Redress Mechanism (GRM) to receive, evaluate, and address project related complaints including construction and labor issues, from any affected individual. The purpose of the GRM is to provide a way for PAPs and other stakeholders to provide feedback and/or express complaints related to the subproject activities and for these concerns to be resolved in a timely manner.

92. The GRM must be accessible and reliable, triaged through the PSC team leader so that any systematic issues can be identified and addressed in a coordinated and timely fashion The PSC team leader will identify the most appropriate focal point to address the issue and ensure that the GRM register is maintained.

#### A. Grievance Redress Committee (GRC)

93. A Grievance Redress Committee (GRC) will be set up for the project once the PSC is mobilized. The GRC would be the tool to ensure proper presentation of grievances, impartial hearings and transparent decisions and shall be established through a gazette notification from the MPW. The female members of the GRC must participate in every hearing if the aggrieved person or PAP is female. The composition of the GRC is as below;

- GRM Administrator
- PSC Leader/Manager
- GRM focal points (Social & Gender, Environmental, GBV service provider & Engineer)
- Representatives of Contractor;
- Local authority (Suco chief)

- At least three female members if representatives are all males.
- Project Management Unit (ESU)

## B. Grievance Redress Mechanism

94. The table below sets out the mechanism which is compliant with the mechanism devised in the original REGDP and the Land Law and Expropriation Law.

**Table 12 - Grievance Redress Mechanism**

Step	Process	Duration
1	<b>Grievance reception/acceptance</b>  PAPs submits his/her grievance in person, via phone call, or via complaint box to the GRM operator and will proceed to data base recording.	1 day
2	<b>Acknowledgment and record</b>  The complainant receives confirmation that his/her grievance has been received. The grievance is entered in the database using a grievance registry form, and the PSC team leader is notified to allocate the issue to the most appropriate person / focal point	2 days
3	<b>Assessment</b>  Appropriate investigation is decided at the assessment stage. If deemed necessary, the investigation can include a risk assessment. The investigation may include follow-up meetings between stakeholders and the complainant, where an impartial party (Suco chief) is present. Minutes are recorded and added to the grievance database	5 days
4	<b>Resolution &amp; Complainant Satisfaction</b>  a. <u>Project Level Resolution</u>  Grievance focal points and its related department will provide solution to the grievance and discussed it with the PSC Manager for final approval.  If resolution is agreed <b>(Yes)</b> ; The process concludes with a written agreement signed by the complainant(s) and PSC manager  If unresolved <b>(No)</b> ; or at any stage if PAP is not satisfied the grievance will be elevated to next level	14 days max
	b. <u>Management Level Resolution:</u>  The technical unit within the PMU will provide proposed solutions in relation to the grievance and discuss it with the PMU manager for final approval.  If resolution is agreed <b>(Yes)</b> ; The process concludes with a written agreement signed by the complainant(s) and PMU manager  If unresolved <b>(No)</b> ; or at any stage if PAP is not	14 days max

Step	Process	Duration
	satisfied the grievance will be elevated to next level	
	<p>c. <u>Ministry Level Resolution</u></p> <p>PMU and the MPW coordinator refers the matter to the designated government offices (DGPW, Land Dept., Agriculture Dept., Housing Dept. &amp; MoF – Loan Unit)</p> <p>If resolution is agreed <b>(Yes)</b>; The process concludes with a written agreement signed by the complainant(s) and Minister of MPW</p> <p>If unresolved <b>(No)</b>; or at any stage if PAP is not satisfied the grievance will be elevated to next level</p>	30 days max
5	<p>d. <u>Litigation</u></p> <p>PAPs can take the matter to appropriate court</p>	As per judicial system

### C. GRC Record Keeping

95. The PSC team leader, in partnership with PMU, will keep a record of grievances received, including names and pertinent information about the PAPs, 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.

96. At any stage in the GRM, the complainant may have the option to elevate the complaint to authorized local courts for litigation following the rules of court. During the litigation of the case, the Government will request from the court that the subproject proceed without disruption while the case is being heard. If any party is dissatisfied with the ruling of the civil court, that party can elevate the case to a higher court. The Government shall implement the decision of the court. The project-level GRM should not impede access to the country's jurisdiction or administrative remedies. There are no charges or fees levied to the PAPs for the lodgment and processing of complaints.

97. All complaints should be recorded in a database. The following information will be recorded.

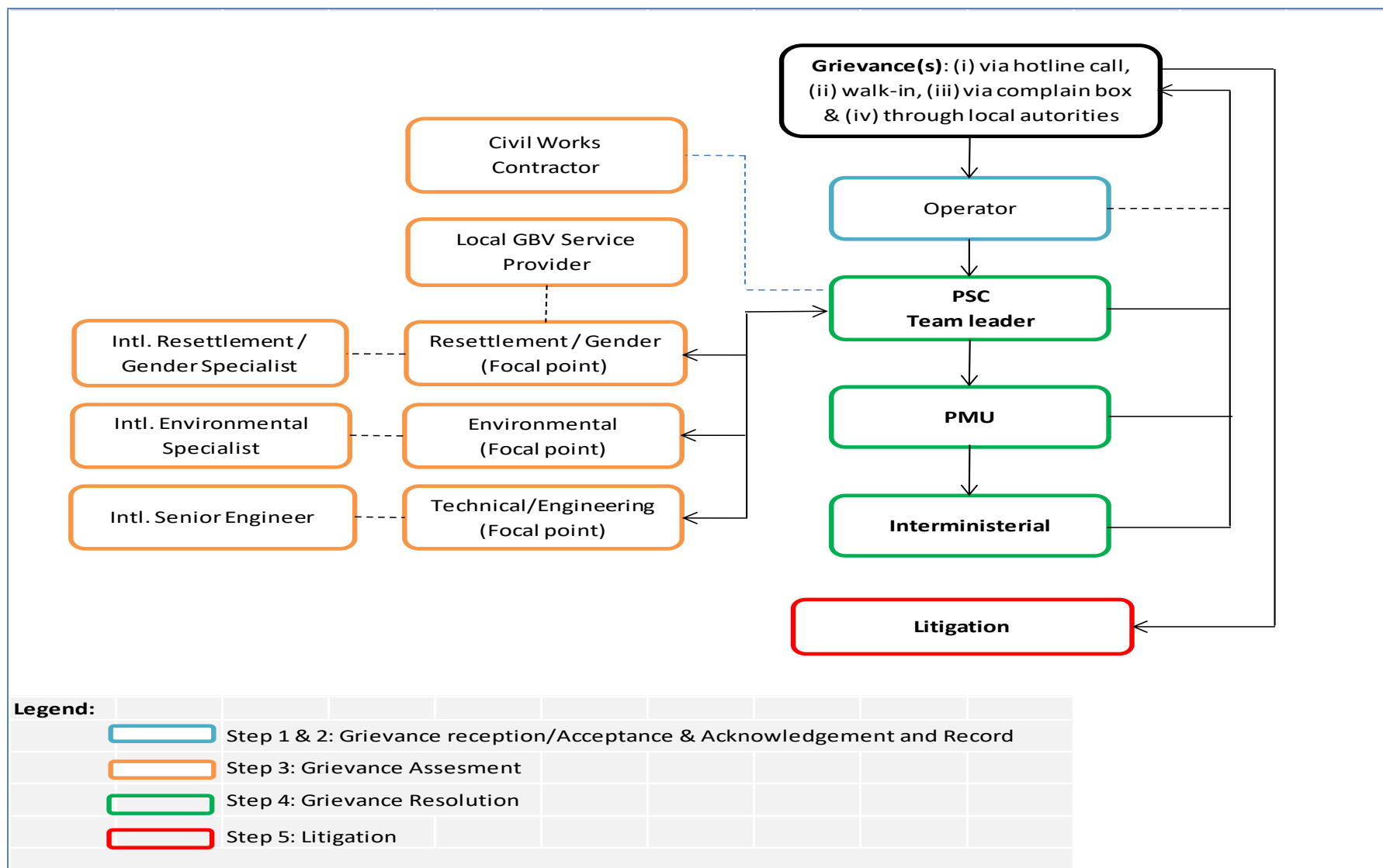
- Location of grievance
- Name of contractor
- Name of the complainant
- Spouse name
- Address and phone
- Occupation
- Date of birth
- Date and time of receipt of complaint
- Recording date of complaint
- Name of person recording the grievance
- Scope of complaint
- Category of complaint
- Type of action
- Status of grievance process (delegate, fact finding, appeals, settlement, close, unable to complete)
- Delegated units (and responsible staff) as necessary
- Status of final report
- Status of providing information to the complaining party
- Feedback status of a person who is complaining

98. A summary of this information will be included in the quarterly / Semi-annual monitoring reports which will be submitted to ADB.

99. A further refinement of this process was conducted in 2023 as part of this update.

100. 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.

Figure 3 - Project GRM





## VII. PROJECT ENTITLEMENTS

101. 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 Viqueque was disseminated on the 11th of December (Appendix 8). Notice of cutoff date was also included in DMS forms given to AHs.

102. 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.

103. Following further consultations in March 2023, the concept of customary land was explored with clan representatives, community leaders and department of land and property. It was agreed that where customary land was required for development of water sources or storage the land would not be compensated for as it has no identifiable individual owner. Any production, crops, trees or livelihood impacts based on an individual's use, this would be compensated as per the matrix with a new location for any agricultural activities identified by the clan. In all cases visited during the mission adequate, comparable locations were available for resumption of activities.

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

**Table 13 - Entitlement Matrix**

No	Type Of Loss	Application	Definition Of Entitled Person	Entitlement Policy
1	Loss of use of customary Land	Loss of land with remaining land sufficient to reorganize crops / access	Customary <b>user with a loss of crop / trees or access</b>	User will be able to choose equivalent area of land to resume activities. Full cash compensation for any livelihood impacts as set out in section 5 and 6.
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 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>

No	Type Of Loss	Application	Definition Of Entitled Person	Entitlement Policy
		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>
			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	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>

No	Type Of Loss	Application	Definition Of Entitled Person	Entitlement Policy
		remaining land. APs will be required to relocate	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>
			c) PAPs without title (squatters and encroachers)	AHs will be entitled to the following: <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>
<b>Implementation Considerations:</b> *This could be Classified as Agricultural, Residential, Commercial, Industrial and can be changed to be project specific <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.	AHs will be entitled to the following: <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)	AHs will be entitled to the following: <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	a) Legal owner of the affected structure with valid title or customary rights	AHs will be entitled to the following: <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)	AHs will be entitled to the following: <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
		reorganization.	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 as verified by Ministry of Agriculture  AHs will be entitled to \$1 USD per m2 of affected land as compensation for lost future production  Any HH (severely impacted) with more than 10% of their income lost due to impacted production will be entitled to livelihood restoration training to be determined based on HH interest
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	Relevant agencies.	Compensation in cash at replacement cost to respective agencies.

No	Type Of Loss	Application	Definition Of Entitled Person	Entitlement Policy
		center; public water tanks)		
8	Losses during transition of displaced persons / establishment	Affected Assets	Losses during <ul style="list-style-type: none"> <li>• Shifting / transport</li> <li>• Maintenance</li> <li>• Construction</li> </ul>	The AHs will be entitled to the following: <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	If the disruption continues for more than one year, PAPs will have an option to: <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>
<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 <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	All Vulnerable households will be provided the following: <ul style="list-style-type: none"> <li>- Skills training and access to</li> </ul>

No	Type Of Loss	Application	Definition Of Entitled Person	Entitlement Policy
			from ADB SPS (2009)	<p>income restoration activities to 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>

#### A. Unit Costs of Affected Assets

105. 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) Construction 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.

106. The rates used in this Updated REGDP are calculated from the government unit rates from 2022 and were verified by the Department of Agriculture and Building Department.

107. 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 this Updated REGDP.

## VIII. MITIGATIVE MEASURES

#### A. Compensation Arrangements

108. 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.

109. The contractor will be responsible for any rental arrangements for storage of materials or for any other use of private land. The subproject does not require relocation therefore no special relocation strategies are required.

110. Support for the two vulnerable households will be provided in the form of cash assistance.

## B. Gender Arrangements

111. 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.

112. 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

113. 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.

114. 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

115. 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

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

117. Based on the entitlement matrix there are two AH eligible for assistance as indicated below.

**Table 14 - Vulnerable HH Allowances**

HH_ID	Vulnerable HHs Criteria	Allowances (\$ USD)		
		Total APs	Months	Total
V4	Income below poverty line	8	1	
V7	Income below poverty line	6	1	
Total Allowances				649.18

### B. Implementation, Administration and Contingency Costs

118. Remain as in the original REGDP.

### C. Estimated Cost of Resettlement

119. The estimated total cost of resettlement for the subproject, including a 10% contingency, is calculated at **\$53,108.20 USD**.



**Table 15 – Resettlement Budget**

Resettlement Budget Items		Viqueque
<b>1</b>	<b>Detailed Measurement Survey (DMS), Assisted by the Land &amp; Property Department, National Building Department and the Ministry of Agriculture &amp; Fisheries</b>	
A	Affected Households	<b>12</b>
B	Affected Land (Used)	3 (2,970)
C	Affected Structure (Fence)	4 (200m)
D	Affected Trees and Crops	1211
<b>2</b>	<b>Replacement Cost Estimation (Government)</b>	
A	Land cost (Natl. Land & Property Dept)	\$ 0
B	Structure cost (Natl. Building Department)	\$ 400.00
C	Trees, Plants & Crops cost (MoAF)	\$ 41,291.00
<b>4</b>	<b>Income loss (IR requirements)</b>	
A	Production yield loss of crops (2 years)	\$ 5,940.00
<b>5</b>	<b>Vulnerable Households</b>	\$ 649.18
	<b>Sub Total</b>	<b>\$ 48,280.18</b>
<b>6</b>	<b>Contingency 10%</b>	\$ 4,828.02
<b>Total Budget</b>		<b>\$ 53,108.20</b>

## **X. SCHEDULE OF UPDATED REGDP IMPLEMENTATION**

**Table 16 - Implementation Schedule**

Activities	Schedule
Verification of DMS from relevant government departments	September 2023
SESAH verification	September 2023
Submission by PMU of the updated REGDP to ADB	October 2023
ADB concurrence to Updated REGDP	October 2023
Posting of the draft Updated REGDP in relevant government offices and on the ADB website	November 2023
Individual AH meetings to disclose project impacts, entitlements, and develop compensation agreements	December 2023
Payment of compensation and allowances	March 2024
ADB to issue letter of no objection once compensation complete.	April 2024
Start of civil works	October 2024
Start of internal monitoring (with quarterly progress reports)	January 2025

## **XI. INSTITUTIONAL ARRANGEMENTS**

120. This remains as the original REGDP. Full details are contained in the PAM.



## **XII. MONITORING AND EVALUATION**

### **A. Internal Monitoring**

121. 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 Updated 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.

122. 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.

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

- i) Assessing if mitigation measures and compensation are sufficient.
- ii) Identifying methods of responding expeditiously to mitigate problems.
- iii) Smooth transition between LAC activities and civil works.
- iv) The grievance redress mechanism is functioning.
- v) Safeguard contractual obligations of the civil works contractor are complied with.
- vi) Provisions of the loan covenant are met.

### **B. References**

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Palmer, L, Demetrio do Amaral de Carvalho, (2008) Nation building and resource management: The politics of 'nature' in Timor Leste, *Geoforum*, Volume 39, Issue 3,

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#### **Conference Papers**

Grenfell, Damian, Walsh, Mayra, Soares, Januario, Anselmie, Sofie, Sloman, Annie, Stead, Victoria and Trembath, Anna 2010, *Nation-building across the urban and rural in Timor-Leste : conference report*, Melbourne, Vic., 8-10 July 2009, Melbourne, Vic., RMIT University.

RMIT University (2010) , *Nation-building across the Urban and Rural in Timor-Leste CONFERENCE REPORT*

*Development Alternatives in Timor-Leste Recasting Modes of Local Engagement* Sam Carroll-Bell\* Research Coordinator, Centre for Global Research, rmit University, Melbourne, Australia

*Ambivalent 'Indigeneities' in an Independent Timor-Leste: between the customary and national governance of resources* Lisa Palmer and Andrew McWilliam University of Melbourne and Western Sydney University

## Appendix 1- Photographs of Key Locations



**Plate 1- Showing Loihuno Spring, the intake box and existing transmission pipes**



**Plate 2- Showing Cuha River and the location of the Intake Tank**



**Plate 3- Location of the Main Tank and Water Treatment Plant**





**Plate 4- Location of Loihuno Tank**



**Plate 5- Location of West Tank and Pumping Station**



**Plate 6- Location of Northeast Tank**





**Plate 7- Location of Southeast Tank**



**Plate 8- Location of the FSTP**





**Plate 9- Location of a Public Toilet within the perimeter of church-owned land.**



**Plate 10- Location of a Public Toilet within the new market in Suco Carubalo**



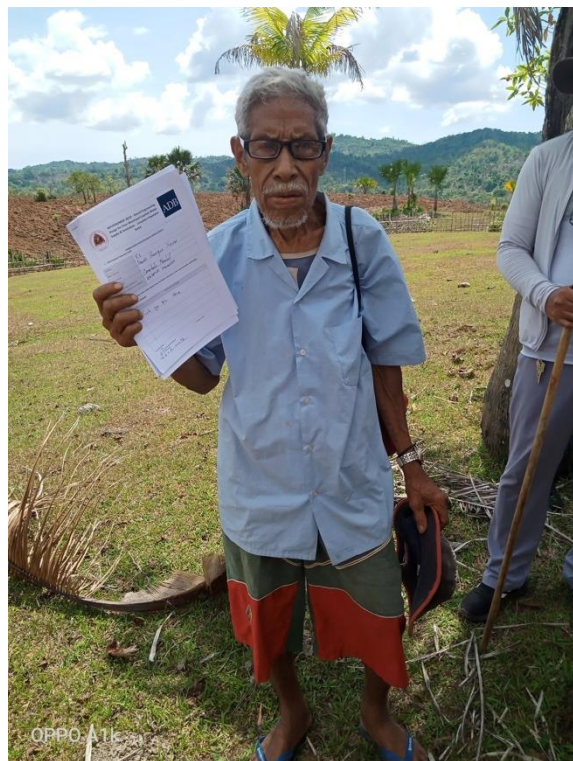
**Plate 11- Location of a Public Toilet within the perimeter of Suco Carubalo**



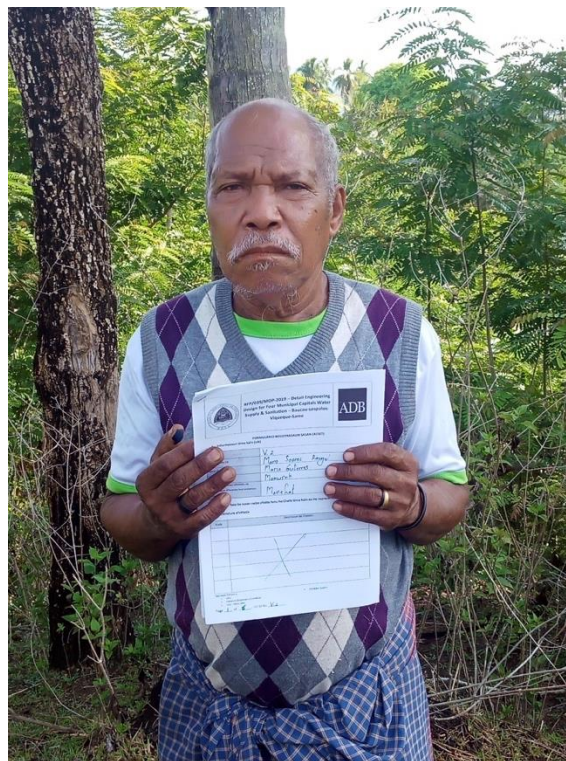
**Plate 12- Location of a Public Toilet within the perimeter of Suco Uma Quic**



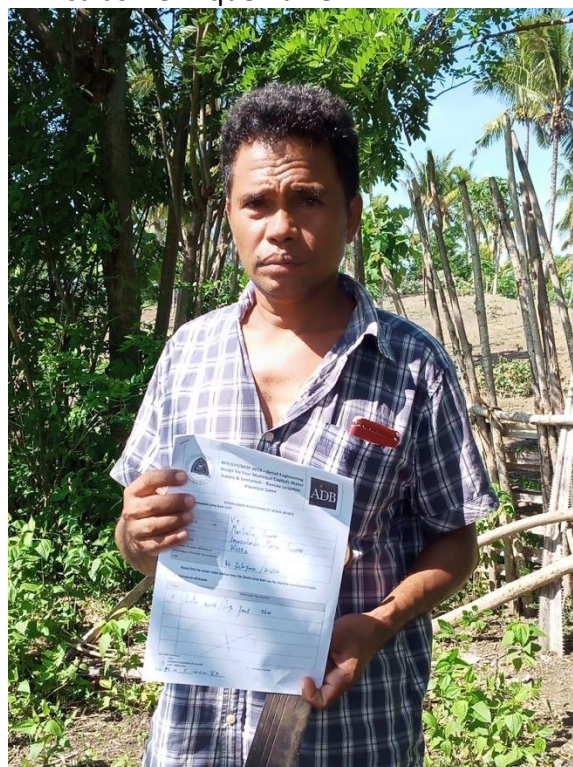
## Appendix 2- Photos of Affected Households



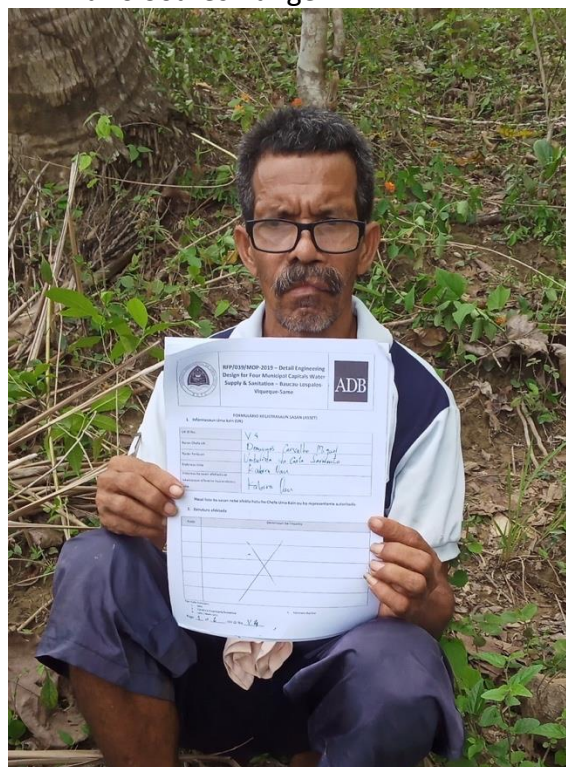
V.1 Isaias Henrique Xavier



V.2 Mario Soares Rangel



V.3 Martinho Soares

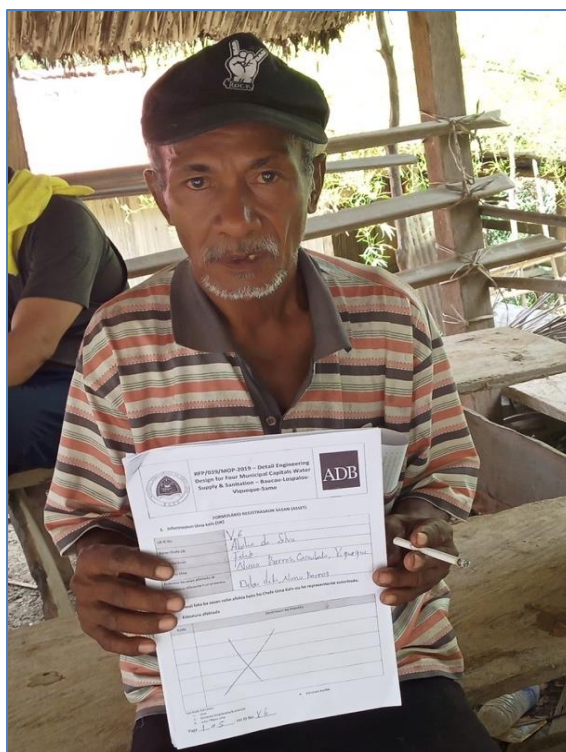


V.4 Domingos Carvalho Miguel

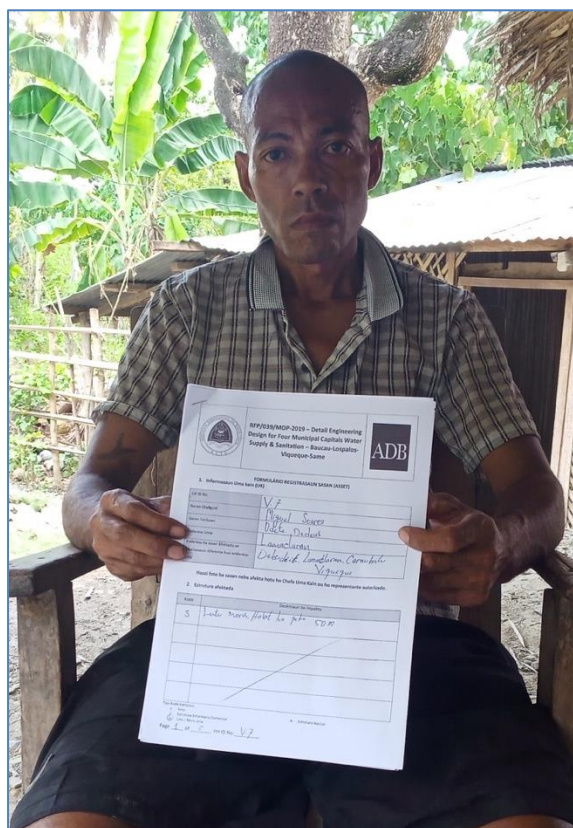




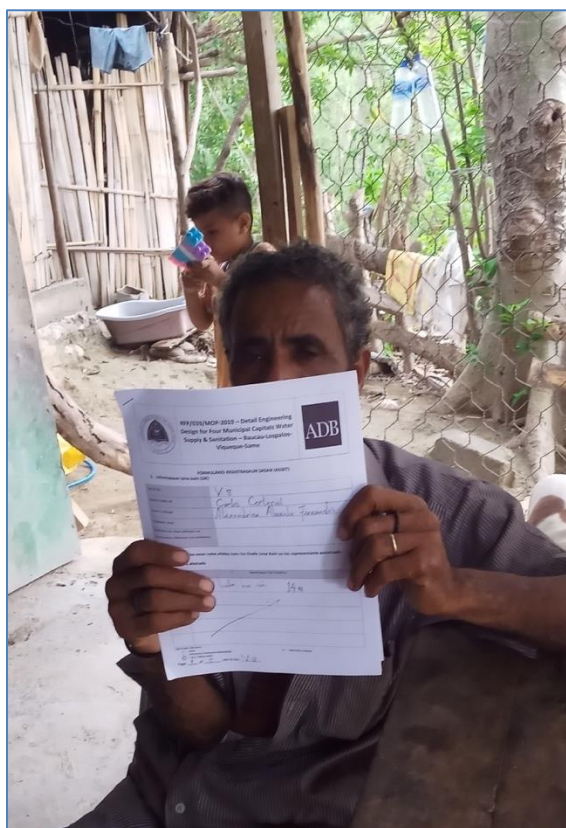
V.5 Marçal Soares Pinto



V.6 Abilio Da Silva



V.7 Miguel Soares



V.8 Carlos Corte Real

### Appendix 3- IP Categorisation Form

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
<b>A. Indigenous Peoples Identification</b>				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, schedules 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>				

<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)	<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
9. Will the project directly or indirectly benefit or target Indigenous Peoples?	X			Provision of water supply is a benefit
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>				

KEY CONCERNS (Please provide elaborations on the Remarks column)		YES	NO	NOT KNOWN	Remarks
<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			
<b>Involuntary Resettlement</b>		<b>Yes</b>	<b>No</b>	<b>Not Known</b>	<b>Remarks</b>
<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>					



<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)				<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input checked="" type="checkbox"/> 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							

## Appendix 4 – 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 CARUBALO Public Consultation</b> <b>Data/Date : 12/12/2020</b> <b>Hora/Time: 09h00m (Viqueque)</b>		
<b>PRESENTES/ATTENDANCE</b>		
<b>Entidade/Entity</b>	<b>Nome/Name</b>	<b>Rubrica/Signature</b>
Please see attached attendance list		
<b>Agenda/Topic</b>	<b>Issues/Comments (Carubalo)</b>	
<b>Introduction and Presentation</b>	<p>The Public Consultation was opened formally by the Chefe Suco of Caraubalo, followed by a short introductory remarks from the representative of the SMASA, DED Consultant and ADB.</p> <p>Mario Santos (AdP) 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 a combination of “Portugese” and “Tetum” 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>	

<p><b>Questions from the DED Consultants</b></p>	<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 Carubalo? 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. <ul style="list-style-type: none"> <li>1. Suco Center – Majority;</li> <li>2. Soccer Field.</li> </ul> </li> <li>• Question 7. Which of 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 women groups - 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. <ul style="list-style-type: none"> <li>1. Kitchen- Majority</li> <li>2. Bathroom- Majority</li> </ul> </li> <li>• Question 10. Are you willing to pay for clean drinking water? Response 10. Yes - Majority</li> </ul>
<p><b>Question from Audience</b></p>	<ul style="list-style-type: none"> <li>• Question 1. (Women) . Where is the source of water of the system? Response 1. We have identified 2 water sources, Loihuno Spring and Cuha River where water will undergo the treatment process.</li> <li>• Question 2 (Women). During the dry season, water from Loihuno Spring do not reach us. What is your plan for this? Response 2. Based on our study, Loihuno spring has sufficient volume of water but to ensure that the system will run, effective and efficiently as planned, we will support it with treated water to be abstracted from Cuha River.</li> <li>• Question 3 (Men). Regarding project implementation, I ask that the community in the construction area be heavily involved in project implementation. Because this has happened in the previous project, the contractor supervised workers from other places to work on the project and did not provide opportunities for the surrounding community to participate, so problems arose between the surrounding community and project workers, so I ask for the contractor to also be involved with the community in project work. Response 3. Comments from DED: The community members, especially women, at least 30%, 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.</li> <li>• Question 4 (Women). Do we need a water pump to avail of the water from</li> </ul>



	<p>the system?</p> <p>Response 4. No. The project plans to provide water to each household 24/7 without the need of water pumps. The water pressure will be the same throughout the whole system.</p>
<p><b>Suggestions from Community (Response/Comments from DED)</b></p>	<ul style="list-style-type: none"> <li>• Suggestion 1. (Men) I suggest that when your team starts measuring the land or properties to be impacted by the project, you must not only involve the local officials but also members of our community who knows and can confirm the actual land owners or users.</li> </ul> <p>Comments: Thank you for the suggestion and yes, that is actually what our team is doing.</p> <ul style="list-style-type: none"> <li>• Suggestion 2. (Women) Please consider the Civil Registry Office (Notary Office) as one of the location of the Public Toilets in Aldeia Manehat.</li> <li>• Suggestion 3. (Women) We need to make sure also that the Public Toilets are always clean, if not it will be the source of diseases.</li> </ul> <p>Suggestion 4. (Men) In terms of project maintenance, because we are talking about forming a group in the community to carry out maintenance, I suggest that tools/equipment be made readily available so repair works can be done immediately.</p>



**MINISTÉRIO DAS OBRAS PÚBLICAS**  
**DIRECÇÃO GERAL ÁGUA E SANEAMENTO (DGAS)**  
Rua: Avenida 26 de Maio - Colóvil, Caixa postal No 17, Tel. 3317157, 3317156 - Dili

"Consulta Pública ao Desenvolvimento Projeto Abastecimento Be'e Mos no Saneamento da Capital Municipal"

Dia: ..... de Dezembro de 2020

**LISTA PREZENZA**

Suco Caraubalo - Município Viqueque

NO	NARAN	SEXO		INSTITUIÇÃO/POZISAUN	ALDEIA	NO CONTACTO	ASSINATURA
		F	M				
1	Jão Pinto		M	Camelhotas	Camelhotas	78066139	
2	Yacilia S. Soares		M	Camelhotas	Camelhotas	75708535	
3	Filomena S. Amara	✓		Juveniz feto	Cabira oan	75357900	
4	Odete Juveniz Guterres	✓		Belagor	Sira - Lari	7128340	
5	Bendita Amara	✓		Participantes	Wessa	75385185	
6	Izaura D.C. Brando	✓		Participantes	Wessa	75254925	



AdP  
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Associação de Desenvolvimento Público



7	Benvinda T. Soares	✓	Delegada	Mane-Hat	78099178	Paula
8	Erminio Soares	✓	Oficial Administrativo	Mane-Hat	76264401	Silva
9	Paulina Pires		Delegada	WESSA	76482390	Paula
10	Maria Laura Soares	✓	-II-	Mamulak	77662616	Paula
11	Florencia Amaral	✓	-III-	-II-	78563302	Paula
12	TERESINA Ramos			Cabiraon	77495398	Paula
13	Filomena S. Miguel	✓	-II-	-II-		Paula
14	Palmina da Costa	✓	-II-	Cabiraon		Paula
15	ROSA DA SILVA	✓	-	MANE-HAT	76303648	Paula
16	JENIFER OLIVEIRA	✓	=	MANE-HAT		Paula
17	Selvinha Rangel	✓	=	MANE-HAT	76156394	Paula
18	JULIETA GUTERRES	✓	-	CABIRAON		Paula
19	Maria dos Santos	✓	Comunidade	Cabiraon	75404523	Paula
20	Duarte Viana	✓	-	hasabut		Paula
21	Veronica	✓	-	Cabiraon		Paula

22	NUNU BARROS	M	CONSELHO JUKU	lama-claran	75522654	
23	MARTINHO SOARES	M	participantes	wessa	— —	
24	NAZARI	M	—	ALHATA-L	—	
25	Joavina Soares	F	Delegada	Hos. Abut	761187730	
26	Domingos piadade	M	comunidade	—	—	
27	Celina de oliveira	F	Comunidade	Hos. abut	—	
28	Floriana silva da cruz	F	comunidade	Hos. abut	76129771	
29	Julmira pinto da silva	F	Comunidade	Hos. abut	75427051	
30	Marciana freitas	F	—	Sira. Lari	—	
31	Sidonia D. C. Ruas	F	—	Sira. Lari	77261148	
32	Infinha A. Moniz	F	—	Hos. abut	—	
33	Onofria B. Da S. Rangel	F	—	Mane. Hsat	76456390	
34	Deonesia F. P. Guterres	F	—	Sira-Lari	—	
35	Adelia A. Guterres	F	Participante	Mane-Haat	78494234	
36	Leolina A. Miranda da silva	F	—	Boramalan	77442817	
37	Dejina pinto	F	—	—	—	

38	João Q. Sampaio		unif Aldeia	Sinalari		
39	Mário da Ressurreição		M. comunidade	Cabita-aan	7825138	
40	Fernandes Almeida		v delegado	Lampelara		
41	Fernando Soares		v comunidade	Caranara		
42	Henrique Soares		M	Cabita-aan	78447022	
43	Jonico Amaral		m delegado	Cabita-aan	76223571	
44	Mário S. B. Almeida		m comunidade	Cabita-aan		
45	Imaculada M. Soares	✓	158 suco	Caranara	77622149	
46	Angelina Alves	✓	delegada	Lampelara	77319676	
47	Benedita Pinto	✓	comunidade	Lampelara	76784232	
48						
49						
50						

**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 UMA QUIC Public Consultation</b> <b>Data/Date : 13/12/2020</b> <b>Hora/Time: 09h00m (Viqueque)</b>		
<b>PRESENTES/ATTENDANCE</b>		
<b>Entidade/Entity</b>	<b>Nome/Name</b>	<b>Rubrica/Signature</b>
Please see attached attendance list		
<b>Agenda/Topic</b>	<b>Issues/Comments (Uma Quic)</b>	
<b>Introduction and Presentation</b>	<p>The Public Consultation was opened formally by the Chefe Suco of Uma Quic, followed by a short introductory remarks from the representative of the SMASA, DED Consultant and ADB.</p> <p>Lidwinha Filipe Carvalho (AdP) 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.</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>	

<p><b>Questions from the DED Consultants</b></p>	<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 Uma Quic? 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 do you think we should locate the Public Toilets? Response 6. <ul style="list-style-type: none"> <li>1. Suco Center - Majority</li> </ul> </li> <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. The project will make sure that the taps are inside the houses. Where do you want to locate the water taps? Response 8. <ul style="list-style-type: none"> <li>1. Kitchen- Majority</li> <li>2. Bathroom- Majority</li> </ul> </li> </ul>
<p><b>Question from Audience</b></p>	<ul style="list-style-type: none"> <li>• Question 1. (Men) . Regarding the project coverage, there are some areas of our Suco that aren't covered. Four of our Aldeia's are located upstream and they don't have also access to clean water. Is it still possible to include them in the design? Response 1. Our project is focusing on urban areas and we have to understand that development cannot be done swiftly. One a time. The four Aldeias you mentioned can also be included in the Rural Water Supply Project interventions led by SMASA</li> <li>• Question 2 (Men). I don't see the name of my Aldeia in your list but some of our members also lives in the urban area. Can they access also the water system? Response 2. Yes, all infrastructure, including residential homes, schools, offices and businesses, and even the church as long as they are within the distribution zone can avail the water supply system services.</li> </ul>
<p><b>Suggestions from Community (Response/Comments from DED)</b></p>	<ul style="list-style-type: none"> <li>• Suggestion 1. (Men) Regarding the tank localization, in 2017 the location of the tank based on the Master Plan was in the downstream area. We suggested that it be moved to a place with higher elevation so that all Adeias of Suco Uma Quic can connect to the water supply system. I even offered my land for this new location.</li> </ul>



	<ul style="list-style-type: none"><li>• Comments from the DED: Thanks for this information and support.</li><li>• Suggestion 2. Since ADB is supporting this project I support the previous suggestion so that all Aldeias of Uma Quic can access the water supply system</li></ul> <p>Comments from DED: As we mentioned in our presentation the project only covers Urban areas/</p>
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**MINISTÉRIO DAS OBRAS PÚBLICAS**  
**DIRECÇÃO GERAL ÁGUA E SANEAMENTO (DGAS)**  
Rua: Avenida 20 de Maio - Calcoi, Caixa postal No 17, Tel. 3317157, 3317156 - Dili

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

Dia: 13 de Dezembro de 2020

**LISTA PREZENZA**

Suco Uma Quic - Municipio Viqueque

NO	NARAN	SEXO		INSTITUISAUN/POZISAUN	ALDEIA	NO CONTACTO	ASSINATURA
		F	M				
1	Hermanildo Rangel		L	xefe suco	Aidac-Bein	78066138	[Signature]
2	Fernando Katalijo		✓	Lia nain	Maca-kan		[Signature]
3	Abilio Soares		✓	kommidade	Lya		[Signature]
4	Marcelino Soares		✓	-//-	AIND-UNIK	75350006	[Signature]
5	JOAO PAULO GOMES		✓	-//-	AIDAK-BEIN	75615580	[Signature]
6	Jaime De Jesus		✓	-//-	AIDAK-BEIN		[Signature]



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Direcção Geral de Água e Saneamento



7	Edvardu Amaral	✓	Komunidade	Ai-dak Bein		
8	Jose morria	✓	Komunidade	Ai-dak Bein	75707284	J. Amaral
9	Abilio Soares	✓	Komunidade	Ai-dak Bein	76537804	Abilio
10	Antonio F. Amaral	✓	Komunidade	Lua		Ant. F.
11	Marito De Jesus	✓	Komunidade	Lua	75595402	Marito
12	Cirilo Gomes	✓	Chefe Aldeia	Aldak-Bein	76413081	Cirilo
13	Armando Pereira	✓	Komunidade	Lua		Armando
14	João M. A. T. Amaral	✓	Komunidade	Lua	77442493	João
15	Noémia A. Baptista	✓	Komunidade	Lua	75503893	Noémia
16	ELIZARIO B. AMARAL	✓	Komunidade	MAROMAN	75446812	Elizario
17	Otilde da Silva Freitas	✓	-II-	Maroman		Otilde
18	Jaquinta Samento Baptista	✓	-II-	Lua	75136216	Jaquinta
19	Barbina Amaral	✓	-II-	Lua		Barbina
20	Antonio Pereira Amaral	✓	MAP/Extensam	-	75482867	Ant. P.
21	Salvador Amaral	✓	Komunidade	-	77280700	Salvador

22	Joana Sarmento	F	comunidade	Lúa	75537248	Am
23	Ofélia Maria de Fatima	F	-11-11-	-11-	75577055	ORA
24	Godefredo C. Modor. Sarmento		-11-11-	aidak-bein	75506172	glo.
25	ANTONIO GONZAGA	M	Comunidade	LUA	75576923	Am
26	Anamaria G. Amaral	F	-11-	Aidak-bein	76684248	Am
27	Selestina Ferreira	F	-1-	-1-		Am
28	Judit de A. Guterres	F	-1-	-1-	78685082	Am
29	Mariana da C. Soares	F	-1-	Lua	76072345	Am
30	JUDIT RANGEL	F	1-1-	Aidak-bein		Am
31	Luciana dos Santos Pereira	F	1-1-	Lua	76833975	Am
32	Kristina Soares	F	-1-	Ainawain		Am
33	Joanika Gomes Amaral	F	-11-	Aidak-bein	75577151	Am
34	Deoniza Gomes Amaral	F	-11-	Aidak-bein	75503640	Am
35	ZEFERINA P. Soares	F	persegada	ainawain	75504899	Am
36	Deolinda Soares	F	comunidade	ainawain		Am
37	Maria O. B. Simões Pinto	F	comunidade	Ainawain		Am



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Timor-Leste  
Don't Stop the Progress



38	Ireneia da Fatima	F	Comunidade	Lua	78717153	LA
39	Antonio Gomes	M	—11—	Lua	75527401	<del>LA</del>
40	Mariano Sarmiento	M	—6—	Maromau	75208532	<del>LA</del>
41	Julio Gomes	M	—12—	Lua	—	<del>LA</del>
42	Jovino Amaral	M	—11—	Lua	75578244	<del>LA</del>
43	Euclides Rangel Varela	M	—1L—	Aidac-bein	—	<del>LA</del>
44	Marcelino-Ferreira	M	—1—	Lua	75506493	<del>LA</del>
45	Alonso Gorgo	M	—11—	Maromau	76744286	<del>LA</del>
46	SILVINO Soares	M	—1—	Lua	77086311	<del>LA</del>
47	Angelo Rangel	M	—4—	Aidac-bein	77056177	<del>LA</del>
48	Domingos de Jesus Viro	M	—11—	Lua	76080412	<del>LA</del>
49	Manuel Xavier	M	—11—	Lua	75259381	<del>LA</del>
50	Luzitania De C. Xavier	F	—1L—	Lua	78364918	<del>LA</del>

continuação Anexo Uma Quec

38	Isilda da Costa	F	comunidade	Lia	75497280	Amo
39	Auria Amaral Pinto	F	— " —	— " —	76683257	Amo
40	Cipriana G. P. Amaral	F	— " —	— " —	76680473	Amo
41	Vicente Amaral	M	— " —	Macedean	77358444	Amo
42	Grajiosa L. e. P. S. P. Amaral	F	— " —	M. N. N. N.		Amo
43	Neftalia A. Soares	F	— " —	M. N. N. N.		Amo
44	Amoro Amaral	M	— " —	Aldac Bin	7680.900	Amo
45	HONORIO Gomes	M	— " —	Lia	7602655	Amo
46	Merlinda da Silva	F	— " —	M. N. N. N.		Amo
47	Hemelinda Amaral	F	— " —	Ainavain		Amo
48	Bernadeke Sarmante	F	— " —	Lia		Amo
49	Mariana Soares	F	— " —	M. N. N. N.		Amo
50	Hominha Inacio	F	— " —	M. N. N. N.		Amo

Continuação suco Uma Quic

22	Jacinta Amaral	F	Komunidade	Aidakbin		ful
23	Celestina sarmiento .Baptista	F	komunidade	Aidak-bein	75405652	cmr.s.12
24	Teresinha Amaral	F	—II—	Lua	—1.	Pedro
25	Carlota Pangel	F	Komunidade	Aidak bin	77409562	Chlor
26	Francisco Pinto Amaral	M	Xefi Aidin	Raihun	78652098	Peto
27	Bernardino de Azevedo	M	Komunidade	Aidak Rain	77262329	Pet.
28	Baltina de Jesus Maron	F	Komunidade	Maromam	—	—
29	Ofelia Souza	F	Komunidade	Maromam	—	—
30	PIZANO AMARAL	M	Komunidade	Lua	—	Fredy
31	Manuel Amaral	M	Komunidade	Lua	—	António
32	JOAO	M	Komunidade	Lua	79252955	Filipe
33						
34						
35						
36						
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 UMA UAIN CRAIC Public Consultation</b> <b>Data/Date : 13/12/2020</b> <b>Hora/Time: 14h00m (Viqueque)</b>		
<b>PRESENTES/ATTENDANCE</b>		
<b>Entidade/Entity</b>	<b>Nome/Name</b>	<b>Rubrica/Signature</b>
Please see attached attendance list		
<b>Agenda/Topic</b>	<b>Issues/Comments (UMA UAIN CRAIC)</b>	
<b>Introduction and Presentation</b>	<p>The Public Consultation was opened formally by the Chefe Suco of Uma Uain Craic, followed by a short introductory remarks from the representative of the SMASA, DED Consultant and ADB. Mario Santos (AdP) 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 a combination of “Portugese” and “Tetum” 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 (UMA UAIN CRAIC)
<p><b>Questions from the DED Consultants</b></p>	<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 Uma Uain Craik? 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 do you think we should locate the Public Toilets? Response 6. It seems that there isn't an appropriate place for it to be installed. There are no public markets, no bus stops in this suco. In fact the suco center is quite distant and outside the Project Scope area.</li> <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. The project will make sure that the taps are inside the houses. Where do you want to locate the water taps? Response 8. <ol style="list-style-type: none"> <li>1. Kitchen- Majority</li> <li>2. Bathroom- Majority</li> </ol> </li> </ul>

Agenda/Topic	Issues/Comments (UMA UAIN CRAIC)
<b>Question from Audience</b>	<ul style="list-style-type: none"> <li>Question 1 (Women). Why are we only sourcing water from Loihuno and Cuha River? Why don't we source water from the underground</li> </ul> <p>1. Response 1. We did a research and result says that Viqueque does not have an underground water source.</p> <ul style="list-style-type: none"> <li>Question 2. (Men) . You said water will be source from a spring and river. Is it possible to combine them?</li> </ul> <p>Response 2. Yes the water the flows in the system will be coming from Loihuno spring and Cuha River. Water from the Cuha River will be treated and combined with water from Loihuno Spring and you will never know the difference and one cannot also say that his water is from the river and the other is from the spring.</p> <p>2. Response 2. We did a research and result says that Viqueque does not have an underground water source.</p> <ul style="list-style-type: none"> <li>Question 3. (Woman) . How does the water meter work? How much are we going to pay monthly?</li> </ul> <p>Response 3. Every time you open the tap, the meter counter also starts measuring the volume of your consumption. Staff from SMASA will visit your homes monthly to record the volume of water you have consumed the previous month and that will be the basis of the amount you are expected to pay – or technically called water bill.</p>
<b>Suggestions from Community (Response/Comments from DED)</b>	<ul style="list-style-type: none"> <li>NONE</li> </ul>



MINISTÉRIO DAS OBRAS PÚBLICAS  
DIRECÇÃO GERAL ÁGUA E SANEAMENTO (DGAS)  
Rua: Avenida 20 de Maio - Calcuti, Caixa postal No 17, Tel. 3317157, 3317156 - DDI

"Consulta Pública do Desenvolvimento Projeto Abastecimento Be'e Mos no Saneamento da Capital Município"  
Dia: 15 de Dezembro de 2020

LISTA PREZENZA

Suco Uma Uain Craic - Município Viqueque

NO	NARAN	SEXO		INSTITUIÇÃO/POZISAUN	ALDEIA	NO CONTACTO	ASSINATURA
		F	M				
1	ROGERIO SOARES VIANA		M	CHETE ALDEIA	NAE-BORUC	77940659	
2	Juliao Baptista		M	Juventude	Bossa-bein		
3	MARITA		F	POPULASAO	Naeboruc		
4	Joacina Sarmiento		F	POPULASAO	Naeboruc	76316084	
5	Sofia de Araujo M		F	POPULASAO	Naeboruc	76282620	
6	Joaninha da piadadea		F	POPULASAO	Bossa-bein	76399273	



7	Filipa Relfas	F	População	Naeboru	7636084	For
8	Imaculada-marques	F	População	Bosa-bein	75507975	Luis
9	Marta Simoes G.	F	População	Bosa-bein	75700603	Mia
10	Amelia Sarmiento	F	População	Bosa-bein	75594001	Ra
11	Marianne da Costa Freitas	F	População	Bosa-bein	75486684	Ra
12	Maria Soares Oliveira	F	População	Bosa-bein	- 11 -	Ra
13	Natalia da Costa Pinto	F	População	Bosa-bein	- 11 -	Ra
14	Mateus Soares	M	População	Naeboru	- 11 -	Ra
15	Azelita x. Ribeiro	F	População	Naeboru	75972944	Amf
16	MARTINHO Baltazar	M	População	Naeboru	- 11 -	Ra
17	ANGELA Soares	F	População	Naeboru	- 11 -	Ra
18	Ediane S.A.	F	- 11 -	- 11 -	78169442	Enth.
19	Anabela S-Freitas	F	<del>População</del>	Bosa-bein	78606176	Luis
20	Isabela da Costa	F	População	- 11 -	-	Luis
21	MADALENA FREITAS	F	População	- 11 -	-	Mia

22	ANGELA SOARES	F	População	NABORUC	77004400	Anal
23	ELTA Veiros	F	População	NABORUC	75700306	Anal
24	DOMINGAS MIGUEL	F	População	Bosabein	7	Anal
25	Martina Freitas	F	População	Bosabein		Anal
26	Maria Madalena M.P. Araújo	F	População	Bosabein	75792642	Anal
27	Cipriana Sarmiento	F	População	Bosabein		Anal
28	Leão Soares	M	chefe aldeia	Trasada		Anal
29	elias freixo	M	População	Bosabein		Anal
30	SALVADOR SOARES	M	chefe aldeia	Fatu-Hada	76293599	Anal
31	Zaney Maris Pinto	M	População	Bosabein	75699466	Anal
32	AUGUSTO DA SILVA	M	- II -	- II -	75132465	Anal
33	Miguel Soares	M	- II -	NABORUC	77384048	Anal
34	Domingos Sarmiento	M	- II -	NABORUC		Anal
35	Agostinho Amaral	M	- II -	- II -		Anal
36	ANTONIO A. SOARES	M	- II -	- II -	70426902	Anal
37	Manuel S. Belo	M	- II -	- II -	70008062	Anal

38	Jose Soares	M	— 11 —	Bosabein		Fat
39	Luciana dos Santos		— 12 —	Nacbaruk		Inf
40	Silvestina mikel		— 11 —	bosabein		
41	Verónica T.A.J Pinto	F	— 11 —	Nacbaruk		Verd
42	Rafina Nunes	F	— 11 —	bosabein		
43	OLINDA DE ARAUJO	F	— 11 —	FATUHA DAK		Dak
44	ROFINA FERERA	F	— 11 —	FATUHADAN		Ruf
45	Pascoal sarmiento	F	— 11 —	Bosabein		Ruf
46	Fenelia c da C.G. Pinto	F	— 11 —	Nacbaruk		Fuf
47	Manuel Alves	M	— 11 —			
48	Acacio Oliveira	M	— 11 —	bosabein		
49	Ilfonso Dacosta Fatima	M	SMASA (FPA)			
50						



**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 LOIHUNO Public Consultation</b> <b>Data/Date : 12/12/2020</b> <b>Hora/Time: 13h00m (Viqueque)</b>		
<b>PRESENTES/ATTENDANCE</b>		
<b>Entidade/Entity</b>	<b>Nome/Name</b>	<b>Rubrica/Signature</b>
Please see attached attendance list		

<b>Agenda/Topic</b>	<b>Issues/Comments (Loihuno)</b>
<b>Introduction and Presentation</b>	<p>The Public Consultation was opened formally by the Chefe Suco of Loihuno, followed by a short introductory remarks from the representative of the SMASA, DED Consultant and ADB. Julio Calau (AdP) 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 a combination of “Portugese” and “Tetum” 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 (Loihuno)
<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 Loihuno? 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 do you think we should locate the Public Toilets? Response 6. Near the Church - Majority</li> <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. The project will make sure that the taps are inside the houses. Where do you want to locate the water taps? Response 8.               <ol style="list-style-type: none"> <li>1. Kitchen- Majority</li> <li>2. Bathroom- Majority</li> </ol> </li> </ul>
<b>Question from Audience</b>	<ul style="list-style-type: none"> <li>• Question 1 (Men). How will the water tariff be used? 3. Response 1. Part of it will be used for the maintenance of the water supply system.</li> <li>• Question 2. (Women) . We can now access water for free. Why do we need to pay in the future? Response 2. True, you can use it for free now but you have to treat it first before you can drink it. In the future system the water will be treated, available 24/7 and in sufficient quantity both in the kitchen and in the toilet which is a significant improvement of the existing situation</li> <li>4. Response 2. We did a research and result says that Viqueque does not have an underground water source.</li> <li>• Question 3. (Men) . We are still using the existing pipes from Loihuno. Are those pipes going to be replaced ? Will it not affect our current source of water? Response 3. Old pipes will be removed or decommissioned only once the entire new water supply is working. Yes all pipes will be replaced by new ones and will run under the ground.</li> </ul>
<b>Suggestions from Community (Response/Comments from DED)</b>	<ul style="list-style-type: none"> <li>• Suggestion 1 (Men) . Revenue from the water tariff should be managed by the Suco Comments from the DED: That particular issue would be dependent on the future organization setup. Both tariffs and revenue is</li> </ul>

Agenda/Topic	Issues/Comments (Loihuno)
	<p>something that could be adjusted also.</p> <ul style="list-style-type: none"><li>• Suggestion 2 (Women) . In the urban areas there is more economic opportunities than in rural areas. Water tariffs should only be applied to businesses and public buildings.</li></ul>



**Plate 13- Public Consultation in Suco Loihuno**



**Plate 14- Public Consultation in Suco Carubalo**



**Plate 15- Consultation in Suco Uma Quic**



**Plate 16- Public Consultation in Suco Uma Uain Craic**






**Plate 17- Transect walk photo documentation**




## Appendix 5- Notice of Cut-Off Date



República Democrática  
de Timor-Leste

Classification: INTERNAL



Ministério das Obras Públicas

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Ref: 363.../C50605/DGAS/XII/2020

Date: 9 December 2020

**To: Mr. Marito da Costa**  
**Director of SMASA Viqueque**  
**Viqueque**

**CUT-OFF NOTICE**

In relation to the

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

**CUT-OFF DATE FOR PROPOSED PROJECT : 11 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).

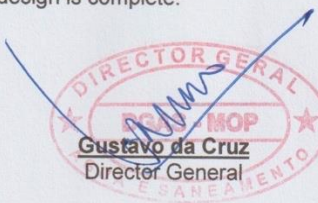
While the design is not yet finalized, surveys are ongoing and in this phase of the project small parcels of land have been identified that **may** be required for the project. Although this is not final at this time, DGAS has issued this formal notice on this day 11 December, 2020.

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

This information is accessible to ADB Management and staff, as described in AO 4.17. It may not be shared with external parties without the permission of the information asset originator.

DIREÇÃO GERAL DE ÁGUA E SANEAMENTO(DGAS)  
**Gabinete do Director Geral**  
Avenida 20 de Maio – Caicoli, Dili  
Caixa Postal No. 194. Telp. 3311539

## Appendix 6 – TL laws & ADB's SPS (2009) 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	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	<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,</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.

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
	monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.	description of the public 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.	landless, elderly, women and other vulnerable groups and no 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)	The Expropriation Law stipulates requisitioning and expropriation of property for public purposes shall only take place following fair	There is no explicit guidance provided on how to determine fair compensation and/or replacement costs and no requirement for third party	An independent and qualified replacement cost appraiser will be engaged by the PMU to assist the NDLPSCS in appraising the replacement cost

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
	transitional and restoration costs; and (v) other applicable payments, if any. Depreciation of structures and assets should not be taken into account	compensation in accordance with the law. The Expropriation 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 NDLPCS has the mandate and responsibility to assess the value of land and related assets.	validation to appraise the replacement cost of affected land and other assets.	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	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	All displaced persons will be entitled to relocation assistance such as transportation assistance, transitional assistance and other resettlement measures as

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
	with comparable access to employment and production opportunities, and civic 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.		assets.	necessary and eligible to participate in the Income Restoration Program of the Project.
<b>Assistance for Vulnerable People</b>	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.	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.	Vulnerable affected households are eligible to participate in the Income Restoration Program of the Project.
<b>Income Restoration Program</b>	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		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.



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
	land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.			
<b>Compensation payment</b>	All compensation and resettlement entitlements must be provided before any displacement or commencement of works.	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.	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.	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.
<b>Grievance redress mechanism (GRM)</b>	Establish a GRM to receive and facilitate resolution of the DPs' concerns and grievances regarding the project's environmental performance.	The Expropriation Law suggests disputes over expropriation process to be handled through normal administrative and court	Under the Timor-Leste Laws, there is no specific requirement of a project-level GRM to be established, including roles and responsibilities and	A project level GRM will be established in consultation with the affected households and communities to resolve complaints regarding land

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
		processes.	documentation of grievances.	acquisition, compensation, assistance and resettlement of the Project.
<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	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.

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
		mechanisms for implementation of the relocation plan.		
<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

## Appendix 7 – List of affected households with the compensation breakdown

Tag number	Name of AHH head	Structure Cost	Trees, Plants & Crops Cost	Physical Replacement Cost	Production yield loss (2 Years)	Vulneravel assistance	Non-physical Replacement Cost	Total Replacement Cost
V1	Juliana Soares					\$ -		
V2	Antonio Freitas					\$ -		
V3	Miguel Soares	\$ -			\$ -	\$ -	\$ -	
V4	Inacio Soares	\$ -			\$ -			
V5	Tiago Viana X. Soares	\$ -			\$ -	\$ -	\$ -	
V6	Arlindo Andre S. O. Salsinha	\$ -			\$ -	\$ -	\$ -	
V7	Martinho Soares					\$ -		
V8	Atanacio Rangel	\$ -			\$ -			
V9	Mario (Representing)	\$ -			\$ -	\$ -	\$ -	
V10	Mario (Representing)	\$ -			\$ -	\$ -	\$ -	
V11	Januario de Jesus Soares	\$ -			\$ -	\$ -	\$ -	
V12	Vasco Viana				\$ -	\$ -	\$ -	
		\$ 400.00	\$ 41,291.00	\$ 41,691.00	\$ 5,940.00	\$ 649.18	\$ 6,589.18	\$ 48,280.18