



REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE
MINISTÉRIO DAS OBRAS PÚBLICAS,
TRANSPORTES E COMUNICAÇÕES



Draft Resettlement Plan Report

Road Network Upgrading Sector Project

ADB Loan No. 3020-TIM and 3021-TIM

Preparation of Design for 169km of National Roads

(Baucau to Lospalos, Lautem to Com and Baucau to Viqueque)

ROAD LINK A01-04: LAUTEM - COM SECTION

PACKAGE 3: STA. 182+200 – STA. 201+820

October 2015





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List of Abbreviation

ADB	:	Asian Development Bank
AF	:	Affected Family
AH	:	Affected Household
AP	:	Affected Person
DLPCS	:	Directorate of Land, Property and Cadastral
DMS	:	Detailed Measurement Survey
DRBFC	:	Directorate of Roads, Bridges, and Flood Control
EA	:	Executing Agency
ESU	:	Environmental and Social Unit
GRC	:	Grievance Redress Committee
IA	:	Implementing Agency
IOL	:	Inventory of Losses
IPDP	:	Indigenous People Development Plan
ADB	:	Asian Development Bank
MOF	:	Ministry of Finance
MOI	:	Ministry of Infrastructure
MOJ	:	Ministry of Justice
MPWTC	:	Ministry of Public Works, Transport and Communication
NGO	:	Non-Government Organization
PISC	:	Project Implementation and Support Consultants
PMU	:	Project Management Unit
RF	:	Resettlement Framework
RNUSP	:	Road Network Upgrading Sector Project
ROW	:	Right of Way
RP	:	Resettlement Plan
SPS	:	Safeguards Policy Statement
TLCLS	:	Timor-Leste Survey of Living Standards

Glossary

Affected Household/Family	All members of a household residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components; It may consist of a single nuclear family or an extended family group.
Affected Person	Individuals that are affected by the project through land acquisition, relocation, or loss of income; includes any person, household [sometimes referred to as project-affected family (AF)], firms, public or private institutions; The APs, therefore, include (i) persons whose agricultural land or other productive assets such as trees or crops are affected, (ii) persons whose businesses are affected and who might experience loss of income due to the project's impact, (iii) persons who lose work/employment as a result of the project's impact, and (iv) people who lost access to community resources/property as a result of the project.
Assistance	Support, rehabilitation, and restoration measures extended in cash and/or kind over and above the compensation for lost assets
Compensation	Payment in cash at the current market value or in kind for an asset or a resource that is obtained or affected by a project, in which, the affected people are entitled to in order to replace their lost property or income
Cut-off date	The date after which people will not be considered eligible for compensation, i.e., they are not included in the list of APs as defined by the census. Normally, the cut-off date is the date of the detailed measurement survey.
Detailed Measurement Survey	The detailed inventory of losses that is completed after the detailed design and marking of project boundaries on the ground
Encroachers	People who move into the project area after the cut-off date are therefore ineligible for compensation or other rehabilitation measures provided by the project. The term also refers to those extending attached private land into public land.
Entitlement	The range of measures comprising cash or kind compensation, relocation cost, income restoration assistance, transfer assistance, income substitution, and relocation, depending on the type and degree/nature of the losses of the APs in order to restore their social and economic base
Inventory of Losses	The pre-appraisal inventory of assets as a preliminary record of affected or lost assets
Land Obtaining	Purchase of land for the project through negotiated settlement until the expropriation law is passed
Non-titled	People who have no recognizable rights or claims to the land

	that they are occupying. It includes people using private or state land without permission, permit or grant, i.e., people without legal title to land and/or structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied compensation.
Project	The Road Network Upgrading Sector Project funded by ADB
Rehabilitation	Compensatory measures provided under the policy framework on involuntary resettlement other than the payment for the replacement cost of obtained assets
Relocation	Displacement or physical movement of the APs from the affected area to a new area/site and the rebuilding of homes, infrastructure, provision of assets, including productive land/employment, and the re-establishment of income, livelihood, and living, and social systems.
Replacement Cost	Replacement cost is the amount needed to replace an asset and is the value determined as compensation for the following: .Agricultural land at the pre-project or pre-displacement level, whichever is higher and is the market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes; .Land in urban areas: it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; .Houses and other related structures based on the current market price of materials, transportation of materials to construction sites, cost of labor and contractor's fee, and any cost of registration and transfer taxes. In determining the replacement cost, depreciation of assets and value of salvaged building materials are not taken into account. No deductions are made for the value of benefits to be derived from the project; .Crops, trees, and other perennials based on current the market value; and other assets (i.e., income, cultural or aesthetic) based on the replacement cost or cost of mitigating measures.
Replacement Land	The land affected by the project that is compensated through provision of alternative land of the same size rather than cash. Productive capacity as land lost which is acceptable to the AP
Resettlement	All impacts associated with the loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity, and mutual help mechanisms.
Significant Impact	If 200 or more people experience major impacts, which are

	defined as: (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating assets)
Squatters	Same definition as non-titled; include households, businesses and common establishments on land owned by the State.
Structures	All buildings including the primary and secondary structures such as houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructures, shops, businesses, fences, and walls
Vulnerable	Individuals who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement including : (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households that fall on or below the poverty line (within the meaning given previously); (iv) landless; (v) elderly households with no means of support; (vi) households without security of tenure; and (vii) households of indigenous population or ethnic minority.

Notes

- i. The fiscal year (FY) of the Government of Timor-Leste and its agencies ends on 31 December 2015. The FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY 2015 ends on 31 December 2015.
- ii. In this report, "\$" refers to US dollars.

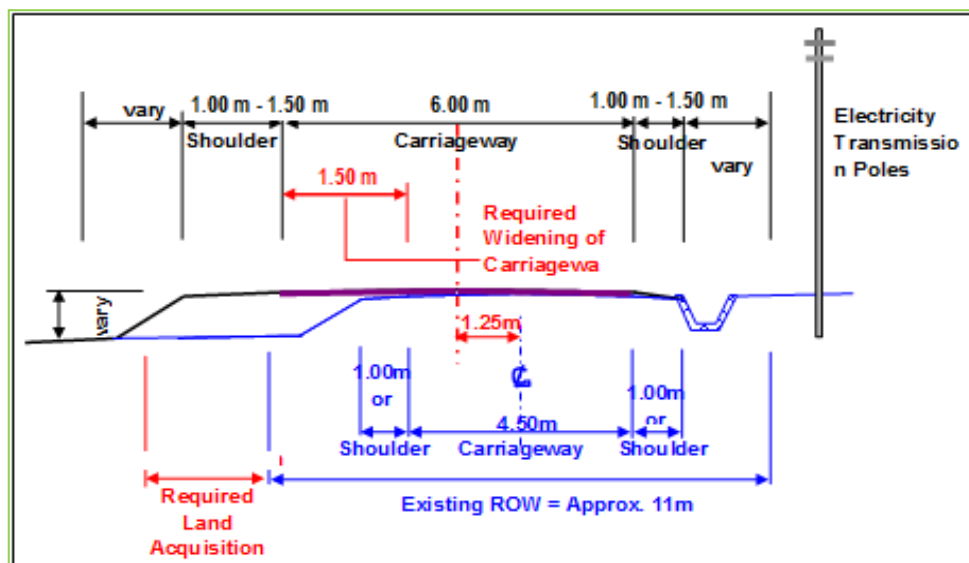
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Executive Summary

1. Timor-Leste has begun rebuilding its national infrastructures after years of suffering from conflict and underdevelopment. Physical infrastructure development including road network is now recognized by the country as a top priority to accelerate its new economic opportunities and is also a mean to reduce poverty in the country. Given the emphasis on nationwide development of road infrastructure, the Government of Timor-Leste has planned to upgrade the 169 km National Road under the Road Network Upgrading Sector Project, with financial support (Loan) from the Asian Development Bank (ADB). The 169 Km of road will be divided into 6 sections as follows; Baucau to Laga (A01-03) about 20 km, Laga to Lautem (A01-04) about 38.2 km, Lautem to Com (A01-04) about 20.8 Km, Lautem to Lospalos (A08-04) about 27.8 km, Baucau to Venilale (A06-01) about 26 km and Venilale to Viqueque (A06-02) about 35 km. This 169 km National Road under the Road Network Upgrading Sector Project will cover 3 Districts in the eastern part of the country (Baucau, Viqueque and Lautem).
2. This Resettlement Plan report will refers to the National Road Upgrading Project of the Lautem to Com Section with a length of about 20.8 km. It is a road strategically placed to link Lautem and Com, which may further help to improve the area's business transactions and tourism activity in the future.
3. The Ministry of Finance (MOF) is the project executing agency (EA) and the Ministry of Public Works, Transport and Communication (MPWTC) is the project implementing agency (IA). Project implementation works will be managed by the MPWTC through its existing Project Management Unit (PMU), supported by the Project Implementation and Support Consultants (PISC).
4. The physical implementation of improvement works include the widening of the existing road to achieve a width of 10-12 m, with a 6 m wide carriageway and 1-2 m wide shoulder on each side.

Figure 1-1 The Typical Road section



The improvement works shall also include drainage construction/rehabilitation. The strategy for the project is to minimize land requirements by confining the construction works within the existing road corridor to the extent possible. The strategy also includes some compromise on reducing the embankment width even to 2 m at certain sections of the tortuous stretch. However, it will inevitably be necessary to acquire land and other assets for the widening and raising of the road embankment which will cause involuntary resettlement impacts. To address these resettlement impacts, the present Final Resettlement Plan (RP) has been formulated in conformity with ADB's safeguard requirements on involuntary resettlement; adhering to the resettlement principles and procedures outlined in the Resettlement Framework (RF) adopted by the Government of Timor-Leste for the Road Network Upgrading Sector Project.

5. A combined census and socioeconomic survey carried out within the month of August 2015 shows that the project will affect; 1 Residential structure¹ and 3 Business structures². The project will have no impact on land, about 136.07m² of structure and about 71 trees of different kinds along either side of the road embankment. A summary of impact is presented in Table 1-1.

Table 1-1 Summary of Impact

No	Impact Category	Type of Affected Assets	Number/Area of Impact	
			No.	Size
1	Affected structure	a. Semi-Permanent	3	130.07
		b. Temporary	1	6
		Total Affected Structure	4	136.07
2	Affected movable structure	a. Temporary fence	24	805
3	Affected Trees	a. Timber trees	13	-
		b. Timber and fruit trees	1	-
		c. Fruit trees	57	-
		Total Affected Trees	71	-
4	Affected Public Utilities	a. Water pipeline	7	105
		b. Concrete Electric Pole (Single)	12	-
		c. Water reservoir	1	-

6. The total number of affected households (AHs) has been estimated at 27 along with 137 affected persons (APs). Majority of the AHs will be affected on their trees and fences. As mentioned in paragraph 5, there are only 1 Household will be affected on its residential structures and 3 Households will be affected on their business structures.
7. Land acquisition and resettlement for the project will be carried out in conformity with the Expropriations Act of the country according to procedure, but since The

¹ Residential structures refer to structures like; house, kitchen and toilet

² Business structure refer to; kiosk and stall

- Parliament of Timor-Leste has not passed the Expropriations Act the land acquisition will be based upon the ADB's safeguards policy 2010.
8. In consideration of the land to be obtained for this project. Cadastral surveys will be conducted as part of this process and impacts will be reassessed. Consequently, the estimates in the above summary table may have to be revised and updated.
 9. The project will follow the approach of setting a negotiated price at replacement cost for determining the compensation for any affected asset, which may either be physical or non-physical. Acquisition of land for the project will be done under the provisions of the Expropriations Act (2012). It provides for negotiated purchase as the first approach. Only if negotiations fail, the government will initiate "compulsory acquisition" of land.
 10. The RP is based on ADB's Guideline for Environmental and Social Consideration (April 2010) as well as Timor-Leste's applicable/domestic policy instruments and laws. The RP fits with the provisions of the RF approved by the Ministry of Public Works, Transport and Communication, Government of Timor-Leste. The following section deals with these policies with a comparison of two policies and subsequently deals with the entitlements and eligibility for compensation and other resettlement entitlements.
 11. This RP will be applied for the road network upgrading project for the implementation of the the Lautem to Com sub-project. This will ensure that all persons that will be losing land and other fixed assets will get appropriate compensation and rehabilitation assistance.
 12. The cut-off date under the project is the date after which people will not be considered eligible for compensation, i.e., they will be included in the list of APs as defined by the census (IOL). The cut-off date under the project has been set as on **25 September 2015**. The PMU/MPWTC was informed about the cut-off date for information distribution to the local communities. People who move into the area after the cut-off date will not be entitled to any compensation. The following categories of affected persons will be entitled to receive compensation for their losses: (i) those with titles of land recognized on a legal basis; (ii) those with no legal rights but have a claim to the land or assets, and are recognized through a process identified in the RP; and (iii) those who have no legal rights or claims to the land they are occupying before the cut-off date.
 13. The negotiated prices in conformity with the ADB policy will ensure that the APs receive the right replacement cost for the loss of their land and other fixed assets, (houses, other structures) including crops, and trees. While APs with recognizable land rights/claims will receive fair compensation/price at replacement rate for their land, those without such rights will be compensated for assets attached to the land that they occupy, such as houses, kiosks, and other structures. They will also be entitled to assistance for restoring their livelihood and income. APs without legal title or legitimate claim will be entitled to compensation for non-land assets only and other assistances. Vulnerable persons and women-headed households will qualify for special assistance. An entitlement matrix is presented in Table 2.

14. After approval of the RP by MPWTC and ADB, a summary of this resettlement plan along with the entitlement matrix (including the list of APs) will be translated into local language (Tetum/Portuguese) and will be disclosed by the MPWTC to stakeholders, and affected persons. This will be presented in the form of a booklet/brochure (refer to Appendix C) to enable the APs and local communities to be aware of the project's benefits/compensations that are available for the APs, as per provision in the entitlement matrix. MPWTC field staff/consultant will distribute brochures through suco meetings and will explain the mechanisms and procedures and overall process of the compensation program. The RP will be made available as an official public document in the MPWTC field offices, the Directorate of Land Property and Cadastral Survey (DLPCS) office, offices of district and sub-district administrators, and offices of the suco chiefs and aldeia leaders. The RP will also be disclosed on the ADB and MPWTC websites.

Table 1-2 Project Entitlement Matrix

Type of Loss	Unit of Entitlement	Details of Entitlements	Responsibility
1. Permanent loss of homestead and Agriculture land	Title holders/ claimants	• Compensation for the loss of land at negotiated price ensuring replacement cost • Transitional allowance for a maximum of 3 months, at \$100 per month, if the residual land is not viable (land acquired is 75% or more of the total land holding of the title holder); Or, for 3 months if the residual land is viable • If the household is vulnerable, transitional allowance will be for 6 months. • All fees, taxes and other charges, as applicable under relevant laws incurred in the relocation and resource establishment are to be borne by the project. • Landless/vulnerable APs will be assisted to find an alternative land/plot.	PMU in coordination with MOJ/DLPCS, Ministry of Finance, with assistance from valuation specialist, local authorities and community leaders.
2. Permanent loss of residential/ commercial structures of owners/claimants	Owners of structure	• Compensation for Residential/structure(s) at negotiated price ensuring replacement value • Transitional assistance to cover a maximum of 3 months rental accommodation; if the household is vulnerable, transitional allowance will be for 6 months • One-time lump sum shifting allowance of \$200 for temporary, semi-permanent, and permanent structures • Right to salvage materials from the demolished structure • Vulnerable APs will be provided on a one-time rehabilitation grant in the form of productive assets.	PMU in coordination with MOJ/DLPCS, Ministry of Finance, with assistance from valuation specialist, local authorities and community leaders.
3. Assets of squatters or informal settlers	Informal settlers/squatters/non-tilted APs identified by IOL losing Temporary, semi-permanent and permanent business	• Compensation at replacement cost of affected structure • Estimated during IOL and finalized with DLPCS; Transitional allowance for loss of income from business of \$100 for 3 months per household • Salvaged materials which are free of cost	DLPCS with Assistance from the PMU's Valuation Specialist and in consultation with relevant authorities will finalize the compensation at replacement cost for the affected structure as identified during IOL.

Road Network Upgrading Sector Project

Preparation of design for 169 km National Roads
(Baucau to Lospalos, Lautem to Com and Baucau to Viqueque)

Resettlement Plan (RP)
Road Link A01-04: Lautem-Com

Type of Loss	Unit of Entitlement	Details of Entitlements	Responsibility
	structure		
4. Tree	Claimant of the affected tree	• Compensation at replacement cost of the affected tree estimated during IOL and finalized with DLPCS • Salvaged materials which are free of cost	DLPCS with assistance from PMU's valuation specialist in consultation with relevant authorities will determine the fair compensation at replacement cost.
5. Income from business	Owner	• One time lump sum transfer grant of \$100 per kiosk; Transitional allowance of \$100 for 4 months per household	PMU in coordination with DLPCS and with assistance from local authorities and community leaders.
6. Income from productive land	Title holders/ claimants	• One time income restoration grant per AH for 1 year income	PMU in coordination with DLPCS and with assistance from local authorities and community leaders.
7. Impact on vulnerable APs	Vulnerable and women-headed households identified by IOL	• In addition to the above standard package, vulnerable AP households will receive following: Additional special assistance of \$100 for an extra 2 months for vulnerable households	PMU with assistance of local authorities and community leaders
8. Unforeseen impact	Concerned persons affected	• Unforeseen impacts will be documented and mitigated based on the principles agreed upon in this policy framework.	PMU identifies and mitigates impacts as required.

15. In conformity with the Expropriations Act, it is important to deal effectively with APs' concerns pertaining to resettlement impacts such as compensation, rehabilitation, and delays in payment. To ensure this, a simple, accessible, transparent, and effective grievance redress system will be established.
16. The PMU under the MPWTC will have overall responsibility for implementing the sub-project. The PMU will strengthen its capacity with a social safeguard specialist to plan and implement land purchase and resettlement, train counterpart staff, and monitor resettlement in the sub- project. To this end, an Environmental and Social Unit (ESU) will be established in the PMU. The ESU shall be staffed by a national social safeguards specialist and an international social safeguards specialist. A valuation specialist will be provided to assist the MOJ/DLPCS in the valuation of property in order to keep appropriate compensation in place. The international safeguard specialist at PMU will assist in the management of all resettlement activities including the process of reaching adequate compensation. If the situation demands, PMU will engage an experienced NGO, active in the project area, to assist in dealing with the process of consultation, negotiating compensation, and resolving disputes.
17. All costs associated with land purchase and resettlement will be provided by the government. The entire resettlement for the road improvement project is estimated at **\$90,097.70**, out of which **\$81,907.00** is for direct resettlement expense while the rest is kept for staff training, internal monitoring, administrative expenses and contingency expenses. The cost of items is in compliance with the RF prepared for the project.
18. The Ministry of Justice, i.e., DLPCS, will work with the PMU to conduct cadastral surveys for the lands to be acquired. It shall also prepare valuation tables as provided under the Expropriations Act. PMU will ensure such values in confirm with the ADB's social safeguard policy that requires compensation at replacement value. Since the Expropriations Act provides for negotiated purchase in the first instance, it is expected that APs will get adequate compensation. If, however, the statutory compensation under the Act falls short, then PMU will provide additional funding to "top up" the compensation as required. Hence, this provisional budget may require revision.
19. The earliest date for the availability of financial resources for the resettlement aspect of the project is to be expected by March 2016. Hence, the earliest actual implementation of the RP may begin by April 2016.

CHAPTER 1 INTRODUCTION

1.1 Background

Timor-Leste has begun rebuilding its national infrastructures after years of suffering from conflict and underdevelopment. Physical infrastructure development including road network is now recognized by the country as a top priority to accelerate its new economic opportunities and is also a mean to reduce poverty in the country. Given the emphasis on nationwide development of road infrastructure, the Government of Timor-Leste has planned to upgrade the 169 km National Road under the Road Network Upgrading Sector Project, with financial support (Loan) from the Asian Development Bank (ADB). The 169 Km of road will be divided into 6 sections as follows; Baucau to Laga (A01-03) about 20 km, Laga to Lautem (A01-04) about 38.2 km, Lautem to Com (A01-04) about 20.8 Km, Lautem to Lospalos (A08-04) about 27.8 km, Baucau to Venilale (A06-01) about 26 km and Venilale to Viqueque (A06-02) about 35 km. This 169 km National Road under the Road Network Upgrading Sector Project will cover 3 Districts in the eastern part of the country (Baucau, Viqueque and Lautem).

This Resettlement Plan report will refers to the National Road Upgrading Project of the Lautem to Com Section with a length of about 20.8 km. It is a road strategically placed to link Lautem and Com, which may further help to improve the area's business transactions and tourism activity in the future.

The strategy for the project is to minimize land requirements by confining the project's construction works within the existing road corridor to the extent possible. However, it will inevitably be necessary to acquire some land and other assets for the widening and raising of road embankments which will cause involuntary resettlement impacts. To address these resettlement impacts, the present Final Resettlement Plan (RP) for the Lautem-Com section has been based on the impact survey, census, socioeconomic survey of the affected persons (AP), as well as consultations with the AP population and various stakeholders. The physical implementation of improvement works includes the widening of the existing road to achieve a width of 10-12 m, 6 m wide carriageway, and 1-2 m wide shoulder on each side.

The improvement works will also include drainage construction. The strategy for the project is to minimize land requirements by confining the construction works within the existing road corridor to the extent possible. The strategy also includes some compromise on reducing the embankment width even to 2 m at certain sections of the road stretch. To address these resettlement impacts, the present Final Resettlement Plan (RP) has been formulated in conformity with ADB's safeguard requirements on involuntary resettlement under the Safeguard Policy Statement, adhering to the resettlement principles and procedures outlined in the Resettlement Framework (RF), adopted by the Government of Timor-Leste for the Road Network Upgrading Project.

The Ministry of Finance as the project executing agency and the Ministry of Public Works, Transport and Communication (MPWTC) as the implementing agency will

follow the RF principles and procedures to comply with the Government's applicable laws and regulations and relevant policies of ADB. The objectives are as follows: (i) avoid resettlement impacts wherever possible; (ii) minimize impacts by exploring alternatives; (iii) enhance or at least restore the living standards of APs; and (iv) improve the living standards of the poor and vulnerable APs.

Land acquisition and resettlement for the project will be carried out in conformity with the ADB's safeguards policy for acquiring land and other assets, the project will follow the provisions of the policy which provides for negotiated purchase as the first approach. Cadastral surveys will be conducted as part of this process and impacts will be reassessed. Consequently, the estimates in the summary of impact may have to be revised and updated.

1.2 Project Description

The Lautem to Com road section, with a length of about 20.8 km, is a continuous section of the major national route between Baucau, Lautem and Lospalos sections. The road then with continuous stretch feeds into the lautem to Lospalos road section which connected Lautem and Lospalos districts. The road lies within the geographic coverage of the two districts, Lautem and Lospalos. Project Location Map is presented in Figure 1-1.

Figure 1-1 Project Location Map



Physical implementation of improvement works includes widening of the existing road to achieve a width of 10 to 12 meters on the flat sections and a width of 12 to 14 meters on the ridget or hillside section, consisting 6 meters wide of carriageway and 1 to 2 meters wide shoulder on each side. The

improvement works will also includes construction of drainage, cross pipe/box culvert and stone masonry retaining wall. The strategy for the project is to minimize land requirements by confining the construction works within the existing road corridor to the extent possible. The strategy also includes some compromise on reducing the embankment width even to 2 m at certain sections of the road stretch. However, it will inevitably be necessary to acquire some land and other assets for the widening and raising of the road embankment which will cause involuntary resettlement impact.

1.3 Objectives of RP

This RP attempts to define the practical procedures by which the Implementing Agency (IA) will be able to obtain the required land and property from the APs and address the potential resettlement impacts to be incurred by the project. The RP shall be in line with the applicable policy and legal framework of the government, ensuring that the principles of the ADB's policies on involuntary resettlement are applied. In this process, the primary objectives of the RP are as follows: (i) identify the project impact on the community in terms of loss of land and other assets, as well as impact on livelihood and income; (ii) outline measures to mitigate its adverse impacts; (iii) provide an estimate for budgetary allocation for compensation of loss of assets and resettlement benefits; and (iv) provide procedure for internal and external monitoring of resettlement implementation.

The impacts are documented in the RP, corresponding to the available engineering design of the road alignment as of September 2015. It includes inventory of all the APs who experienced the actual magnitude of impact on their land and other properties, together with compensation for their losses.

1.4 RP-Related Conditions

Project implementation works will be contingent in the compliance with the following conditions:

- Approval of this RP by the Government of Timor-Leste and ADB;
- Full disclosure of this RP to the public;
- Full implementation of the compensation program described in this RP including the full delivery of compensation to the APs;
- External monitoring agency/consultant is in place; and
- 'No objection signal' offered by ADB for the commencement of physical works.

CHAPTER 2 SCOPE OF LAND RESETTLEMENT

2.1 Scope and Rationale for Land Acquisition/Resettlement

Upgrading Project for Laga to Lautem section will follow the road's existing alignment to the maximum extent possible to minimize resettlement impacts. The road upgrading works will consist of earthworks which include road widening at areas where it is considered absolutely necessary, retaining structures, drainages, bridges and pavements.

The road will be upgraded to all weather, asphalt-surfaced standard that will enable it to carry loaded container trucks as a minimum. Upgrading of the road will affect structures, small roadside businesses and trees (both fruit and timber). A total of 27 households will be affected by the project. In order to understand the adverse social and resettlement impacts of the project interventions, a 100% census combined with socio-economic survey was carried out in September 2015 in order to make an inventory of losses (IOL). The reason for carrying out the survey is for the development of a baseline of socio-economic status of the households likely to suffer from project implementation. A structured questionnaire (Appendix B) was used to collect details of the affected Housholds (AHs).

2.2 Measures to Minimize Land Acquisition Impact

Initially, the proposed widening of the road involved major impacts on land, structure, trees, and other assets. In the subsequent efforts to avoid and minimize resettlement impacts to the maximum extent possible, the project adopted a compromised strategy as follows:

- Road adjusting within the available government-owned lands;
- Paying careful attention to the detailed design of the road to stay close to the existing alignment as far as possible in order to avoid land acquisition impact;
- Realigning of the embankment to avoid existing structures or built-up areas if possible; and
- Paying careful attention to the detailed alignment in the vicinity of sensitive cultural features in order to avoid impacts upon them.

2.3 Summary of Impacts

The project has carried out an extensive exercise to minimize adverse resettlement impacts. This approach shall affect in the resettlement impact of 27 households in terms of their structure, land, and business. The total number of APs has been estimated at 137, an area of about 136.07 m² of structure will be affected by the project and as much as 71 trees will be affected. Table 2-2

summarizes the whole resettlement impact of the project. The subsequent Section 2-4 of this chapter details the losses in each category.

There are 3 types of public utilities will be affected by this project namely, 105 linear meters of water pipelines, 12 units of Concrete Electricity Poles, 1 water reservoir. The replacement cost or tranfering cost for these affected public utilities and sacred objects will be included in the provisional sum of the project cost.

Table 2-1 Summary of Impact

No	Impact Category	Type of Affected Assets	Number/Size of Impact	
			No.	Size
1	Affected structure	a. Semi-Permanent	3	130.07
		b. Temporary	1	6
		Total Affected Structure	4	136.07
2	Affected movable structure	a. Temporary fence	24	805
3	Affected Trees	a. Timber trees	13	-
		b. Timber and fruit trees	1	-
		c. Fruit trees	57	-
		Total Affected Trees	71	-
4	Affected Public Utilities	a. Water pipeline	7	105
		b. Concrete Electric Pole (Single)	12	-
		c. Water reservoir	1	-

2.4 Impact Assessment

2.4.1 Impact on People

As mentioned in the previous section, a total of 27 households and 137 persons will be affected by the road upgrading project. Of these, 6 people will be affected in terms of residential structure, 13 people in terms of trees, 20 people in terms of fence & business³, 42 people in terms of fences and 52 people in terms of fence & trees.

Table 2-2 Number of AH and AP on the Basis of Category of Impact

Category of Impact	Affected Households (AHs)	Affected Persons (Aps)
Total No. AHs and APs for residential structure affected	1	6
Total No. AHs and APs with trees affected	3	13
Total No. AHs and APs with fence & business affected	3	20
Total No. AHs and APs with fences affected	8	42
Total No. AHs and APs with fence and trees affected	12	56
Total	27	137

³ It can be kiosk or stall

AHs will be compensated accordingly depending on the impact on their affected assets. The procedures and type of compensation are summarized on entitlement matrix (See table 4-1).

2.4.2 Impact on Land

There is no Impact on private land since the new design road alignment will only encroach to the government land.

2.4.3 Impact on Trees

A total of 71 trees of different types will be affected (Table 2-5). Among these, 14 are classified as timber trees, 56 as fruit trees and 1 as fruit-timber trees. Depending on the time of implementation of land acquisition, the total number of trees that will have to be removed will be greater.

Table 2-3 Impact on Trees

Fruit Trees		Fruit and Timber Trees		Timber /Trees	
Name	Total	Name	Total	Name	Total
Coconut	18	Mango	1	Palm	1
Banana	13			Kapok	13
Jambu air	1				
Sour sop	7				
Lime	5				
Papaya	9				
Jackfruit	2				
Guava	1				
Sub Total	56		1		14
Total	71				

Figure 2-1 Pictures of the identified affected trees



2.4.4 Impact on Structures

Based on the detail measurement survey and IOL conducted in each project

location, there are 4 affected structures with the total of 4 affected Households identified all are categorized as Marginally affected and the AHs can just be moved a little back to their own available land-space since the affected structures itself are only a small time semi-permanent and temporary structures.

About 85% of respondent expecting to be compensated by cash and 15% expecting to be compensated by structure with the same size and quality.

The detail procedures and type of compensation are summarized on entitlement matrix (See table 4-1).

2.4.5 Impact on Income

Aside from every other occupation that the majority of the affected households hold, farming and busnessing has been the main livelihood for most of the affected households identified during the socio-economic survey within the month of September 2015.

Among the 4 affected structures, 1 structure is being used for residential and 3 structures are being used for business purposes. These residential structures are not rented out; hence, there is no income from these structures. The average monthly income from affected structures is \$166.00 (see table 2-8).

Table 2-4 Usage and Income from Affected Structure

Use of Structure	No. of Structures	Average Monthly Income from Structure (\$)
Residential	1	-
Business	3	\$166.00
Total	4	\$166.00

Figure 2-2 Pictures of the Affected Business Structures



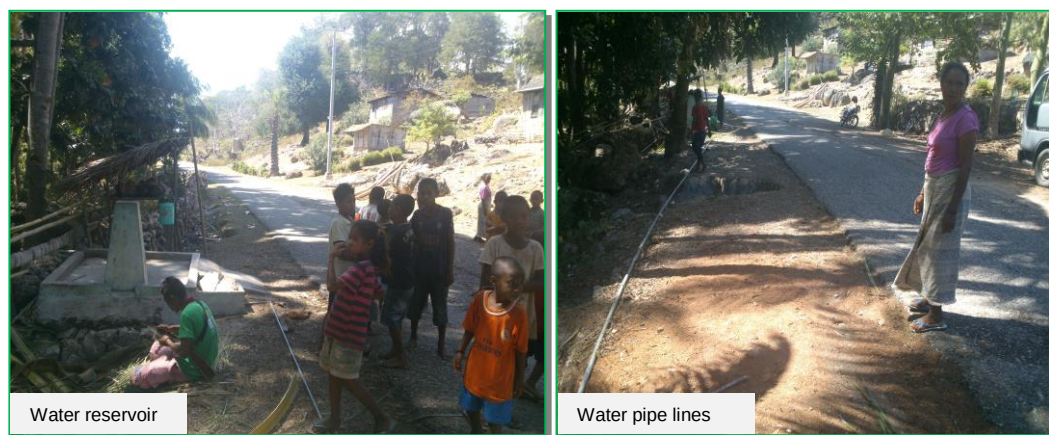
The kiosk either semi-permanent or temporary which will be affected in terms of both structure and business income will be subjected for full compensation at replacement cost of affected structure and additional for three (3) months as

transitional allowance for the monthly business income loss. The four months is calculated for the period of time needed for a new business structure to be fully constructed and the business to be fully operational as the previous condition.

2.4.6 Impact on Public Utilities

Along the road side we can visually see that there are some water pipe lines been installed very close to the road side or even crossing the road in some areas, some of these water pipe lines was installed by the district's water sanitation service and some were provided by the SAS (*Servicos Agua e Saneamento*) program in order to supply water to the community. 105 linear meters of total water pipe lines, along with 12 Concrete Electric Poles and 1 water reservoir will be affected by the project. See table 2-2.

Figure 2-3 Pictures of the Affected Utilities



2.4.7 Impact on Sacred Objects

There is no impact on sacred object identified during the survey.

2.4.8 Gender Impact

Discussions were undertaken with the women and community people to understand the current status and needs of women living in the sub-project area and the potential impact of the project to them. The assessment has not brought forth any adverse impacts of the project on women in particular. Rather, the project is anticipated to benefit them by strengthening connectivity, accelerating new economic opportunities, and reducing poverty which may help contribute to the improvement of the overall quality of life in their area.

CHAPTER 3 SOCIO-ECONOMIC INFORMATION AND PROFILE

3.1 Working Methodology

A 100% census of the AHs combined with a sample of the socio-economic survey was carried out in September 2015. The census helps provide requisite details on the affected households (AHs), assess the magnitude of impacts, and identify the required measures for mitigation of adverse impacts. Interviews were held with the heads of the AHs and family members at their residences to collect socio-economic information of the affected population. Structured questionnaire (Appendix B) was used to collect details of the affected households.

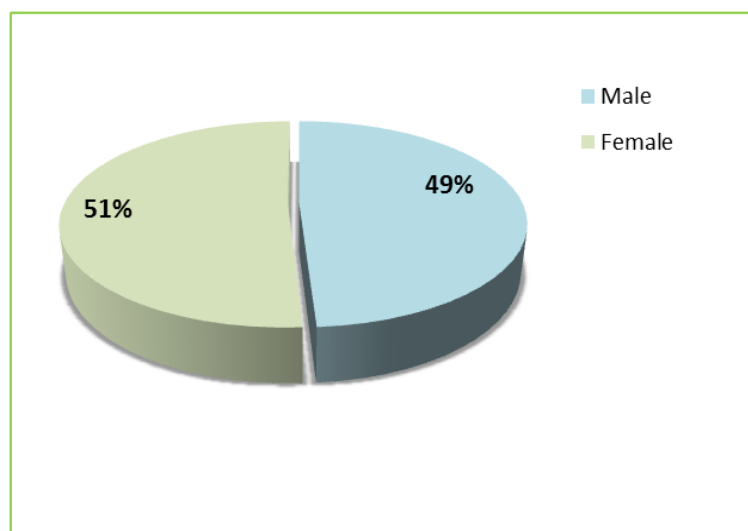
Socio economic information and profile of AHs is analyzed base on the data of 27 AHs. About 2 data were not usable for socio economic due to unavailability of data. Base on in-depth interview taken during survey, these 2 AHs are not living in the same sub district and mostly live outside the sub district.

3.2 Demographic Characteristics of AHs⁴

3.2.1 Population of AHs

It has been mentioned earlier that the project will have an impact on a total of 27 AHs and the APs are on a total of 137, of which 67 are male and 70 are female.

Chart 3-1 Population of Affected People

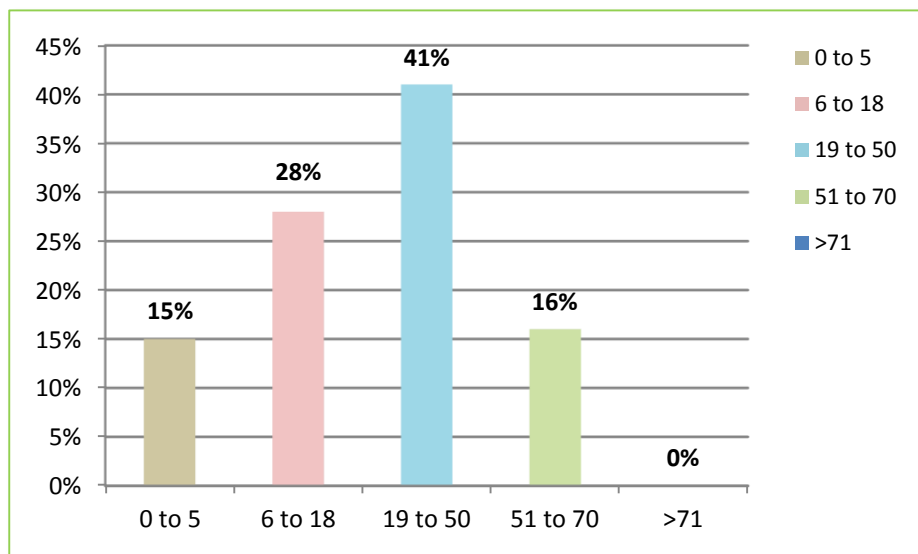


3.2.2 Age of APs

As shown in chart 3-2, the majority of the affected population is within the age 19 to 50 which consist 41% of the total APs.

⁴ Demographic characteristic of AHs analyzed base on the data of 229 AHs

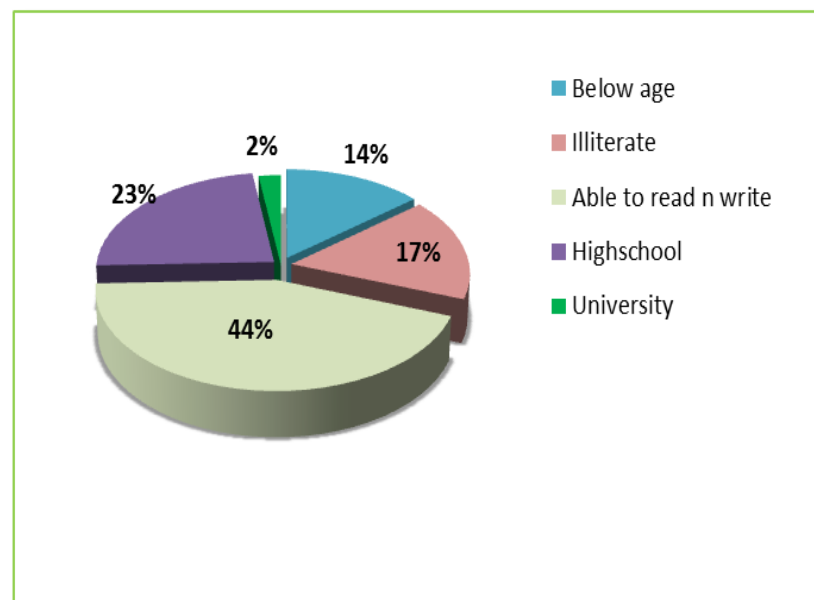
Chart 3-2 Age Distribution of Affected People



3.2.3 Education of APs

Majority of the APs are able to read and write. 14% is under school going age, 17% are illiterate, 44% of APs able to read and write 23% reached junior and senior high school and 2% is university graduates. See chart 3-3.

Chart 3-3 Education of Affected People



3.2.4 Ethnicity & Religion of AHs

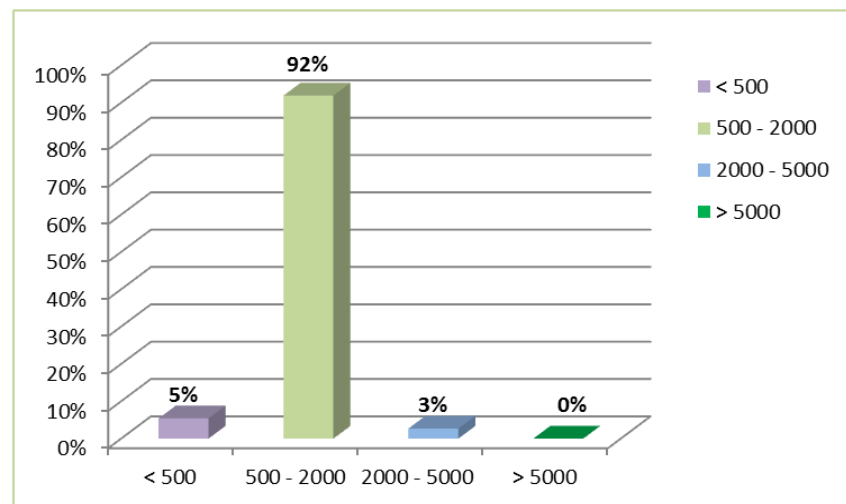
From the total of 27 AHs, 100% are fataluku and all of the surveyed AHs 100% were found to be followers of Christianity.

3.3 Characteristics of Households

3.3.1 Economic Profile of AH

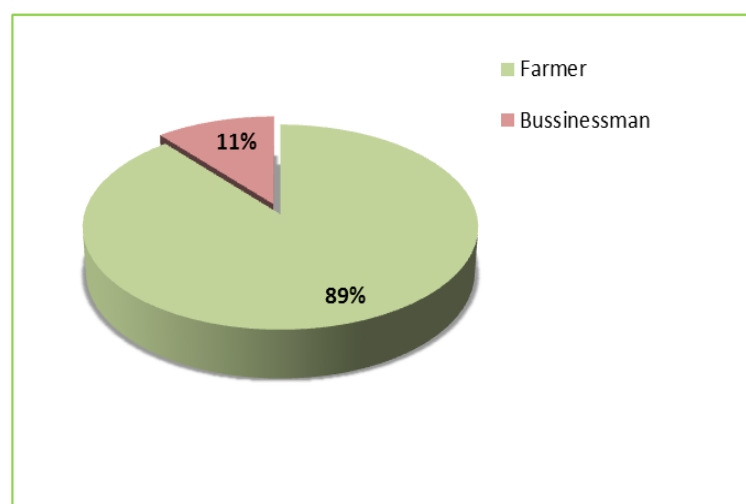
Majority of the AHs 92% have annual incomes of about (\$500 - \$2,000), 3% have incomes of about (\$2,000 - \$5,000), 0% have incomes more than (\$5,000) and the remaining 5% only have incomes up to (\$500). See chart 3-4.

Chart 3-4 Annual Income of Affected Households



Of the 27 AHs, 89% is farmers/fisherman and 11% is businessman or traders.

Chart 3-5 Main Occupation of Affected Household Heads



3.3.2 Quality of Life Indicators

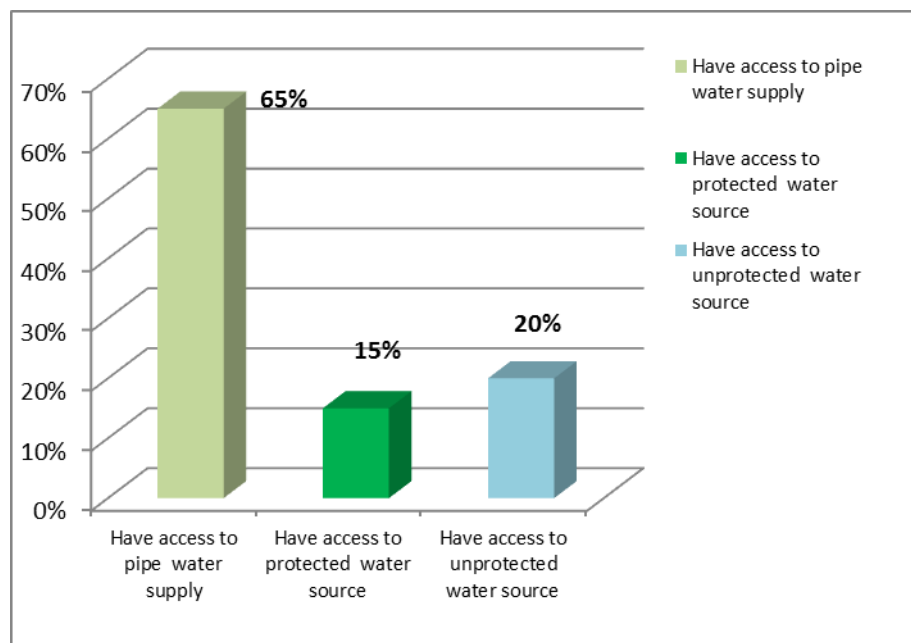
Around 5 years back the community in this region always has problem with

electricity connectivity it occur because the power supply which the region used was the old Indonesian materials, but now the government has upgraded the power lines in the region by replacing the old indonesian steel electric poles and cables with the new concrete electric poles from Lautem until Lospalos, which is now has been giving the community 100% access to electricity.

There are 65% of the AHs have access to piped water supply, 15% have access to water from protected well and the remaining 20% have access to water from un-protected sources. The water pipe lines which have been benefited around 65% of AHs were provided by the Water and Sanitation Services (*Servicos de Agua e Saneamento*) through the Rural Water Supply Program.

These 2 (type) of public utilities are found to be affected by the project during the IOL and the public utilities survey. Additional transferring cost has been estimated and included in the RP budget in order to address this issue in future extent.

Chart 3-6 Water and Accessibility



3.4 Economic Details of AHs

3.4.1 Poverty Status

The TLSLS 2007 defines the upper poverty line to be \$26.68 per month per person and the lower poverty line to be \$21.53 per month per person. The calculations on poverty status of AHs in Lautem are also based on the TLSLS 2007. Overall the total of 27 AHs within Lautem is 89% relatively below the poverty line.

Table 3-1 Poverty Analysis around the Project Area

Sub District	No. AHs	No. APs	Average monthly income (\$)		Poor AHs	
			AHs	APs	No	%
Lautem	27	137	\$82.22	\$13.70	24	89%
Total	27	137	\$82.22	\$13.70	24	89%

The average monthly income of the AHs is found to be \$82.22 and the average number of family members per AH is 5. Hence, the average income per month per person of the AHs is \$13.70.

3.4.2 Impact of Project on AH's Livelihood

The project will cause some impacts on AHs' livelihood in terms of loss of income. There are 3 roadside businesses (Kiosks), each of which will have considerable losses. However, not all of the damages will be permanent.

Based on the Socio-economic survey carried out on August 2015, a total of 24 AHs are considered as part of the vulnerable due to their income level being below the living standard in Timor-Leste. Among the 24 vulnerable AHs, 1 will lose its Residential structure and the remaining 23 will lose mainly their temporary fence and trees. All of the Households which will be losing assets (structures) more than 10% are counted as vulnerable since their assets will have to be relocated based upon their requests.

The households who are considered as vulnerable will be provided with additional special assistance as an additional compensation entitlement.

In spite of these negative impacts, the project will have some significant positive impacts on the AHs' livelihoods. In the community consultation session, the following positive impacts of the project on AHs' livelihoods were identified by the local community representatives:

- i. Reduced travel time and cost for the AHs;
- ii. Increased pedestrian safety;
- iii. Improved and much reliable bus services, ensuring safe and comfortable travel;
- iv. Improved communication among sucos;
- v. Employment opportunities during the construction phase of the road;
- vi. Opportunities to sell goods to construction workers;
- vii. Improved access to markets, schools, hospitals and other important social institutes; and
- viii. Increased land values due to enhanced accessibility.

The local community, at the same time, finds the following few negative impacts

on their livelihood due to this project, apart from the loss of land, structure, and income:

- i. Dust and noise during construction period affecting the daily life of local households;
- ii. Increased chances for accidents due to increased traffic; and
- iii. During the construction period, workers from outside will work in close proximity to the local people. Hence, there may be chances of conflicts, unrests, abuse of minors/women, and spread of sexually transmitted infection (STI) among the local community.

CHAPTER 4 LEGAL POLICY FRAMEWORK AND ENTITLEMENTS

4.1 Introduction

The RP is based on ADB's Guideline for Environmental and Social Consideration, published April 2010, as well as the Timor-Leste's applicable/domestic policy instruments and laws. The RP fits with the provisions of the Resettlement Framework (RF) approved by the Ministry of Public Works, Transport and Communication, Government of Timor-Leste. The following section deals with these policies with a comparison of the two policies and subsequently deals with the entitlements and eligibility for compensation and other resettlement entitlements.

4.2 Purpose and Objectives of Land Resettlement

The government proposes to widen the Laga to Lautem Road in order to improve the quality and safety of travel, and ensure greater economic and social benefits to the people. The road upgrading project will be designed taking into account the social safeguard policies of the funding agencies, which include avoiding and/or minimizing resettlement impacts. However, this road improvement includes widening and realignment and hence, it is likely to have some unavoidable impacts on structures and other assets. Such impacts include loss of land, structures, crops, trees, and other assets. The census survey that was carried out along the 20.8 km road shows that the project will not going to acquire any private land.

4.3 Existing Policy and Legal Framework for Resettlement in Timor-Leste

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

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

The first land law of Timor-Leste was promulgated in March 2003 and was designed to serve as an umbrella law for the rest of the land and property regime. The law defined State property of private domain, established the Directorate of Land, Property and Cadastral Survey (DLPCS) as a legal entity and defined its jurisdiction, and articulated general rules concerning land tenure and property rights to be further developed by ensuing legislation. Moreover,

this law established a one-year period for both nationals and non-nationals to register their land claims. Effectively Law No.1/2003 vests all land that belonged to the Portuguese state, and all state property acquired or built by the Indonesian regime, in the new state of Timor-Leste. However, there are uncertainties over the boundaries of state land and overlapping claims of state and customary land ownership. Furthermore, the law currently does not include any implementing regulations.

A decree issued by the government in February 2011 which provides for the granting of compensation to relocate unlawful occupants of state property based on humanitarian considerations. The Ministry of Justice (MOJ) through ministerial statute establishes the basis for calculating compensation. Another decree promulgated in July 2011 provides for the granting of title certificates to landowners/persons in areas where cadastral surveys have been completed (following the registration and verification of claims by the government) and confirmed that the claims to land are undisputed. Among the claims registered so far under the Ita Nia Rai program, some 92 percent of claims are undisputed.

Four pieces of legislation relating to land have just received parliamentary approval:

- The Civil Code which forms the pillar of civil law in East Timor includes a section that governs day-to-day land decisions such as the sale and lease of land;
- The Transitional Land Law sets the scene for all land issues in the future, deciding who owns what land and in the case of conflicting claims, who has the strongest right to the land;
- The Expropriation Law that allows the state to take land for "public good" for example, to build ports and other infrastructure; and
- The Real Estate Finance Fund to provide compensation as determined under the other laws.

There were no specific laws on involuntary land acquisition and compensation until the end of 2011. When road works required land in the past, the government negotiated with the owners or users (including squatters) on a case by case basis. According to past practices, when land was required for project development, concerned parties under the direction of local authorities (district and sub-district land property units and villages) negotiated and reached an agreement on compensation rates, total compensation amount, and the procedures or mechanism for compensation and transfer.

Land acquisition for public purposes is now governed by the provisions of the Expropriations Act. Hence, the project will acquire land under the provisions of the Expropriations Act (2012), which provides for negotiated purchase as the first approach. Only if negotiations fail, will the government initiate "compulsory acquisition".

4.4 ADB'S Guideline for Environmental and Social Consideration

ADB's Guideline for Environmental and Social Consideration (April 2010) aims to avoid or minimize the impacts on people affected by a project, and to provide support and assistance for those who lose their land and property, as well as for others whose livelihoods are affected by the acquisition of land or restriction on land use. Resettlement planning is designed to provide AHs with a standard of living equal to, if not, better than that which they had before the project. The policy is guided by the following principles:

- Involuntary resettlement is to be avoided or at least minimized;
- Compensation must ensure the maintenance or improvement of the AHs' pre-project living standards;
- AHs should be fully informed and consulted on compensation options;
- AHs' socio-cultural institutions should be supported/used as much as possible;
- Compensation will be carried out with equal consideration of women and men;
- Lack of formal legal land title should not be a hindrance to assistance/rehabilitation;
- Particular attention should be paid to households headed by women and vulnerable groups, such as indigenous people and ethnic minorities. Appropriate assistance should be provided to help them improve their status;
- Land acquisition and resettlement should be conceived and executed as a part of the project. The full costs of compensation should be included in the project costs; and
- Compensation/rehabilitation assistance should be paid prior to ground leveling and demolition, and in any case, before an impact occurs.

The policy comprises three important elements as follows:

- i. Compensation to replace lost assets, livelihood, and income;
- ii. Assistance for relocation, including provision of relocation sites with appropriate facilities and services; and
- iii. Assistance for rehabilitation to improve or achieve at least the same level of well-being with the project as without it.

A project's involuntary resettlement category is determined by the category of its most sensitive component in terms of involuntary resettlement impacts. The level of detail and comprehensiveness of the resettlement plan are commensurate with the significance of the potential impacts and risks.

4.5 Project Policy Framework and Entitlements

The legal and policy framework on resettlement in Timor-Leste has been compared with the requirements of ADB and some gaps have been identified. The gap-filling measures and resettlement policy principles for the project are as follows:

- i. The Constitution gives the power to the state to expropriate land for public purposes paying due compensation in accordance with the law. The Expropriation Law has received Parliament's approval. The government will now be able to acquire land for road improvement under "eminent domain" or involuntarily.
- ii. A substantive amount of land in Timor is not registered. The government has started issuing land title certificates in urban areas, which will help in identifying land owners. In rural areas where most of the road sections will be improved, the MOJ and DLPCS will identify and establish ownership claims for the land parcels required for the project roads.
- iii. The absence of an active land market in rural areas poses a challenge to determine the market or replacement value of the affected land. Professional valuation expertise under the PMU supported by ADB will assist the DLPCS for the valuation of affected assets to determine fair compensation at replacement cost to AHs. Resettlement impacts will be minimized through careful engineering design;
- iv. AHs will be systematically informed and consulted during the entire process of resettlement planning and implementation, including assessment of possible impacts on their livelihoods, purchase of land/assets, determining compensation/resettlement options, and socio-economic rehabilitation measures. They will be informed of their rights and options and be invited to participate actively in the identification of mitigation and rehabilitation measures;
- v. The AHs will be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date, usually around the time of initial consultations, at the sub-project identification stage, to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits;
- vi. Consistent with donor policies, eligible AHs are:
 - Those with titles to land recognized on a legal basis;
 - Those with no legal rights but have a claim to the land or assets, and are recognized through a process identified in the RP;
 - Those who have no legal right or claim to the land they are occupying before the cut-off date.
- vii. Eligible AHs are entitled to compensation and livelihood rehabilitation measures sufficient to assist them to improve or at least maintain their pre-sub-project living standards, income earning capacity and production

levels;

- viii. In the consultation process, representatives of local governments, village chiefs, other community leaders and civil society organizations such as non-government organizations (NGOs) from the operational areas will be included. The customs and traditions, as well as religious practices of all AHs, will be respected and protected;
- ix. The institutions of AHs, and, where relevant of their hosts, are to be protected and supported. Physically displaced AHs will be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted;
- x. Lack of formal legal rights to assets lost will not deprive any AP from receiving compensation and payments for non-land assets and entitlements;
- xi. Particular attention will be paid to the needs of vulnerable AHs. This group of AHs may include those without legal or recognizable title to the land or other assets, households headed by females, the elderly or disabled, and other vulnerable groups, such as people living in extreme hardship, and indigenous people that may be a minority in specific locations. Appropriate assistance will be provided to help them improve their socio-economic status;
- xii. The concerns of women will be identified based on gender disaggregated socio-economic data, separate discussions on women's concerns, and ensuring adequate measures and budgetary allocations in the resettlement plan to compensate and resettle them in a manner that does not disadvantage them. In this effort, the assistance of national NGOs currently engaged in women's welfare will be sought;
- xiii. Since there are no significant differences in cultural and socio-economic identity among the different language groups, no specific adverse impacts are anticipated to warrant separate indigenous peoples' plans. To ensure that the different language groups fully participate in planning and implementing resettlement, discussions and reports will be prepared and disclosed appropriately in the relevant languages. RPs will also include provision for any special measures that may be required;
- xiv. Resettlement planning decisions will be preceded by a social preparation phase where consultations will be held with AHs community leaders, local administrators, and NGOs to enhance the participation of these AHs during negotiation, planning, and implementation;
- xv. A valuation specialist will be provided under the PMU to assist the DLPCS to have appropriate rates in place. Payment for physical assets, i.e., houses, buildings and other structures, and non-physical assets such as lost income from productive assets or jobs, will be calculated at replacement cost and included in the RP;
- xvi. AHs losing only part of their physical assets will not be left with a

proportion inadequate to sustain their current standard of living. Such a minimum size will be identified and agreed upon during the resettlement planning process;

- xvii. Land for land or asset for asset compensation is always the preferred method. However, if insufficient land or assets are available, or if the affected people have a preference and the resettlement impacts are considered to be minor and do not undermine the livelihoods of AHs, cash payment at replacement costs will be provided based on negotiation with AHs. For those experiencing severe impacts (more than 10% of productive land severely affected people (i.e., AHs experiencing significant impacts)), assistance will be given to identify and purchase alternative land. Efforts will also be made to provide sustainable livelihood restoration measures so that affected people can improve or at least restore their standard of living to pre-project levels;
- xviii. A grievance redress mechanism, linked with existing traditional formal and informal systems and cognizant of cultural requirements, will be established to solve resettlement related disputes and complaints from AHs;
- xix. The full cost of land purchase and resettlement will be included by the government in the project cost and adequate budgetary provision shall be made available during implementation;
- xx. All land purchase, compensation, resettlement activities will be satisfactorily completed and the sub-project areas cleared of all obstructions before the commencement of civil works; and
- xxi. No works with resettlement impacts will be implemented before a RP has been prepared and approved in line with this RF. The general process for preparing RPs include:
 - Consultation with AHs relevant stakeholders, and whenever necessary, assistance of relevant institutions to ensure effective consultations;
 - Undertaking of a participatory inventory of losses (IOL), which will be updated during a detailed measurement survey (DMS) following the detailed design;
 - Determination of replacement cost – for AHs losing assets (land, physical assets, means of livelihood, or social support systems) will be compensated and assisted to the APs, through adequate and satisfactory replacement land, housing, infrastructure, resources, income sources, and services, in cash or in kind, so that their economic and social circumstances will be improved or at least restored to the pre-project level. All compensation will be based on the principle of replacement cost at current market value. When necessary, livelihood restoration programs acceptable to the local community will be put in place to help people improve, or at least restore, incomes to pre-project levels;
 - Preparing a cost estimate and budget including the costs of compensation, relocation and rehabilitation, social preparation and livelihood programs.

The budget will also include the costs for planning, management, supervision, monitoring and evaluation, land taxes, land fees, physical and price contingencies, and implementation of the RP;

- Inclusion of a grievance mechanism based on cultural practices and agreeable to AHs; and
- Inclusion of a monitoring system - appropriate reporting and monitoring and evaluation will be established as part of the resettlement management system, which will be set out in the RP.

4.6 Eligibility and Entitlements

This RP will apply to the Road Network Upgrading Project for implementing the Lautem - Com sub-project. This will ensure that all persons affected by losing of land and other fixed assets, will get the appropriate compensation, and rehabilitation assistance.

4.6.1 Cut-off Date and Eligibility

The cut-off date under the project is the date after which people will not be considered eligible for compensation, i.e., they are not included in the list of AHs as defined by the census. Normally, the cut-off-date is the date of the detailed measurement survey. The cut-off date under the project has been set as on **25 September 2015**. PMU/MPWTC will be informed about the cut-off date to the local communities. People who will move into the project boundaries after the cut-off date will not be entitled to any compensation. The following categories of affected persons will be entitled to receive compensation for their losses:

- Those with titles to land recognized on a legal basis;
- Those with no legal rights but have a claim to the land or assets, and are recognized through a process identified in the RP; and
- Those who have no legal right or claim to the land they are occupying before the cut-off date.

Negotiated prices at replacement cost for land and other fixed assets, (houses, other structures) crops, and trees will be adequate to replace losses, while AHs with recognizable land rights/claims will receive fair compensation/price at replacement rate for land, those without such rights will be compensated for assets attached to land such as houses, kiosks, and other structures. They will also be entitled to assistance for restoring their incomes. The AHs without legal title or legitimate claim will be entitled to compensation for non-land assets only and other assistances. Vulnerable persons and women-headed households will qualify for special assistance.

An entitlement matrix for the project is presented in Table 4-1. Each RP will include a detailed entitlement matrix identifying the following main components:

- Description of impact (permanent, temporary, land, structure, crops, access, employment, business, communal facilities, public buildings and

utilities, etc.;

- Nature of impact (right of way, access for construction, partial or total loss, ownership, impact on income, etc.);
- Definition of affected person for each category of impact;
- Specific entitlement for each type of loss; and
- Agency responsible for each entitlement.

Where public buildings such as schools, clinics, electricity lines, water supplies, markets, and government offices are affected, PMU will work with relevant authorities to plan for replacing them well in advance and ensure that the required funds are included in the resettlement budget. Churches and religious structures will be compensated at replacement value. See Table 4-1 Project Entitlement matrix.

Table 4-1 Project Entitlement Matrix

Type of Loss	Unit of Entitlement	Details of Entitlements	Responsibility
Permanent loss of homestead and commercial land	Title holders/ Claimants	• Compensation for the loss of residential land at negotiated price ensuring replacement cost • Transitional allowance for a maximum of 3 months at \$100 per month, if the residual land is not viable (land acquired is 75% or more of the total land holding of the title holder); or, for 3 months if the residual land is viable • If the household is vulnerable, transitional allowance will be for 6 months. • All fees, taxes, and other charges, as applicable under relevant laws incurred in the relocation and resource establishment are to be borne by the project. • Landless/vulnerable APs will be assisted to find alternative land/plot.	PMU in coordination with MOJ/DLPCS, Ministry of Finance, with assistance from valuation specialist, local authorities and community leaders.

Permanent loss of residential/commercial structures of owners/claimants	Owners of structure	• Compensation for house/structure(s) at negotiated price ensuring replacement value • Compensation for the residential structure (part or full) at replacement rates without depreciation • Transitional assistance to cover a maximum of 3 months rental accommodation; if the household is vulnerable, transitional allowance will be for 6 months • One-time lump sum shifting allowance of \$200 for Temporary, semi-permanent, and permanent structures • Right to salvage materials from the demolished structure • Vulnerable APs will be provided a one-time rehabilitation grant of \$100 in the form of productive assets.	PMU in coordination with MOJ/DLPCS, Ministry of Finance, with assistance from valuation specialist, local authorities and community leaders.
Assets of squatters or informal settlers	Informal settlers/squatters/non-tilted AHs identified by IOL losing Commercial semi-permanent structure	• Compensation at replacement cost of affected structure • Estimated during IOL and finalized with DLPCS; Transitional allowance for loss of income from business of \$100 for 4 months per household • Salvaged materials which are free of cost.	DLPCS with assistance from the PMU's Valuation Specialist and in consultation with relevant authorities will finalize compensation at replacement cost for the affected structure as identified during IOL.
Annual/Seasonal crops	Household	• Compensation at market value of crops for 1 year (1 time harvest) , plus a \$100 assistance grant for the purchase of seeds for the next season	PMU with assistance from relevant government ministries and valuation specialist

Tree	Claimant of the affected tree	• Compensation at replacement cost of affected tree estimated during IOL and finalized with DLPCS • Salvaged materials which are free of cost	DLPCS with assistance from PMU's Valuation Specialist in consultation with relevant authorities will determine the fair compensation at replacement cost.
Income from business	Stall and Kiosks	• One-time lump sum transfer grant of \$100 per kiosk • Transitional allowance of \$100 for 4 months per household	PMU in coordination with DLPCS and with assistance from the local authorities and community leaders
Impact on Vulnerable AHs	Vulnerable and women-headed households identified by IOL	In addition to the above standard package, vulnerable AP households will receive the following: • Additional special assistance of \$100 for two more months for vulnerable household	PMU with assistance from the local authorities and community leaders
Unforeseen Impact	Concerned persons affected	• Unforeseen impacts will be documented and mitigated based on the principles agreed upon in this policy framework.	PMU identifies and mitigates impacts as required.

CHAPTER 5 PARTICIPATORY CONSULTATION AND DISCLOSURE

5.1 Stakeholders

This RP has been prepared in consultation with key local and national stakeholders. Table 5-1 summarizes the consultations that have been undertaken in preparation for the RP. Importance was given to consult the leaders of local communities, particularly the suco/village and aldeia/hamlet chiefs, along the project road corridor to receive their support for the project. Most importantly, attention was given to the directly affected persons and their community to understand their attitude towards the project design and benefits, their expectations, and to create awareness among the affected population regarding their entitlement, compensation payment procedures, and grievances redress mechanism. In the process of considering mitigation measures, their suggestions have been taken into account to avoid negative impacts to the possible extent.

The main issues concerning the project impacts and AP's expectation and their suggestions on mitigation measures appeared more or less similar. The key local and national stakeholders that were consulted on the project include:

- Local individuals and communities;
- Special interest groups (women, farmers, small traders, landless);
- Government authorities and public sector agencies;
- Non-government organizations (NGOs); and
- Financing agency and other international development agencies.

5.2 Key Issues

Consultations, especially at suco and aldeia levels, were dominated by questions and concerns relating to the land ownership issue, negotiated compensation for land and other assets lost, and impacts on livelihoods, impact on religious and cultural sites, and on services. The key issues that were frequently raised in the consultation are summarized as follows:

5.2.1 Land purchase, negotiated compensation and livelihood

- The methods that will be used to determine compensation values for land, structures and other assets; responsibility for compensation determination (MPWTC/PMU, DLPCS, valuation expert, supervision consultants or a compensation committee); whether compensation rates (e.g., for land) will be at the current market prices;
- Fate of people who have no legal right to the land on which they have settled, whether they will be entitled to compensation for land, and for other losses, e.g., houses, crops, trees;

- Compensation for the houses that will be affected only in part;
- The method of compensation disbursements; timing of when compensation payments will be made;
- Loss of employment to shop and business employees; no possible guarantee that the same employees will be able to get the same job in a relocated business;
- Use of middle men/agents in compensation payments.

5.2.2 Services and religious/cultural sites

- Impact on existing religious sites, such as church and cemetery, and how they would be treated;
- Impact on existing electric supply.

5.2.3 Employment opportunities

- Assurance of employment opportunity for the affected and local people during road construction works.

5.3 Community Attitude

Many people anticipated that the project could lead to substantial development and the improvement of infrastructure, services and facilities in the area. The project has been seen as an opportunity to develop the region and its people. In the consultation meetings, almost all participants responded by stating that the project is necessary for improving connectivity, creating jobs, increasing agricultural productivity and reducing poverty.

In the survey stage, the people likely to be directly affected were supportive of the project, participating in the consultation process through responding to various surveys. They also expressed their support to the project with the expectation of getting fair compensation for their affected assets. Both in the course of consultations and survey period, the participants and likely AHs were asked about their preference on the type of compensation for their affected property. In all the meetings, almost all the respondents **preferred cash compensation** for the loss of their land, structures, trees, and other assets.

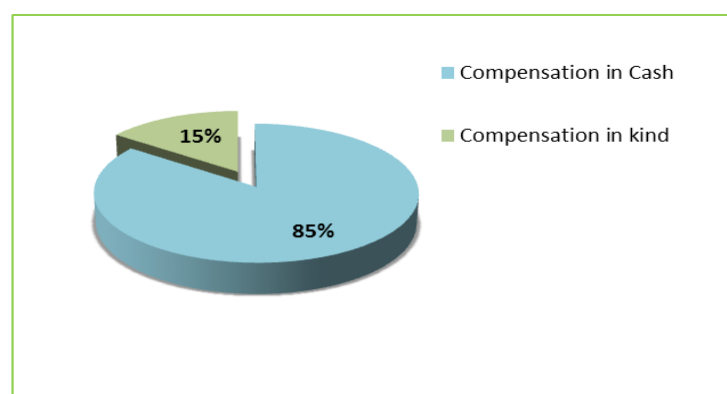


Table 5-1 Summary of Stakeholder Consultations

Stakeholder Category	Activities Undertaken
National Level	Consultation with: Project and Financial Manager, PMU, MPWTC Chief Technical Adviser, PMU, RNUSP Director, National Statistics Directorate, Ministry of Finance, Timor-Leste Project Consultants
District and sub district Level	Consultation with: (i) District Administrator of Lautem (ii) Sub district Administrators of Lautem and Lospalos (iii) Senior technician, Lospalos water and sanitation service
Suco/Village Chief	Consultation with the suco chiefs along the project area (Parlamento and Com)
Aldeia/Hamlet Chief	Consultation with concerned Hamlet/Aldeia's chiefs under the above mention sucros/villages.
Villagers/Community	Public Consultation Meetings (PCM) with all of the community who are residing along the roadside.
Individual	Interviews with the APs
Special Interest Groups	Farmers
Other International Agencies	None

Figure 5-1 Pictures of the Public Consultation Meetings



Consultation meetings were held at the Sub-district and sucos/village level along the existing road corridor, which involved almost all AHs as participants (62 participants)⁵. Photos of consultation meetings, the minutes and participant lists of public consultation meetings are given in Appendix D.

Table 5-2 Consultation Meetings

No	Date	Time	Venue (Suco/Sub-District)	Participants
1	10 July 2015	09:00	Com (Community's house)	24
2	15 July 2015	09:00	Parlamento (Community's house)	38
Total				62

5.4 Disclosure

After the approval of the RP by the MPWTC and ADB, a summary of the Resettlement Plan along with the entitlement matrix, including the list of AHs will be translated into local language (Tetum/Portuguese) and will be disclosed to stakeholders, and especially affected persons, by the MPWTC. This will be presented in the form of a booklet/brochure (Appendix C) to enable the AHs and local communities to read it by themselves and be aware of the project's benefit/compensation available for the AHs, as per provision in the entitlement matrix. MPWTC field staffs/consultants will distribute the brochures through suco meetings and will explain the mechanisms and procedures and the overall process of the compensation program. The RP will be made available in the MPWTC, as well as in the MPWTC's field offices, Directorate of Land Property and Cadastral Survey, offices of the district and sub-district administrators, offices of the suco chiefs and aldeia leaders, as an official public document. The RP will also be disclosed on the ADB and MPWTC websites.

⁵ Number of the participants is small because during the time of (PCM), the community (mostly Fisherman and farmers) was busy with their activity.

CHAPTER 6 GRIEVANCE REDRESS

6.1 Government Policy for Grievance Redress

The constitution of Timor-Leste and the Expropriations Act gives the right for its citizens to be compensated if their property is used for public purpose. According to Section 54 of the constitution, “requisitioning and expropriation of property for public purposes shall only take place following fair compensation in accordance with the law”. As stated earlier, the first land law of Timor-Leste was promulgated in March 2003 and was designed to serve as an umbrella law for the rest of the land and property regime. However, there are uncertainties over the boundaries of state land and overlapping claims of state and customary land ownership. Further, the law currently does not include any implementing regulation.

The Expropriation Law has received the parliament’s approval. The Government is now able to acquire land for road improvement under an “eminent domain” or involuntarily. Another problem with expropriation is that a substantive amount of land in Timor is not registered. Also, the absence of an active land market in rural areas poses a challenge to determine the market or replacement value of the affected land. As a result, the government policy for grievance redress will not probably be adequate. Hence, the project is proposing a grievance redress mechanism to address the grievances of the AHs.

6.2 Proposed Measures to Address Grievance

It is important to deal effectively with AHs’ concerns pertaining to resettlement impacts such as compensation, rehabilitation, delays in payment, etc. To ensure this, a simple and accessible, transparent, and effective grievance redress system shall be established.

The suco chiefs (village is suco), other elders, church leaders, and other recognized civil society leaders will play a major role in the grievance redress process. On land matters, the MOJ, assisted by DLPCS, will resolve any conflicts according to the provisions of the Expropriations Act. Ita Nia Rai’s experience with conflict resolution and dispute mediation in property rights will be drawn upon as necessary to strengthen PMU’s capacity in addressing land-related issues.

The project manager of the sub-project will be the focal point for receiving and resolving any grievances of AHs.

AHs will not be liable for any costs associated with resorting to the grievance redress process; any such costs will be reimbursed by the project.

The AP always has final recourse through Timor-Leste’s legal channels. However, every effort will be made to avoid this. Should the AHs want to pursue legal recourse, PMU/MPWTC with assistance from the PISC consultants will ensure that support is given to the AP to prepare a case. The grievance address procedure is shown in Table 6-1.

Through public consultations and distribution of public information booklets, AHs

will be informed that they have a right to file complaints to the Grievance Redress Committee (GRC) on any aspect of land acquisition compensation, or on any other related grievances. It should be pointed out that this committee does not possess any legal mandate or authority to resolve land issues, but rather acts as an advisory body or facilitator to try to resolve issues between the affected household and the MOJ/MPWTC/PMU. The GRC will review grievances involving all resettlement benefits, relocation and other assistance. Any complaints of ownership or other suits, to be resolved by judicial system, will not be resolved in the GRC.

One or more GRCs will be set up for the sub-project based on the local administrative units (districts, sub-districts, sucos and aldeia) as well as to facilitate easy accessibility of the AHs. The GRC would be the tool to ensure proper presentation of grievances, impartial hearings, and transparent decisions. Established through a gazette notification of the MPWTC, GRCs will work for any grievances involving resettlement benefits and issues. The GRC will include at least one female member to participate in the hearings if the aggrieved person is a female. The GRC is proposed to be composed of:

- Representatives of affected persons
- Representatives of the local administration (District/sub-district administration and chiefs of suco and aldeia)
- Representative from MPWTC-PMU/ESU
- Representative from DLPCS
- Representative of the PISC

Table 6-1 Grievance Redress Procedure.

Step	Process	Duration
1	AP submits grievance to the sub-project manager in person	
2	Sub-project manager will try to address the issue.	7 days
If unresolved or if AP wanted to go directly to PMU		
3	Sub-project manager shall take the grievance to the PMU/community liaison officer	Within 2 weeks of receipt of decision in step 2
4	Issue discussed at project liaison meeting	1 week
5	PMU/community liaison officer reports back to village/AP	5 days
If unresolved		
6	AP take grievance to MPWTC Secretary of State	Within 2 weeks of receipt of decision in step 5
7	Secretary of state refers the matter to an internal committee	2 weeks

8	Secretary of state reports back to AP	5 days
If unresolved or at any stage if AP is not satisfied		
AP can take the matter to the appropriate court		As per judicial

6.3 Compensation Determination Procedure

Land for the project will be acquired by direct negotiation and shall be purchased from the landowners, as provided under the Expropriations Act. Payment for physical assets, i.e., houses, buildings and other structures, and non-physical assets such as lost income from productive assets or jobs, will be negotiated with AHs with the assistance of the Directorate of Land, Property and Cadastral Survey (DLPCS). The negotiated purchase will offer adequate and fair price at replacement cost for land and/or other assets. To ensure that any negotiations with AHs address the risks of asymmetry of information and bargaining power of the parties involved, an independent external party such as NGOs will be engaged to document the negotiation and settlement processes. The processes applicable to such transactions are described in the following paragraphs. Compulsory acquisition procedures will be initiated by MOJ, only if the negotiated purchase fails.

AHs will be well informed of their rights and entitlements regarding their compensation, so that they can make an informed decision. Once the sub-project and its potential impacts have been identified, and consultations take place, AHs will be informed of their options. These consultations with AHs will provide details on the land required to construct or facilitate the works, as well as some basic socio-economic information about the AHs.

The PMU will obtain the views of the AHs as to whether they support the sub-project in general and the proposed works specifically, as well as whether they are willing to discuss the sale of land to the project through negotiation. In the event that the owner is not willing to discuss the provision of land for use by the project, MPWTC has two options: (i) invoke involuntary/compulsory land acquisition procedures, following an expropriation mechanism and in compliance with the donors' policy and RF; or (ii) not proceeding with the particular works in respect to that piece of land.

Where the AHs are willing to discuss voluntarily providing/selling their land for the project, the PMU will discuss and document the basis on which the land transfer will proceed, including the agreed upon consideration or compensation. The PMU will ensure that voluntary land settlement is in fact voluntary and that the people were not coerced or pressured in any way. The criteria for eligibility for consideration of voluntary land settlement will ensure that land is not under dispute or the subject of an unresolved land claim.

Negotiated land settlements will be carefully documented. MPWTC will seek to obtain any agreed legal documents between MPWTC, DLPCS, and the land owners that are negotiating in selling their land. The legal documents will establish the obligations of each party to the agreement. If the obligations have been

agreed upon, the legal documents will be signed by the different parties being the landowner(s), representative(s) of MPWTC, and representative(s) of DLPCS.

As per provision of the RF for the project, PMU shall include an international safeguards specialist who will verify the process, and documents the consultations and agreements reached on behalf of the PMU. It is of utmost importance to verify that the AHs are fully informed of the compensation payments that they are entitled to. A third party, such as a non-government organization (NGO) or civil society organization (such as a church), will provide independent validation that: (i) the consultations have been undertaken meaningfully, freely, and in good faith; and (ii) the landowners have willingly given/sold the land for the project works.

The established grievance redress mechanism, linked with the existing traditional formal and informal systems and cognizant of cultural requirements, will support to solve any disputes and complaints from AHs.

The MOJ and DLPCS will set up a committee under the Directorate and coordinate with the PMU, with assistance of a professional valuation expert provided under the project, to establish a basis for valuation of affected land and properties and other assets according to the Expropriations Act.

CHAPTER 7 INCOME RESTORATION STRATEGY

7.1 Restoration of Income from Structure

According to the September 2015 Census and the subsequent impact mitigation measure exercise, 4 AHs with 4 structures will be affected by the project 3 from these 4 affected structures are kiosks and base on the measurement survey and IOL conducted in each project location, these 4 AHs categorized as marginally AHs in terms of structure affected percentage, although some of their structures are more than 50% impacted still they can just be pushback or moved a little back to their own available land because these structures are mainly semi-permanent and temporary structures.

7.2 Restoration of Income from Business

There are 3 roadside businesses (kiosks) which will be affected during the road construction period as discussed in Chapters 2 and 3. A lump sum transitional allowance will be provided to these households to compensate with the losses that the project will cause to them during the time that their businesses were not in operation. Alongside these assistances, affected households will also receive a lump sum shifting allowance. Also, AHs will receive a one-time rehabilitation grant. Holders of small businesses who will continue after the completion of the road construction are not suggested to be given alternative income generation training or livelihood support.

7.3 Income from Crops and Trees

The income lost from the impact on cutting timber trees will be compensated using timber value at market price. Compensation for fruit and other trees will be made depending on the species, current yield, and expected life.

The road construction will require several unskilled laborers for earthworks, road embankment as well as other related works. PMU will encourage contractors to give preferential employment on the affected persons, including affected women when recruiting local laborers. Employment in the project construction will be an added source of income in the income restoration process.

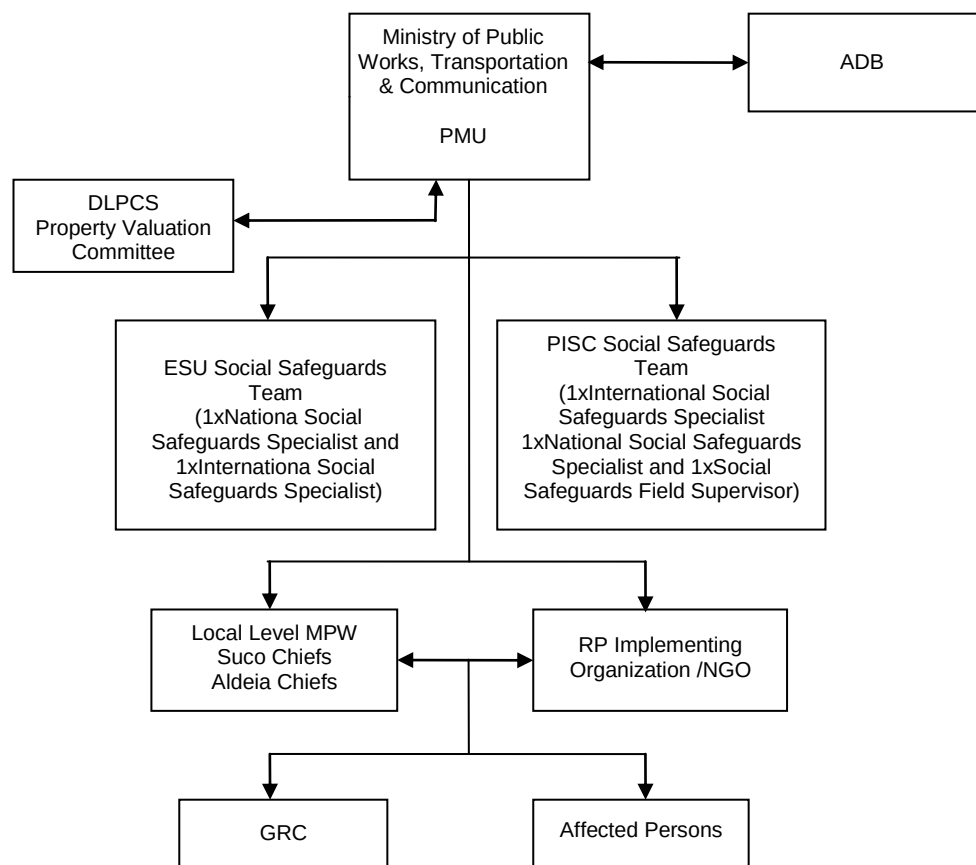
CHAPTER 8 INSTITUTIONAL FRAMEWORK

8.1 Institutional Setup

The PMU under the MPWTC will have the overall responsibility for implementing the sub-project. The PMU will strengthen its capacity with a social safeguard specialist to plan and implement land purchase and resettlement, train counterpart staff and monitor resettlement in the sub-project. To this end, an environmental and social unit (ESU) will be established in the PMU, staffed by a national social safeguards specialist and an international social safeguards specialist. The PISC consultant on the project will also provide an international social safeguards specialist to work with the PMU on all resettlement and consultation tasks.

The PMU/ESU will be responsible for all environmental and social aspects of the road development work. On the social safeguards side, they shall manage all resettlement activities. The following tasks enumerated below are its key functions:

Figure 8-1 Organizational Chart for RP Implementation



- Planning, coordination, implementation and monitoring of land acquisition and resettlement;

- Conducting of consultations and ensuring that the affected people are well-informed on the resettlement and compensation;
- Coordinating with the MPWTC, MOJ and DLPCS and ensuring a prompt, adequate and timely compensation payment according to entitlements; and
- Monitoring and reporting resettlement activities.

A valuation specialist will be provided to assist the DLPCS in the valuation of property and to have appropriate compensation in place. The international safeguard specialist at PMU will assist in managing all resettlement activities including the process of reaching adequate compensation. If the situation demands, PMU will engage an experienced NGO that is active in the project area to assist in the process of consultation, negotiating compensation, and resolving disputes.

8.2 Resettlement Implementation Structure

The institutional responsibilities of different agencies for implementation of resettlement activities are shown in Table 8-1 below.

Table 8-1 Responsibilities of Agencies

Agency	Roles and Responsibilities
Executing Agency (EA) MOF/Implementing Agency (IA) MPWTC	Overall execution of the project Directs the PMU Provides funds for land purchase and resettlement Liaises with ADB
Project Management Unit (PMU)/MPWTC	Manages the social and resettlement aspects of the road sub-project Works with the design and supervision consultants regarding all matters dealing with resettlement and consultation Organizes effective public consultation and disclosure of resettlement planning documents in appropriate language Carries out land acquisition according to the provisions of the Expropriations Act in coordination with MOJ and DLPCS Insures that AHs are paid with compensation promptly, adequately and effectively, in conformity with the Expropriations Act and the ADB's Guideline for Environmental and Social Consideration Establishes a grievance redress system designed to deal effectively with complaints from AHs, in coordination with MOJ/DLPCS Insures that effective monitoring of resettlement is conducted and reported to funding agencies

Agency	Roles and Responsibilities
	insures that the grievance redress system is effective when addressing AHs concerns Works closely with NGOs during appropriate social and public consultation activities Liases with ADB on all matters relating to resettlement and submits regular reports
MOJ/DLPCS	Oversees and reviews the implementation effectiveness of land purchase and resettlement Guides the PMU in addressing issues that require policy direction Assists with resolving any land-related issues in accordance with the current legislation A valuation specialist will work with MOJ/DLPCS to prepare compensation values for land in compliance with the Expropriations Act
ADB	Review and approve all resettlement documentations as required under the respective policies of the government Assist in capacity building in the PMU to manage social safeguards in road projects through the provision of international expertise and training budgets Provide international expertise in valuation to assist MOJ in preparing valuation tables for land acquisition Disclose RP on respective websites Provide guidance as required based on progress reports and supervision missions

CHAPTER 9 RESETTLEMENT BUDGET AND FINANCING

9.1 Institutional Arrangements for Financing Resettlement

All funds required for land purchase and resettlement will be provided by the government. The MOF/MPWTC will ensure that adequate funds are available for carrying out resettlement according to the budgets prepared for the sub-project. The PMU will coordinate on the allocation of funds, approval of payments and delivery of funds, monitoring of progress, and reporting.

9.2 Budget Description

The entire resettlement for the road improvement project will require a total of **\$90,097.70**, out of which **\$81,907.00** is for direct resettlement expense. The rest of the budget is kept to meet the expenses for resettlement staff training, internal monitoring, administrative expenses and contingency expenses. Table 9-1 below gives a summary of the breakdown of resettlement expenses. The included cost items are in compliance with the RF prepared for the project.

MOJ will work with PMU to conduct cadastral surveys for the lands to be acquired and prepare valuation tables as provided under the Expropriations Act. PMU will ensure such values conform to ADB on the requirements for compensation at replacement value. Since the Expropriations Act provides for negotiated purchase in the first instance, it is expected that AHs will get adequate compensation. If, however, statutory compensation under the act falls short, then PMU will provide additional funding to “top up” compensation as required. Hence, this provisional budget may require revision.

Table 9-1 Resettlement Budget

Item	Quantity	Unit	Rate (\$)	Amount (\$)
Compensation for Land and Structure				
Compensation for semi-permanent structures	130.07	m2	\$ 100.00	\$ 13,007.00
Compensation for temporary structures	6.00	m2	\$ 50.00	\$ 300.00
Temporary fence	805	m	\$ 3.00	\$ 2,415.00
Compensation for Trees and Fruit Trees				
Palm	1	Pc	\$ 15.00	\$ 15.00
Coconut	18	Pc	\$ 60.00	\$ 1,080.00
Banana	13	Pc	\$ 5.00	\$ 65.00
Jambu air	1	Pc	\$ 15.00	\$ 15.00
Sour sop	7	Pc	\$ 10.00	\$ 70.00
kapok	13	pc	\$ 15.00	\$ 195.00
Lime	5	Pc	\$ 10.00	\$ 50.00
Papaya	9	Pc	\$ 20.00	\$ 180.00

Jackfruit	2	Pc	\$ 35.00	\$ 70.00
Mango	1	Pc	\$ 35.00	\$ 35.00
Guava	1	Pc	\$ 10.00	\$ 10.00
Transitional Allowance and Grants				
Transitional allowances \$100 for 3 months for AHs losing their structures	4	No.	\$ 300.00	\$ 1,200.00
Shifting allowance for AH losing their structure (Residential, kiosk and Residential-kiosk)	4	No.	\$ 200.00	\$ 800.00
Additional special assistance of \$100 for additional 2 months for vulnerable HH	24	No.	\$ 100.00	\$ 2,400.00
Monitoring Expenses	12	Months	\$ 5,000.00	\$ 60,000.00
Total Direct Cost				\$ 81,907.00
Administrative expenses, capacity building and training of ESU staff, internal monitoring and contingency			10%	\$ 8,190.70
Total Budget				\$ 90,097.70

Note;

- Some of the rates for structure and trees are set based on the standard price of “*Akte resultadu kustu estimativu kona ba kompensasaun ba Estrada Dili-Manatuto-Baucau*” on August 2013 and the the price list released by the Ministry of Agriculture 2014, but some are set based on the present market value in the project area. See appendix A.
- Rate for land are estimated on the basis of the present market value in the project area and also referred to the *Suai Base line project* compensation which has been carried out by the Ministry of Petroleum 2014.
- Further negotiation with the affected Households regarding the estimated cost per affected property is deemed to be important due to a lot of irrelevant/exaggerating cost estimation by the AHs during the IOL and the Socio-economic survey September 2015.

CHAPTER 10 IMPLEMENTATION SCHEDULE

10.1 Institutional Arrangements

The implementation schedule of the resettlement plan broadly consists of land acquisition and resettlement activities. Land required for the project will be acquired under the regulation of the Expropriation Act and handed over to the Implementing Agency. The Implementing Agency will initiate the process of land acquisition together with concerned authorities. Thereafter, land free from all encumbrances shall be made available to civil contractors by the Implementing Agency. The timeframe for the implementation of RP will be synchronized with the project implementation in a way that the commencement and progress of civil works is not adversely affected.

PMU, with assistance from the PISC consultant, will be responsible for the preparation of land acquisition (LA) proposal and submission to the AL authority, and placing of requisite funds to the LA authority for land acquisition.

The ESU social safeguard team of PMU will receive training on land acquisition and resettlement aspects and policies before the actual start of the implementation of the resettlement plan. The PISC consultants in coordination with the PMU and with assistance from experienced NGOs/consultants will organize this training program.

MPWTC/PMU will begin the implementation process of RP immediately after its approval by ADB. Grievances or objections (if any) will be redressed as per grievance redress procedures adopted in this RP. The steps for the delivery of compensation for all eligible AHs/APs will be the following:

i. **Preparation of invoices:**

Invoices for each of the eligible AHs/APs will be prepared by PMU. This document entitles each of the AHs/APs to receive the amount indicated in the invoice.

ii. **Delivery of money to local banks:**

Money from MPWTC/MOF will be remitted to a BNCTL bank in Lautem City. A bank account will be opened by the PMU to deposit the amount of compensation on behalf of the AHs/APs.

iii. **Payment:**

Each AH/AP will receive their compensation amount directly from PMU via BNCTL account service, the AH/AP shall sign a document acknowledging the receipt of the whole compensation and a waiver attesting that he/she has no longer any pending claims over the affected property. A photograph shall be taken with the AH/AP receiving the compensation as record of proof and as part of project documentation.

iv. **Identity of person:**

At the time of receiving the compensation, AHs/APs will present their *National Identity Card (NIC)*. The NIC is the basic document of the Timor-

Leste's national for establishing the identity of a person. Persons without NICs will have to explain to the pertinent authorities the reasons why they are not in possession of the NIC.

10.2 Implementation Schedule

A tentative Resettlement Plan's implementation timeline schedule is proposed by the consultant subject to readjustment by the client to its own schedule.

A timeframe of seven months has been considered for the implementation of resettlement plan. Table 10-1 presents the implementation schedule of the RP. The earliest date for those financial resources for the resettlement aspects of the project are expected to be available is during March 2016; hence, the earliest actual implementation of the RP particularly delivery of compensation may begin during April 2016. However, sequences may sometimes change due to circumstances beyond the control of the project.

Table 10-1 Implementation Schedule of the RP

Activity	October-15				Nov-15				Dec-15				Jan-16				Feb-16				Mar-16				Apr-16				May-16			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Preparation of Final RP																																
Submission of Final RP to MPWTC/ADB for review/ approval																																
Revised and submission of final RP, addressing the comments																																
Formation of the GRC																																
Verification survey by the GRC team																																
Allocation of resettlement fund after verification survey																																
Translation of RP’s information booklet into Tetum																																
Disclosure of approved RP																																
Distribution of Information Booklet																																
Preparation of Vouchers																																
Delivery of Compensation to APs																																
Dispute/objections (complaints and grievances)																																
Internal monitoring and reporting to ADB																																

CHAPTER 11 MONITORING AND EVALUATION

11.1 Institutional Arrangements for Financing Resettlement

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

11.2 Internal Monitoring

Internal monitoring of all resettlement tasks, consultation tasks and reports to ADB will be conducted by the Environmental and Social Unit (ESU). The ESU is established in the PMU, and is assisted by ESU national and international social safeguard specialists. Internal monitoring will include reporting on progress in the activities envisaged in the implementation schedule with particular focus on public consultations, land purchase (if required), determination of compensation, record of grievances and status of complaints, financial disbursements, and level of satisfaction among APs. Potential indicators for internal monitoring are briefed in Table 11-1 below.

Table 11-1 Internal Monitoring

Monitoring Issues	Monitoring Indicators
Budget and Time Frame	- Have all safeguard staff under ESU been appointed and mobilized for field and office work? - Have the capacity building and training activities been completed? - Are the resettlement implementation activities being achieved in accordance to the agreed upon implementation plan? - Are funds for resettlement being allocated on time? - Have the PMU received the scheduled funds? - Have funds been disbursed according to RP?
Delivery of AP Entitlements	- Have all APs received entitlements according to the numbers and categories of loss set out in the entitlement matrix? - How many affected households relocated and built their new structure at the new locations? - Are income and livelihood restoration activities being implemented as planned? - Have the affected businesses received the appropriate entitlements?

Monitoring Issues	Monitoring Indicators
Consultation, Grievances and Special Issues	• Have resettlement information brochures/leaflets been prepared and distributed? • Have consultations taken place as scheduled including meetings, group gatherings, and community activities? • Have any APs used the grievance redress procedures? • What were the outcomes? • Have the conflicts been resolved?
Benefit Monitoring	• What changes have occurred in the patterns of occupation as compared to the pre-project situation? • What changes have occurred in the income and expenditure patterns as compared to the pre-project situation? • Have APs income kept pace with these changes? • What changes have occurred for vulnerable groups?

11.3 Reporting

Resettlement monitoring reports will be sent to ADB along with regular progress reports semi-annually. The monitoring reports will be posted on the ADB website. Relevant information from these reports will be disclosed in the project areas and shall be available in local languages.

APPENDICES

Appendix A: Price List Reference for tree & Plant

Ministerio Agricultura e Piskas				
TABELA PRESU AGRICULTURA E PESKAS				
No	No	Tipo Dadus	Unidade	Presu/Unidade
I		Floresta		
	1	Ai-Teka	hun	
		1.A Ai-Teka ki'ik	hun	\$ 5.00
		1.B Ai-Teka <15 cmD	hun	\$ 20.00
		1.C Ai-Teka >15 cmD	hun	\$ 30.00
	2	Mahoni		
		2.A Mahoni ki'ik	hun	\$ 3.00
		2.B Mahoni <15 cmD	hun	\$ 15.00
		2.C Mahoni >15 cmD	hun	\$ 25.00
	3	Gamelina	hun	
		3.A Gamelina ki'ik	hun	\$ 3.00
		3.B Gamelina <15 cmD	hun	\$ 15.00
		3.C Gamelina >15 cmD	hun	\$ 25.00
	4	Ai-Kameli	hun	
		4.A Ai-Kameli ki'ik	hun	\$ 10.00
		4.B Ai-Kameli <15 cmD	hun	\$ 40.00
		4.C Ai-Kameli >15 cmD	hun	\$ 60.00
II		Plantas		
	1	Nu'u	hun	
		1.A Nu'u seidauk fuan	hun	\$ 25.00
		1.B Nu'u fuan ona	hun	\$ 60.00
	2	Kaiju	hun	\$ 15.00
	3	Kakao	hun	\$ 15.00
	4	Bua	hun	\$ 25.00
	5	Malus	hun	\$ 5.00
	6	Kami'i	hun	\$ 35.00
	7	Tohu	Klobor	\$ 5.00
III		Agricultura e Holticultura		
	1	Frutikultura		

Road Network Upgrading Sector Project (RNUSP)

Preparation of design of 169 km National Roads
(Baucau to Lospalos, Lautem to Com and Baucau to Viqueque)

Draft Resettlement Plan (RP)
Road Link A01-04: Lautem-Com

2	Hudi	Klobor	\$	15.00
3	Sabraka	hun	\$	10.00
4	Derok	hun	\$	7.00
5	Ainanas	hun	\$	1.00
6	Guiava	hun	\$	4.00
7	Kulu Jaka	hun	\$	15.00
8	Kulu Modo	hun	\$	15.00
9	Has	hun	\$	25.00
10	Bilimbi	hun	\$	5.00
11	Durian	hun		
12	Jambu be'e	hun	\$	7.00
13	Alata	hun	\$	5.00
14	Avocate	hun	\$	10.00
15	Kulu tunu	hun	\$	15.00
16	Rumao	hun	\$	4.00
17	Jambu Biji	hun	\$	7.00
18	Jambu Buah	hun	\$	7.00
2	Vegetable Crops			
1	Marungi	hun	\$	20.00
2	Brinjela	hun	\$	5.00
3	Tomate	hun	\$	5.00
4	Kobi	hun	\$	1.00
5	Repolho	hun	\$	2.00
6	Mostarda	hun	\$	0.10
7	Alfase	hun	\$	0.20
8	Bayam	hun	\$	0.10
9	Kankung	hun	\$	0.05
10	Koto nurak	hun	\$	0.20
11	Fore chikote	hun	\$	0.20
12	Al-manas	hun	\$	0.50
3	Cerelia, Bens and tuber crops			
1	Batar	hun	\$	0.25
2	Hare	hun	\$	0.10
3	Fore mungu	hun	\$	0.20
4	Fore keli	hun	\$	0.20
5	Fore rai	hun	\$	0.20

Preparation of design of 169 km National Roads
(Baucau to Lospalos, Lautem to Com and Baucau to Viqueque)

Road Link A01-04: Lautem-Com

4

		Masin		
1		Fatin tein masin	Fatin	\$ 700.00

Dili, ... 18 ... / July / 2014

Confirmação hui Diretores Nacionais

1 Manuel Mendes
Diretor Nacional Floresta

2 Fernando Egidio Amaral
DNPI

3 Oscar Monteiro Gonsalves
DNAH-Interinu

4 Calisto da Costa Varela
DNPV

5 Agusto Fernandes
DNPA

Verifica hui Diretor Jeral Ministerio Agricultura e Pesca (MAP)

Lourenço Fontes
Diretor Jeral MAP

Aprovado hui Ministerio Agrikultura e Pesca (MAP)

Mariano Assanami Sabino
Ministro Agrikultura e Peskas (MAP)

Appendix B: Questionnaire

B.1 Census Questionnaire

IOL QUESTIONNAIRE (Assets Identification)

Date : _____

Questionnaire No. : _____

Segment : ☐ AO1-01 ☐ AO1-02

Station/sta : _____

Type of Location (Dili - Manatuto) : 1. Sisi Utara (kiri) jalan
2. Sisi Selatan (Kanan) Jalan

District : _____

Sub-district : _____

Village : _____

Aldeia / Sub aldeia : _____

Respondent Photograph

(must be adult)

Write the code no if respondent in camera

A. Identification of Affected Assets

Asset No.	Affected Assets Type	Sta.	Asset utilization		Ownership status	Proof of ownership	Asset Specification		Total Asset (p x l) m2	Affected Assets (p x l) m2
			(A.1)	(A.2)	(A.3)	(A.4)	(A.5)	(A.6)	(A.7)	(A.8)
1	Land									
2	Land									
3	Structure 1 (.....)									
4	Structure 2 (.....)									
5	Structure 3 (.....)									

Keterangan:

- A. 1 1=Vacant land 2=Agriculture land , 3=land for structure (mention the structure:.....)
- A. 2 1=housing structure, 2=business place (kiosk, shop), 3=house and business place; 4=livestock cage; 5=fence; 6=toilet
- A. 3 1=private owner/family; 2=official structure; 3=monthly rent; 4=annual rent; 5= living without paying, 6=other:.....(mention)
- A. 4 1=certificate of ownership; 2=no certificate; 3=government property, 4=tribal/custom land 5= other(mention)
- A. 5 1=single, 2=coupling, 3=terraced
- A. 6 1=Permanent; 2=Semi-permanent; 3=Non- permanent; 4:Emergency/Temporary

B. Profile of the Asset Owner:

B.3. Name of the Asset Owner : _____

B.4. No. Identity Card : _____

B.5. District : _____

B.6. sub district : _____

B.7. Village/Suco : _____

B.8. Aldea / Sub-aldea : _____

Telephone/Mobile : _____

B.9. If renting, how much the price per month : US\$ _____

B.10. Proof of assets ownership (certificate, others.....mention) : _____
 (write no and take picture if available) _____

B.11. Land price estimation (per m2) : US\$ _____

B.12. Structure price estimation (per m2) : US\$ _____

C. Affected Trees in Project Corridors

No.	Name of tree	Type of tree	Age (years)	No. Trees		Harvest estimation (m3/kg/or other unit name)	Price	
				Quantity	Unit (cognate/tree)		Value (US\$)	Per.....(m3/kg/trees)
	(0)	(C.1)	(C.2)	(C.3)	(C.4)	(C.5)	(C.6)	(C.7)
1								
2								
3								
4								
5								

Remarks (1) 1= wood tree; 2=fruit tree; 3= wood and fruit tree

D. Affected Crops in Project Corridors

No	Name of crop	Type of crop	Age (month)	Total Area (m2)	Affected Area (m2)	Harvest estimation (kg)	Price per Kg (US\$)
	(0)	(D.1)	(D.2)	(D.3)	(D.4)	(D.5)	(D.6)
1							
2							
3							
4							
5							

Remarks: (1) 1=Vegetable; 2= Paddy; 3=banana tree

E. Ownership of other assets (land/structure) that is not affected by project

- E. 1** Do you have other land that is not affected by project? : 1. Yes, wide:m2
2. No
- E. 2** If you have land that is not affected by project, where is the location? : 1. The same aldeia
2. The same suco
3. In other suco
- E. 3** Do you have other house that is not affected by project? : 1. Yes, wide:m2
2. No
- E. 4** If you have house that is not affected by project, where is the location? : 1. The same aldeia
2. The same suco
3. In other suco

B.2 Socio Economic Questionnaire

IOL QUESTIONNAIRE (SOCIAL)

Name of Enumerator 1 :	_____	Name of Respondent :	_____
Code Enumerator 1 :	_____	Telephone/Mobile :	_____
Telephone/Mobile 1 :	_____		
Name of Enumerator 2 :	_____	Signature :	_____
Code Enumerator 2 :	_____		
Telephone/Mobile 2 :	_____		

Instruction:

Please answer the question and **round** one of the answers if there is multiple choice question.

Date : _____

Questionnaire No. : _____

House code : _____

Segment : ☐ AO1-01 ☐ AO1-02

Station/sta : _____

Type of Location (Dili - Manatuto) : 1. Sisi Utara (kiri) jalan
2. Sisi Selatan (Kanan) Jalan

District : _____

Sub-district : _____

Suco/ Village : _____

Aldeia / Sub aldeia : _____

Respondent Photograph
(must be adult)

Write the code no if
respondent in camera

A. Profile of Respondent (In accordance with Identity Card)

A.1 Name of Respondent : _____

A.2 No. Identity Card : _____

A.3 Address : _____

A.4 Phone No. : _____

A.5 Sex : _____

A.6 Age : _____

A.7 Status in Family : _____

B. Information of Affected Household (HH) including Respondent

B.1 No. of Household (HH) live in the house: HH

B.2 Total No. of overall family member live in the house: persons

No.	Name	Relationship to Household Head	Sex	Age	Religion	Ethnic	Education	Occupation		Monthly Income Estimation (US\$)	Physical Condition
								Main	Secondary		
		B.3	B.4	B.5	B.6	B.7	B.8	B.9	B.10	B.11	B.12
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											

Answer option:

(B.3) 1=Household Head; 2=Spouse; 3=Child; 4=maid; 5=relative; 6=other, mention.....

(B.4) 1=Male; 2=Female

(B.5) In years

(B.6) 1=Moslem; 2=Christian; 3=Catholic; 4=Hindu; 5=Budha; 6=other, mention.....

(B.7) 1=Wai-Mua; 2=Tetun; 3=Makasae; 4=Mambae; 5=Galolen; 6=Kairui; 7=other, mention.....

(B.8) 1=no formal education; 2=Elementary school; 3=Middle School; 5=High School; 6=diploma; 7=bachelor or above

(B.9) 1=Farmer; 2=fisherman; 3=seller of forest product; 4=business/trader/entrepreneur; 5=labor; 6=officer (Govt official/private/other); 7=retire; 8=unemployment; 9=other, mention.....

(B.10) 1=Farmer; 2=fisherman; 3=seller of forest product; 4=business/trader/entrepreneur; 5=labor; 6=officer (Govt official/private/other); 7=retire; 8=unemployment; 9=other, mention.....

(B.11) Put number

(B.12) 1=normal; 2=disability; 3=Chronic illness

C. AMENITIES

c.1. Drinking source:

1. Pipe; 2. hand pump; 3. Well; 4. River; 5. other, mention:

c.2. Distance from water source to house

1. Distancem 2. Time needed..... Minutes

c.3. type of toilet / WC

1. Swan neck; 2. Plengsengan; 3. Cemplung/cubluk ; 4. No Toilet

c.4. Energy for cooking:

1. Electricity; 2. Gas; 3. Kerosene; 4. Other, mention:

c.5. Electricity use:

1. Light; 2. Cooking; 3. Business; 4. other, mention: **(Possible to choose more than one answer)**

c.6. How many hour you get electricity in a day?..... hour/day

c.7. what do you do/use when the electricity are off (no electricity) ?

1. Kerosene 2. Battery / ACU 3. wood 4. none

5. Other, mention:

Appendix C: Booklet

1. INTRODUCTION

The Asian Development Bank (ADB) is providing financial assistance to the Republic Democratic of Timor-Leste (RDTL) for improvement of road infrastructure under the Road Network Upgrading Project (RNUSP). The project includes upgrading and improving the Lautem-Com section with a length of about 20.8 km. As per requirement of the applicable laws of Timor-Leste including the Expropriation Act, complying with ADB's Guideline for Environmental Social Consideration on involuntary resettlement, and in conformity with the resettlement principles and procedures outlined in the Resettlement Framework (RF) adopted for the project, the Ministry of Public Works, Transport and Communication (MPWTC) has prepared a Resettlement Plan (RP) to deal with the resettlement impact due to project intervention.

The RP describes the provisions established to address these impacts and the modalities for compensating the affected families (including compensation rates, special allowances and schedules). The RP for the project will be disclosed and made available to the public at the local MPWTC and district administration offices in the areas affected by the project. The PMU will also make this RP available to the public at the MPWTC district office in Lospalos.

PMU has prepared this information booklet summarizing the main provisions of the RP which will be distributed to all families affected under the project.

2. RP Preparation Status

The RP has been prepared based on the preliminary design as of September 2015, drawing on the result of 100% survey of impact of the affected families (AFs), associated with socio-economic information of affected households.

The RP also details compensation entitlements and rates/modalities for each affected item. Finally, the RP explains how compensation will be distributed to the AFs and how eventual complains will be handled. It also provides a schedule for the compensation program. Contents of the RP are summarized in the following sections.

3. Project Location

The National Road No. 3 Upgrading Project Lautem-Com section is a part of Baucau-Lautem section, with a length of about 20.8 km. The road will cover 2 sub districts; (Lautem and Lospalos) under the district of Lautem. It is a road strategically placed to link the districts of Baucau and Lautem, which may further help to improve the area's business transactions and tourism activities in the future.

4. Resettlement Impact

The strategy for the project is to minimize land requirements by confining the construction works within the existing road corridors to the possible extent. However, it will inevitably be necessary to acquire some land and other assets for widening and raising of the road embankment which will cause involuntary resettlement impacts. To address these resettlement impacts, the present Final Resettlement Plan (RP) for the Lautem-Com section has been based on the impact survey, census, and socio-economic survey of the affected persons (AP), as well as from consultations with the AP population and various stakeholders. The RP preparation has been carried out in line with ADB's Guideline for Environmental and Social Consideration (April 2010) requirements on involuntary resettlement and in conformity with the resettlement principles and procedures outlined in the Resettlement Framework (RF) adopted by the Government of Timor-Leste for the Road Network Upgrading Project.

The improvement of the Baucau-Laga section will involve the acquisition of land and other assets. A combined census and socio economic survey carried out in February 2015 shows that the project will have to acquire about 4 units of structure, about 71 trees of different kinds and 805 linear meters of temporary fences along either side of the road embankment, the estimated number of affected trees is expected to be greater. The total number of affected households has been estimated at 27 along with 137 affected persons (APs). A summary of impacts are shown in Table 1.

Table 1: Summary of Impacts

No	Impact Category	Type of Affected Assets	Number/Size of Impact	
			No.	Size
1	Affected structure	a. Semi-Permanent	3	130.07
		b. Temporary	1	6
		Total Affected Structure	4	136.07
2	Affected movable structure	a. Temporary fence	24	805
3	Affected Trees	a. Timber trees	13	-
		b. Timber and fruit trees	1	-
		c. Fruit trees	57	-
		Total Affected Trees	71	-
4	Affected Public Utilities	a. Water pipeline	7	105
		b. Concrete Electric Pole (Single)	12	-
		c. Water reservoir	1	-

5. Resettlement Budget

A preliminary estimate for compensation for the Baucau-Laga Road improvement sub-project will require a total of **\$90,097.70**, out of which, **\$81,907.00** will be spent on direct resettlement expenses while the rest is kept to meet the resettlement staff training, internal monitoring, administrative and contingency expenses. The included cost items are in compliance with the RF prepared for the project. A more detailed budget will be available after the cadastral surveys are completed and valuations worked out by MOJ and PMU.

5.1. Compensation Determination Procedure

As per provision of the RF for the project, PMU shall include an international safeguards specialist who will verify the process, and documents the consultations and agreements reached on behalf of the PMU. It is of utmost importance to verify that APs are fully informed of the compensation payments that they are entitled to. A third party, such as a non-government organization (NGO) or civil society organization (such as a church), will provide independent validation and that: (i) the consultations have been undertaken, meaningfully, freely, and in good faith; and (ii) land owners have willingly given/sold the land for the project works.

The established grievance redress mechanism, linked with existing traditional formal and informal systems and cognizant of cultural requirements, will support to solve any disputes and complaints from APs.

The MOJ and DLPCS will set up a committee under the Directorate and coordinate with the PMU, with assistance of a professional valuation expert provided under the project. This will establish a basis for valuation of the affected land and properties and other assets according to the ADB's Safeguards Policy since the country's Expropriations Act has not been approved by the parliament.

6. Contact Details for Inquiry

For further information about the project as a whole, and/or the RP for the Baucau-Laga Road under the Road Network Upgrading Project, please contact the PMU/MPWTC at the address given below.

Project and Financial Manager
Project Management Unit
Road Network Upgrading Sector Project
Ministry of Public Works, Transport and Communication
Dili, Timor-Leste
Phone: (+670) - 3311024/3311025

Appendix D: Public Consultation Meeting

Suco Com's Public Consultation Meeting Records (15 July 2015)

Name of meeting	:	Public Consultation Meeting for Environmental and Social Survey in Com, Sub-district Lautem	Note by	:	Ms. Maria P. Ribeiro (National Social Safeguard Specialist)
Date	:	10 July 2015	Presenter	:	1. Mrs. Rosalyn Fernandes (International Environment Specialist) 2. Ms. Maria P. Ribeiro (National Social Safeguard Specialist)
Place	:	Community member's house	Number of Participant	:	24 F = 8 M = 16
Participant	:	1. Chefie de Suco Com 2. Chefie de Aldeias of Suco com 3. Community Forest Guard of Suco Com 4. Community members			
Talking Points	:	1. Mr. Januario Da Cruz ➤ Affected population are mostly in Aldeia Irara. Parts of Com that are near the Port Area will not be affected much. This is because the the ending point of the project is in front of the Com Resort. The community was actually wondering about this, why road rehabilitation work does not go all the way to the Port of Com. ➤ Another important thing I would like to convey is that would it be possible that during implementation of road project contractor contribute to the finalization of the Basketball field near the school? As you can see from the main road, there is an unfinished basketball field on the Left side (Lautem-Com direction). This was originally constructed by UNTL University Student as part of their community service requirement but it was not finished. Response: - Thank you for the input. The ending point is as it is because the consultant and contractor receive the task from the Government (PMU). So we base on the task that received. So, for now the end of design is stoped on the front of Com Resort. The section from in front of Com Resort to the Port will be rehabilitated at a later time. - Regarding asking for contribution from the contractor, based on experience, it can be done but it depends on good collaboration between community here and the contractor. When contractor is able to carry out their work smoothly and there is support from the community, they will be able to give reasonable contribution. 2. Ex. Chefie de Suco Com ➤ There are some sacred places along the road, for example, Uminira and others. There is also community cultural events every year (meci kiik and meci boot, gathering of seaworms) along the road from near the curve all the way to the ending point and beyond. People come from different places to participate. The sacred places should not be affected as well as the meci activities. Response:			

	- Thank you for the input we have actually conducted a detail assessment with National and District level staff from Forestry in the area. We have identified these sacred places including Uminira. Will include results from this assessment in our report. 3. Mr. Denis Magalhaes, Community Forest Guard Officer in Com ➤ Generally now, environmental awareness is higher than previous time. Economic consideration is still number one consideration among the community but we can see awareness is getting better among the community, e.g. less problems with turtle and turtle egg poaching and coral damaging activities. Hunting of endangered species such as rusa (<i>Cervus timorenses</i>) does not happen much in Com area, maybe because there are not that many rusa here in Com compared with other places within the National Park such as Muapitine. 4. Mr. Januario Da Cruz ➤ For Meci, there are two types of activities, meci kiik (mecí moko) and meci boot (mecí lafai). Meci kiik happens in February, not everybody can participate, only those from ratu clans called Maaliki. During Meci boot, everybody can participate, this is a public event. Totally the meci activities takes only a few days at night but it is important culturally and for Meci boot, the area near the coast including the main road will be packed with people. ➤ Yes, in general thinks that there are more environmental awareness for example, now less people catch fish using the poisonous root and no more people collecting coral reef to harvest lime for chewing beetle. They are all banned activities and people are listening. ➤ Suggest that retaining walls near the road especially near the curve before Com (STA 200+220 to 200+380) should be reconstructed stronger to withstand pounding from wave. It's been fixed several times since independence.
Pictures	: 

Attendance Sheet

No	NAME	GENDER	POSITION	ALDEIA	CONTACT NUMBER
1	Rosalyn Fernandes	F	Dongsung Consult.	Dili	+670 77344251
2	Dinis Magalhães	M	G. F. Comunirario	Etepiti	+670 75583206
3	Cesaltino Amaral	M	Chefe Aldeia	Muapusso	-
4	Paulo Da Costa Dias	M	Community	Vailovaia	-
5	Agapito Marques	M	Community	Muapusso	-
6	Edmundo Da Cruz	M	Community	Muapusso	+670 77291196
7	Francelino F. Xavier	M	Lia Nain	Vailovaia	+670 75252588
8	Adão Da Cruz	M	Agriculture	Lohomato	-
9	Rofino Fernandes Xavier	M	Agriculture	Vailovaia	-
10	Orlando Marques	M	Agriculture	Muapusso	-
11	Florentino Monteiro	M	Student	Muapusso	-
12	Apolinario De Alcantra	M	Community	Muapusso	-
13	Zeca Soares	M	Student	Muapusso	-
14	Marta Rego Fernandes	F	Community	Lohomato	-
15	Elisa Dos Santos	F	Community	Lohomato	-
16	Natalicia Da Costa	F	Community	Lohomato	-
17	Benezita Xavier	F	Community	Lohomato	-
18	Adriano Da Silva	M	Community	Muapusso	-
19	Domingas Tilman	F	Community	Vailovaia	-
20	Arsenio Dos Santos	M	Community	Vailovaia	-
21	Olderico Assunção	M	Community	Lohomato	-
22	Abeta A. Pereira	F	Student	Muapusso	-
23	Flavio Da Silva	M	Juventude	Muapusso	+670 76525196
24	Maria poppy R.	F	Nat. Soc. Safeguard	Dili	+670 77050000

Suco Parlamento's Public Consultation Meeting Records (15 July 2015)

Name of meeting	:	Public Consultation Meeting for Environmental and Social Survey in Parlamento, Sub-district Lautem	Note by	:	Ms. Maria P. Ribeiro (National Social Safeguard Specialist)
Date	:	15 July 2015	Presenter	:	1. Mrs. Dirce Pereira (National Environment Specialist) 2. Ms. Maria P. Ribeiro (National Social Safeguard Specialist)
Place	:	Community member's house	Number of Participant	:	38 F = 20 M = 18
Participant	:	1. Chefe de Suco Parlamento 2. Chefe de Aldeias of Suco Parlamento 3. Community members			
Talking Points	:	1. Mr. Lino De Jesus ➤ FYI We believe the sacred places in our suco should be protected. Because it has been existed since the ancestor era. So if the consultant have plan to do road project near or (It might be affected) please always coordinate with Chief of Suco during the implementation. Some sacred places could be remove it (have to do some Cultural Adat event) and some places could not to. Suco Parlamento only have 1 sacred place, it is a piece of land near the old building if affected should hold ritual first. ➤ Widening road base on technical procedure, we do understand that but do not agree with the RoW. How come the government declare lands by the road side as government-own. In our suco the land belongs to us the community itself not the government. And law for land is not clear at this moment. This is my personal opinion. ➤ One thing, that consultant should note; we will not tolerate using force to remove assets (land, tree etc.). Response: - Thanks for the input. We do understand about sacred places. That's why we are here doing the public consultation prior to the conduct of environmental and social safeguard assessment for each project and identify potential direct, indirect, and induced impacts and risks to physical, biological, and socioeconomic (including impact on livelihood through environment/social media, health and safety, vulnerable groups and gender issues), and of course the Physical cultural resources that community is highly concern about. - To identify the physical cultural (Sacred Place) we are expecting some help from Chief suco and also community. - Land Issue: in technical procedure for widening the road, it should follow on international standard or called also international best practice. This means that the physical implementation of improvement works include the widening of existing road to achieve a width of 10-12 m, with a 6 m wide carriageway and 0.5-1m wide shoulder on each side. The improvement works will also include drainage construction/rehabilitation. - So far in our PCM, land issue is rarely discussed and generally community accept that 5m on the left and right side of the is the RoW. But we believe that in this community, community members want to have their road rehabilitated so there should be contribution to this work (community were asked whether this statement is true and they generally agreed).			

	- Based on design, some places will be affected up to 5m or even more but some places will not be affected as much for example, in some area, no drainage structure is needed. So the community does not need to worry too much. When we come to do detailed survey, then we will know for sure. - There will be no force used during implementation. 2. Mr. Celestino Savio, Mrs. Alzira Ximenes and Mr. Joanico da Silva ➤ If kiosks or Market Stand (Baraka) are affected, how are they going to be compensated? Response: - There will be separate compensation for lands, structures and productive trees. For all affected properties (include Kiosk/Baraka) there will be a questionnaire that will ask in detail who owns what. The team will also clarify with the help of local authority, so eventually compensation can go to those with rightful claim. 3. Mr. Angelo Da Silva (Chief of Suco Parlamento) ➤ During implementation, there will also negative impacts such as dust, pollution, noise etc. As a consultant or contractor do you have any procedural safety for this matter? Because the project is very near to community. ➤ If there is any affected sacred place, what will consultant/contractor do? Response: - Yes, we do. That is why, before the implementation we conducted public consultation meeting with community to consult as well as to explain and inform about environmental and social safeguarding procedures based on the ADB guidelines. The guidelines included safeguard for environment and social. And through this PCM will try our best to make sure community understand national network upgrading project. - For sacred place, we need information from chefi suco or community to identify exactly where it is and then we will check our drawing to see if it is affected. 4. Mrs. Martinha Neta da Cruz ➤ Seems like my house is going to be affected. Will there be any compensation for my house Response: - For houses, the compensation is according to material used for the house. It is classified into 3 types - Temporary, Permanent and Semi permanent. Specifically when the survey team come, we will identify in more detail all information related to affected assets. - These affected assets will be compensated for lost assets at replacement price based on valuation prepared according to regulation in affect. During the compensation process, there will be continuous consultation with local community and local authority so, the community can rest assure that the compensation will be fair, based on what is actually affected and compensation is given based on regulations in effect.
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Pictures	:	
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Attendance Sheet

No	NAME	GENDER	POSITION	ALDEIA	CONTACT NUMBER
1	Zezito da Costa	M	Community	Ira-Ara	-
2	Justo Fernandes	M	Community	Ira-Ara	+670 76364638
3	Angelo Calvão Silva	M	Chefe suco Parlamento	Teno	+670 77467780
4	Sabino Soares	M	Community	Liarafa	+670 77528295
5	Duarte Gama	M	Community	Liarafa	+670 75315993
6	Celestino Da Costa	M	Community	Liarafa	+670 77449155
7	Alcira Ximenes	F	Community	Liarafa	+670 75358630
8	Joni Dias	M	Community	Liarafa	-
9	Joanico Do Carmo Vieira	M	Community	Ira-Ara	+670 75757583
10	Carlos De Jesus	M	Community	Ira-Ara	-
11	Mario Lopes	M	Teacher	Ira-Ara	-
12	Carolino De Jesus	M	Community	Ira-Ara	-
13	Norberto lopes Da Cruz	M	Community	Teno	+670 77128545
14	Maria Da Costa X.	F	Community	Teno	-
15	Rojelia Dos Santos	F	Community	Teno	-
16	Cecilia Fernandes	F	Community	Teno	-
17	Anita Dos Santos	F	Community	Teno	-
18	Helena Da Cruz	F	Community	Teno	-
19	Salvador Fernandes	M	Community	Teno	-
20	Adelino De J. Correia	M	Community	Teno	-
21	Natalia De Jesus	M	Community	Teno	-
22	Rojelia Dos Santos	F	Community	Teno	-
23	Cecilia	F	Community	Teno	-
24	Alsinda C. Btenoelo	F	Community	Teno	-
25	Aurelia Da Costa	F	Community	Teno	-
26	Amelia Fernandes	F	Community	Teno	-
27	Lina Da Jesus	F	Community	Teno	-
28	Terezinha Ribeiro	F	Community	Teno	-
29	Ester Nyatmi Savio	F	Community	Liarafa	+670 75717870
30	Luis Fernando Ojorio S.	M	Community	Liarafa	+ 670 78192981
31	Martinha Neto Da Cruz	F	Community	Ira-Ara	+670 76365037
32	Azita Da Costa	F	Community	Ira-Ara	+670 75554951
33	Victor Dos Santos	M	Community	Ira-Ara	-
34	Agustinha Da Costa	F	Community	Ira-Ara	+670 75238176
35	Silvina Fernandes	F	Community	Ira-Ara	-
36	Lino De Jesus	M	Community	Teno	+670 77379059
37	Maria Poppy Ribeiro	F	National Safeguard Sp.	Dili	+670 77050000
38	Dirce Madalena P.	F	National Environmental Sp.	Dili	+670 78487307

Road Network Upgrading Sector Project

Preparation of design for 169 km National Roads
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Draft Resettlement Plan (RP)
Road Link A01-04: Lautem-Com

Appendix E: List of Affected Households

NO	Station	Suco	Name of AHH	Occupation	Semi-permanent structure	#	size	Temporary structure	#	size	T.fence		Banana											
													Lime / Lemon	Jambu air	Jack fruit	Guava	Papaya	Coconut	Bua	Soursop	Mango	Kapok		
1	182+150, L	Baduro	Francisco Fernando Xavier	Farmer							1	30											1	
2	183+325, L	Parlamento	Luis da Costa	Farmer							1	40												
3	183+325, R	Parlamento	Ester Nyatmi Savio	Businesswoman	Kiosk	1	517				1	30												
4	183+400, L	Parlamento	Kamelia Lopes	Businesswoman	Kiosk	1	33.37																	
5	183+580, L	Parlamento	Celestino da Costa	farmer							1	30												
6	186+880, R	Parlamento	Ojorio Soares	farmer							1	40		1	1			1						
7	191+140, R	Parlamento	Regina Brigida Lopes	farmer							1	30												
8	191+280, L	Parlamento	Armino Fernandes	farmer							1	15												
9	193+200, R	Parlamento	Angelo Ananias	farmer							1	15												
10	196+470, R	Parlamento	Alberto Fernandes	farmer							1	30	5	2			4							
11	196+490, L	Parlamento	Silvina de Jesus Fernandes	farmer							1	25	5			1				1				
12	196+500, R	Parlamento	Rosa da Costa	farmer							1	25												
13	196+570, R	Parlamento	Tome Ximenes da Costa	farmer							1	15										1		
14	196+580, R	Parlamento	Justo Fernandes	farmer							1	25										1		
15	196+600, L	Parlamento	Agostinho da Costa	farmer							1	20	3	2			3							
16	196+750, R	Parlamento	Martinha Neto da Cruz	Businesswoman				kiosk	1	6	1	15												
17	196+942, L	Parlamento	Alarico Fernandes	Farmer							1	50				1		2						
18	196+970, L	Parlamento	Afonso Fernandes	Farmer											1		13	1	5	1				
19	196+982, L	Parlamento	Adolfo dos Santos	Farmer							1	50					1							
20	197+238, L	Parlamento	Isaura Magalhaes	Farmer							1	45										1		
21	197+815, L	Parlamento	Ana de Jesus	Farmer							1	45										6		
22	197+360, L	Parlamento	Ernesto da Cruz	Farmer	house	1	45																	
23	197+422, L	Parlamento	Veriato Pinto	Farmer							1	20										2		
24	197+480, L	Parlamento	Lina da Costa	Farmer							1	25										1		
25	197+550, L	Parlamento	Izelia Lopes	Farmer							1	35					2	1		1				
26	197+582, L	Parlamento	Carlito da Costa	Farmer							1	80												
27	197+640, L	Parlamento	Zelito Correia	Farmer							1	70												
						3	130.1		1	6	24	805	13	5	1	2	1	9	18	1	7	1	13	

Appendix F: Affected People's Identifications



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Road Link A01-04: Lautem-Com

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
SECRETARIADO TÉCNICO DA ADMINISTRAÇÃO ELEITORAL
CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	PAIRARA	CAPORO

No Cartão No De Inscrição
0327170 CB.478

Nome / Naran
TOME XIMENES DA COSTA
Data de Nascimento / Loron Moris
13/05/1974
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / PAIRARA
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
SECRETARIADO TÉCNICO DA ADMINISTRAÇÃO ELEITORAL
CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	PARLAMENTO	IRA'ARA

No Cartão No De Inscrição
00576544 CB.132.FLS.1

Nome / Naran
MARTINHA NETO DA CRUZ
Data de Nascimento / Loron Moris
03/04/1981
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / PARLAMENTO
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
SECRETARIADO TÉCNICO DA ADMINISTRAÇÃO ELEITORAL
CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	PARLAMENTO	IRA'ARA

No Cartão No De Inscrição
0316555 CB.923

Nome / Naran
AFONSO FERNANDES
Data de Nascimento / Loron Moris
17/10/1964
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / PARLAMENTO
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
SECRETARIADO TÉCNICO DA ADMINISTRAÇÃO ELEITORAL
CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	PARLAMENTO	IRA'ARA

No Cartão No De Inscrição
00316592 CB. 51 FLS. 124

Nome / Naran
ALARICO FERNANDES
Data de Nascimento / Loron Moris
02/11/1950
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / PARLAMENTO
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
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CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	PARLAMENTO	IRA'ARA

No Cartão No De Inscrição
00316573 DEC.41/ADM.SC.PTL.III/2014

Nome / Naran
SABIL SOARES
Data de Nascimento / Loron Moris
05/05/1983
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / PARLAMENTO
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
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CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	PARLAMENTO	IRA'ARA

No Cartão No De Inscrição
0316668 CB. 26

Nome / Naran
ZEZITO DA COSTA
Data de Nascimento / Loron Moris
30/01/1982
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / PARLAMENTO
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
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CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	PARLAMENTO	IRA'ARA

No Cartão No De Inscrição
0316670 CB.938

Nome / Naran
ADOLFO DOS SANTOS
Data de Nascimento / Loron Moris
05/01/1979
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / PARLAMENTO
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

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UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	PARLAMENTO	IRA'ARA

No Cartão No De Inscrição
0316560 CB. 268

Nome / Naran
ANA DE JESUS
Data de Nascimento / Loron Moris
22/11/1966
Naturalidade / Moris Fatin
LAUTEM / LOSPALOS / SOURO
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
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CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	PARLAMENTO	IRA'ARA

No Cartão No De Inscrição
00492484 CB. 995.

Nome / Naran
ISAURA MAGALHAES
Data de Nascimento / Loron Moris
07/11/1934
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / PARLAMENTO
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
SECRETARIADO TÉCNICO DA ADMINISTRAÇÃO ELEITORAL
CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	COM	IRA'ONO

No Cartão No De Inscrição
0318943 ICB. 625

Nome / Naran
ERNESTO DA CRUZ
Data de Nascimento / Loron Moris
03/06/1966
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / COM
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
SECRETARIADO TÉCNICO DA ADMINISTRAÇÃO ELEITORAL
CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	COM	IRA'ONO

No Cartão No De Inscrição
0318967 CB. 16

Nome / Naran
VERIATO PINTO
Data de Nascimento / Loron Moris
12/08/1977
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / COM
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
SECRETARIADO TÉCNICO DA ADMINISTRAÇÃO ELEITORAL
CARTÃO DE ELEITOR

UNIDADE GEOGRÁFICA DE RECENSEAMENTO		Suco	Aldeia
Distrito	Subdistrito		
LAUTEM	LAUTEM	COM	IRA'ONO

No Cartão No De Inscrição
0318938 CB. 258 FLS. 3

Nome / Naran
LINA DA COSTA
Data de Nascimento / Loron Moris
07/10/1960
Naturalidade / Moris Fatin
LAUTEM / LAUTEM / COM
CONSERVE ESTE CARTÃO / RAI DIDI AK KARTAU N'EE

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