

Resettlement Plan

May 2022

Timor-Leste: Dili West Water Supply Project

Prepared by the Ministry of Public Works for the Asian Development Bank.

CURRENCY EQUIVALENTS

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

ABBREVIATIONS

ADB	–	Asian Development Bank
ANAS	–	National Water and Sanitation Authority
AP/AH	–	affected person/affected household
BTL	–	Bee Timor-Leste
COI	–	corridor of impact
DMS	–	detailed measurement survey
EA	–	executing agency
EM	–	external monitor
GRC	–	Grievance Redress Committee
GRM	–	grievance redress mechanism
IOL	–	Inventory of Loss
IP	–	Indigenous Peoples
PMU	–	Project Management Unit
PIB	–	project information booklet
PMS	–	primarily measurement survey
RCS	–	replacement cost study
RP	–	Resettlement Plan
ROW	–	right-of-way
SAH	–	Severely Affected Households
SES	–	Socio-economic survey
SPS	–	Safeguard Policy Statement
WR	–	Water Reservoir
WTP	–	Water Treatment Plant

WEIGHTS AND MEASURES

ha	–	hectare
km	–	kilometer
m	–	meter
m ²	–	square meter

GLOSSARY

affected person/ affected household	–	Refers to any person or persons, household, firm, private or public institution that, on account of changes resulting from the project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement.
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		In the case of affected household (AH), it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components.
compensation	–	It is payment in cash or in-kind at replacement cost for an asset acquired by the Project.
cut-off date	–	This refers to the date prior to which the occupation or use of the project area (i.e., within the COI) makes residents/users of the project area eligible to be categorized as AHs. Persons who occupy government land inside the ROW subsequent to the cut-off-date are not eligible for compensation and other entitlements.
detailed measurement survey	–	With the aid of approved detailed engineering drawings, this activity involves updating the results of the IOL, severity of impacts, and list of APs that was done earlier during the preparation of the feasibility study resettlement (RP).
entitlements	–	This refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. that are provided to the APs/AHs, depending on the type and severity of their losses, to restore their economic and social base.
land acquisition	–	Refers to the process whereby an AP/AH is compelled by the government through the project's executing agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purpose in return for compensation at replacement cost.
rehabilitation and income restoration	–	This refers to additional cash or in-kind support provided to APs/AHs losing productive assets, incomes, employment or sources of living, to supplement compensation for assets acquired by the project, in order to achieve full restoration of living standards and quality of life.
relocation	–	This is the physical transfer of an AP/AH from his/her pre-project place of residence and/or business.
replacement cost	–	<p>This refers to the amount in cash or in-kind, inclusive of transaction costs and taxes, needed to replace an asset and is the value determined as compensation for:</p> <ol style="list-style-type: none"> 1 Agricultural land and pond based on market prices that reflect recent land sales prior to the commencement of the Project or displacement, and in the absence of such recent sales, based on productive value; 2 Residential land based on market prices that reflect recent land sales prior to the commencement of the Project or displacement, and in the absence of such recent land sales, based on similar location attributes; 3 Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials; 4 Annual crops equivalent to the highest production of crop over last three years multiplied by the current market value of crops; 5 Perennial crops and trees based on current market value per the type, age, diameter at breast height and productive capacity; and

	6	Other assets (i.e., cultural, aesthetic) based on current market value for repairing and/or replacing assets or the cost of mitigating measures.
replacement cost study	–	This involves the conduct of empirical research to determine the amount of compensation needed for an AP/AH to be able to buy a replacement of an asset lost to the project and/or to recoup lost income.
resettlement	–	This refers to all measures taken by Project authorities to mitigate any and all adverse social impacts on the AHs, including compensation for lost assets and incomes, and the provision of income restoration relocation assistance as needed.
resettlement plan	–	Also referred to as land acquisition and compensation plan (LACP), this is a time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
severely affected households	–	This refers to APs/AHs that will (i) lose 10% or more of their productive landholdings and income sources, and/or (ii) have to relocate.
significant project impact	–	This occurs if the project has 200 or more severely affected persons (i.e. at an average household size of 5.4 among the AHs, this is equivalent to 37 severely affected households or SAHs).
vulnerable groups	–	These are distinct groups of people who might suffer disproportionately or face the risk of further marginalization due to displacement from assets and sources of incomes and they specifically include: (i) female headed households without support, (ii) disabled and/or elderly household heads, (iii) households falling under the generally accepted indicator for poverty, (v) landless households, (vi) indigenous people or ethnic groups.

NOTE{S}

In this report, "\$" refers to United States dollars.

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EXECUTIVE SUMMARY

A. Background

1. The project will support the Government of Timor-Leste in providing safe and reliable water to about 199,000 people in the west zone of the capital city, Dili. It will (i) finance the construction of new facilities and enhancement of existing ones for resilient and efficient delivery of public water services and (ii) strengthen the regulatory and institutional capacity of the Ministry of Public Works (MPW) and Bee Timor-Leste (BTL) in service delivery, planning, financial management, and operation and maintenance (O&M).

B. Scope of Impacts

2. According to the draft DED there are a total of 25 affected households, (115 APs), across the project footprint. 23 HHs are considered severely affected as they will experience full loss of their primary residence due to the expansion of reservoirs in two locations and a new reservoir in one area. Two households will lose income from the rental of their land for a telecom tower which will not be able to remain in the same location due to the reservoir creations in two locations. Upon finalization of the DED, an updated Resettlement Plan (RP) shall be developed, disclosed and implemented.

3. Pipelaying will occur within state-owned roads with minimal impact corridors and other elements such as bore holes and a pumping station were confirmed to be on unencumbered state land. Temporary disturbances during construction will occur, e.g. interruption of business and access to property, which will be mitigated through the Environmental Management Plan. Access should be maintained throughout construction through temporary measures and restored to pre-project state or better once construction in that section is completed. Temporary disturbances that are prolonged and cause tangible income losses may be managed through the grievance process.

4. The safeguard category for involuntary resettlement is B. The safeguard category for Indigenous Peoples is C.

C. Vulnerability and Ethnic Groups

5. Most of the population of Timor-Leste are Indigenous People in that they are the original inhabitants of the area well before colonial times. In rural areas continuation of customary laws and traditions are commonplace. In the impacted locations AHs have moved into the area in search of economic opportunities and there is no indication of any collective attachment or impact on traditional livelihoods although there will be special measures to protect physical cultural heritage that has been identified and ensure that intangible cultural aspects are considered, valued and followed where necessary for project activities.

6. According to the ADB criteria, there are ten vulnerable AHs who will be entitled to additional support under the project entitlements.

D. Resettlement Costs

7. The estimated cost of implementation of this plan is US\$690,277. Compensation completion reports will serve the basis for ADBs "no objection" to commencement of the civil works. Voluntary donation of land or assets will not be permitted.

I. INTRODUCTION

A. Project Description

1. The project will support the Government of Timor-Leste to provide safe, reliable, and affordable water supply and sanitation to 199,000 people in the west zone of Dili. Dili is the capital and largest city of Timor-Leste. It will (i) finance the construction of new and capacity increase of existing facilities for water supply services and (ii) strengthen the regulatory and institutional capacity of the state-owned water utility, BTL, in service delivery, planning, financial management, and O&M. The project is aligned with the government's Strategic Development Plan, 2011–2030 and Economic Recovery Plan in response to the coronavirus disease (COVID-19) pandemic recovery.¹

2. The project is aligned with the government's objective to connect all households in Dili to the water supply network by 2030. The water supply system should be improved to reduce leakages, install water meters and establish a billing system. The water provided should be of drinking water quality.

3. The project will provide access to water supply services in the west zone of Dili to at least 199,000 people (50% of whom are women). The access should be uninterrupted with a minimum pressure of 3 meters water column and meeting national drinking water quality standards. The amount of water that does not generate revenue (non-revenue water; losses, unauthorized and unbilled consumption) is reduced to maximal 20% of the amount of water supplied to the system.

4. The expansion of the water supply system is required to ensure that sufficient water of drinking water quality can be provided continuously and at acceptable pressure to the all population of the project area.

5. Currently there are three surface water intakes and nine groundwater deep wells with an installed capacity of 26,300 m³/day. The produced water is non-potable water and the supply is intermittently and at low pressure. The current infrastructure is inadequate to achieve the government's development goals.

6. The project will construct new and upgrade water sources and treatment facilities with a combined capacity of 49,858 m³/day, which is sufficient to fulfil the expected mean daily demand in 2050. The project will expand the clean water reservoir capacity to 23,400 m³ and construct a new distribution system with a total length of 276 kilometers.

7. The distribution system will include several isolation valves, pressure relief valves, and bulk water meters to form five isolated pressure zones and a total of 19 district metering areas (DMA's), which is essential in effective pressure and leakage management of the system.

B. Focus of the RP

8. This draft RP will focus on the results of the socioeconomic profile of affected households in Dili in the three locations where there are anticipated resettlement impacts. This draft RP will

¹ Government of Timor-Leste. 2011. *Strategic Development Plan, 2011–2030*. Dili; and Government of Timor-Leste. 2020. *Economic Recovery Plan*. Dili. The target is to achieve 100% water supply and sanitation service coverage in urban areas by 2030.

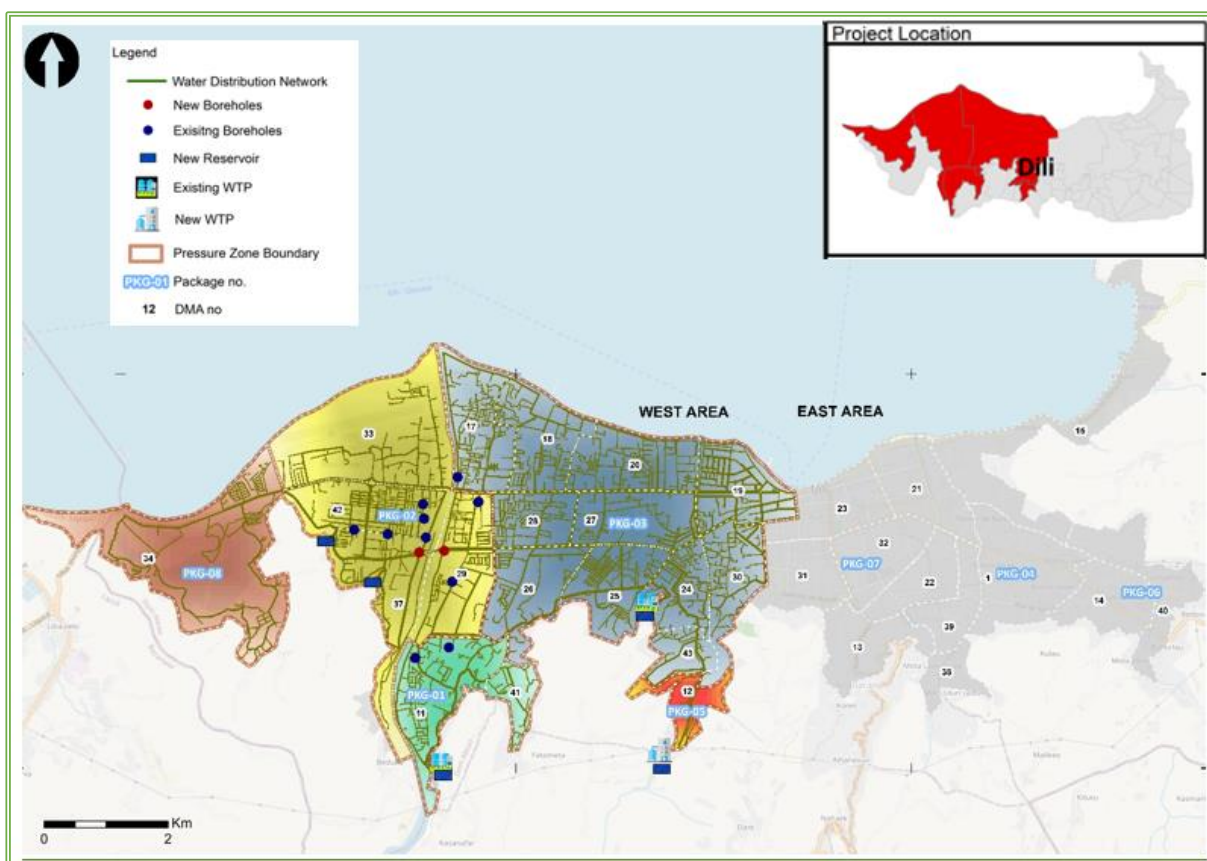
cover the scope and description of resettlement impacts and the entitlements due to these AHs, public consultations held, and the amount needed to pay AHs their compensation and allowances.

C. Planned Civil Works

9. The project will rehabilitate two water treatment plants (WTPs) with reservoirs in Bemós and Maloa.

10. There are a further three locations (Central, Malinamuk and Gologota) where reservoir expansion is planned. Rehabilitation (cleaning and maintenance work) will be undertaken at nine existing boreholes in the western section, connection of two existing, newly drilled boreholes and construction of two new boreholes on government land near the Comoro Bridge. Due diligence visits confirm the land where the new boreholes will be drilled is unused, unoccupied and belongs to the government. Photos of borehole locations and a pumping station location can be found in Appendix 1.

Figure 1: Dili West Water Supply Project Layout



11. A total length of 276 km of clean water transmission and distribution lines will be decommissioned and replaced by new pipes.

D. Measures to Minimize Adverse Social Impacts

12. Efforts have been made to reduce resettlement impacts by the following actions:
- (i) Alignment of project components along existing structures such as road and existing water system infrastructure.
 - (ii) Public consultations, individual household consultations and due diligence to minimize impact on private land and structures to the greatest extent possible.
 - (iii) Field visits by technical and safeguards teams to review impacts and seek to reduce these from five to three locations.
 - (iv) Techniques to replace or rehabilitate pipes have been chosen to suit each location to minimize disturbance.
 - (v) Community consultations will occur to prepare communities for pipe laying activities. This will reinforce the GRM and ensure that adequate notice is given. Access to properties will be maintained. All measures relating to community safety and management of temporary impacts will be included in the CEMP and monitored.

Figure 2: Distribution Network



II. PROJECT IMPACTS

13. Project impacts were assessed with reference to the draft DED and a Detailed Measurement Survey conducted 10-15 September 2021. Further field verification was carried out in March 2022. This RP will need to be updated prior to implementation after the DED is finalized and verification of land ownership is fully completed.

E. Reservoir locations – Affected HHs

14. There are a total of 25 affected households (AHs) comprising 115 affected persons (APs) in three separate locations: Maloa Water Treatment Plant and Reservoir (2 AHs), Central Reservoir (21 AHs), and Malinamuk Reservoir (2 AHs). Of those, 23 AHs are considered severely impacted as their residential structure will be relocated. Two AHs will lose only land with rental income (leased for two telecom towers). Ten households are considered vulnerable. There are no households affected by planned works at Bemós Water Treatment Plant or Golgata Reservoir.

Figure 3: Maloa WTP & WR COI and 2 AHs

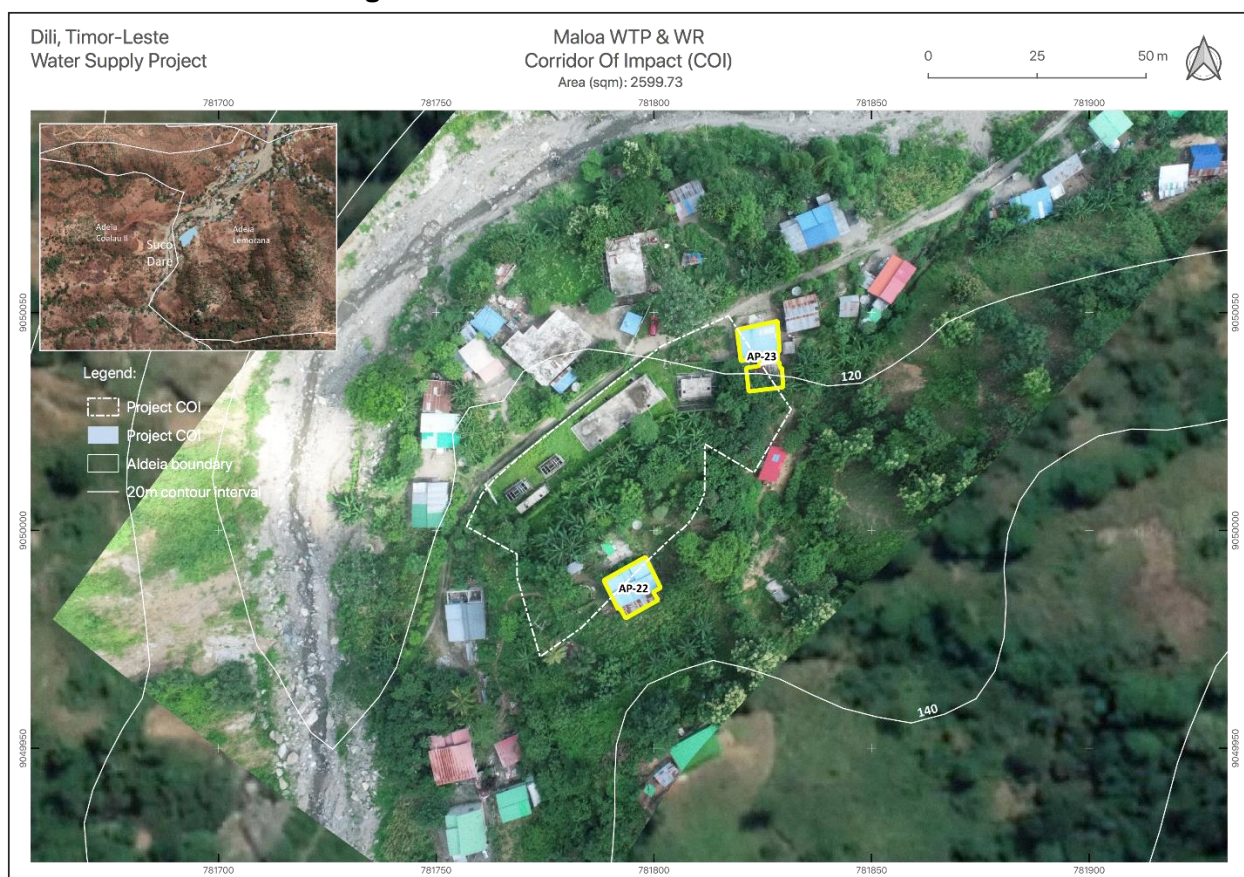


Figure 4: Central Reservoir COI and 21 AHs

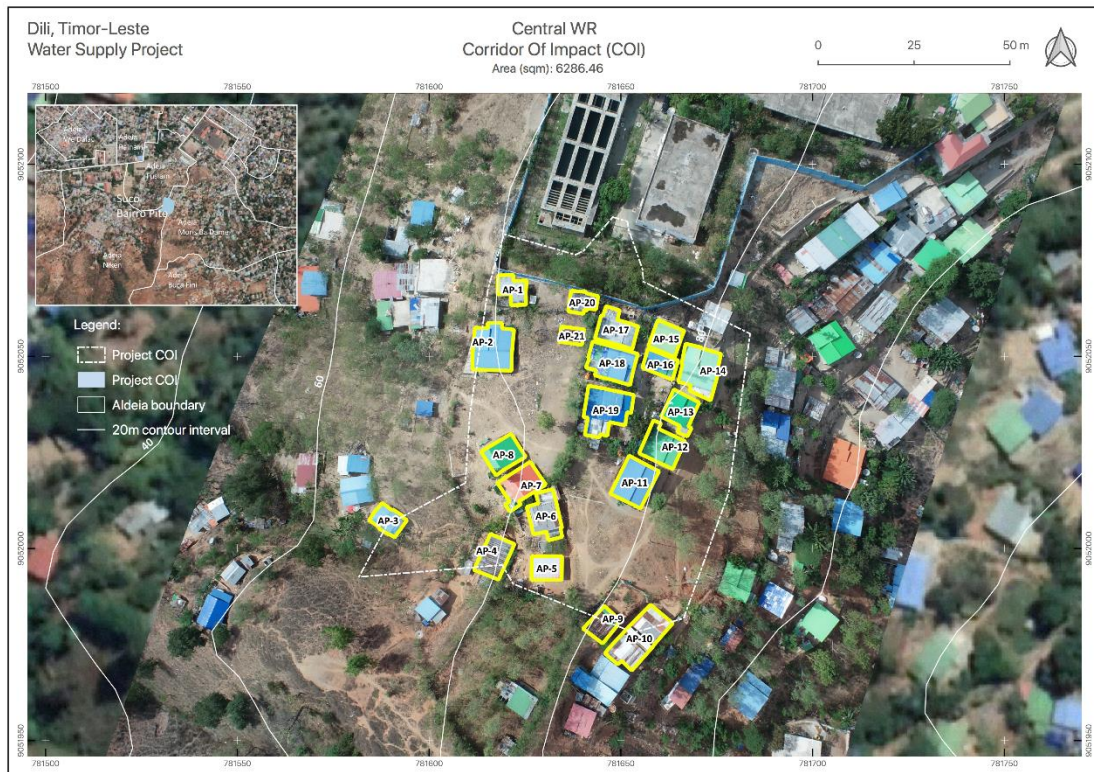


Figure 5: Golgota Reservoir COI



Figure 6: Malinamuk Reservoir COI and 2 AHs

F. Affected Landholdings

15. The project will acquire 2,022.84 m² of land from 25 HHs. Details of this are contained in the tables below. A detailed survey to verify the ownership of affected land was carried out by the Land and Property Department in April 2022. The results of the survey have been disclosed publicly with a 30-day window for public comment or claims. Table 2 shall be updated once the final report from the Land and Property Department is submitted. If survey results require an adjustment to involuntary resettlement impacts and entitlements, then this RP will be updated accordingly.

Table 1: Summary of Land Requirements

Location	Project Component	Area Required (m ²)	Existing area owned by government (m ²)	Land to be Acquired (m ²)	No. of AHs	Remarks
Golgota	WR	3,504.51	529.71	2,974.80	0	Land to be acquired is government land
Malinamuk	WR	3,560.60	942.37	2,618.24	2	Upgrade of existing structures
Bemos	WTP & WR	6,493.32	16,687	0	0	Upgrade of existing structures
Central	WR	6,279.15		6,279.15	21	New Reservoir
Maloa	WTP & WR	2,596.70	874.95	1,721.75	2	Upgrade of existing structures
Total		22,434.28	19,034.03	13,593.94	25	

Table 2: Affected Land

Location	HH ID	Name	Area to be impacted (m ²)	Description of Impact	Land Ownership Document Status	Number of Years in that Location
Central	1	Rodolfo do Carmo Marcelino	42.91	Residential Land and Structure	Not Available/ None Presented during time of visit	0
Central	2	Maria da Conceição	116.17	Residential Land and Structure	Not Available/ None Presented during time of visit	4
Central	3	Domingos Boavida da Costa	46.53	Residential Land and Structure	Land was inherited	7
Central	4	Madalena Pereira Manu Coli	70.13	Residential Land and Structure	Sale agreement with local leader for approval	11
Central	5	Martinha da Cruz	48.73	Residential Land and Structure	Identification No. SNC & Ministry of Justice (515072060286227067)	23
Central	6	Julio Da Cruz	79.45	Residential Land and Structure	Identification No. SNC & Ministry of Justice (NUP-515072060286227067)	23
Central	7	Domingos Gomes Pereira	77.92	Residential Land and Structure	Not Available/ None Presented during time of visit	7
Central	8	Antonio de Jesus	65.19	Residential Land and Structure	Not Available/ None Presented during time of visit	6
Central	9	Alexandrino Pereira	47.69	Residential Land and Structure	NUP Number by Cadastral Department including: No. of declaration: 51-5.072.26405(A) and Parcel Identification No. 51-5.072.26405 issued by DNTPCS	9
Central	10	Claudino Maia	135.27	Residential Land and Structure	Not Available/ None Presented during time of visit	14
Central	11	Ferdinal Soares Cardoso	95.97	Residential Land and Structure	Invoice of payment to the previous owner was shown at the time of site visit	7
Central	12	Manuel Maria Ferreira Miranda	80.44	Residential Land and Structure	Not Available/None Presented during time of visit	4
Central	13	Costantino Soares	63.5	Residential Land and Structure	Not Available/None Presented during time of visit	7
Central	14	Patricio Lemos	107.91	Residential Land and Structure	land was bought from previous owner	7
Central	15	Moises Pereira Vicente	53.96	Residential Land and Structure	Not Available/None Presented during time of visit	5

Location	HH ID	Name	Area to be impacted (m ²)	Description of Impact	Land Ownership Document Status	Number of Years in that Location
Central	16	Ivone Vicente Pires	43.93	Residential Land and Structure	Visit/Buying-Selling document still with local leader for approval	6
Central	17	Nuno Ramalho Viana Morais	72.54	Residential Land and Structure	Invoice of payment to the previous owner was shown at the time of site visit	7
Central	18	Anito Sequeira Gomes	98.78	Residential Land and Structure	Not Available/None Presented during time of visit	TBC
Central	19	Herminio da Cruz de Jesus	120.18	Residential Land and Structure	Invoice of payment to the previous owner was shown at the time of site visit	7
Central	20	Mateus do Carmo Vicente	34.43	Residential Land and Structure	Not Available/None Presented during time of visit	7
Central	21	Venancio Caldas	24.24	Land where telecom tower standing.	Parcel Identification No. 51-5-072-23460 issued by DNTPCS. Partially rented out for a telecom tower	
Maloa	22	Adao da Costa Mesquita	105.04	Residential Land and Structure	The proof of document of the property is held by the eldest brother. The AP's does not have any kind of proof documents.	22
Maloa	23	Demetriadonca Mendonça	120.87	Residential Land and Structure	Not Available/ None Presented during time of visit	TBC
Malinamuk	24	Orlando Gomes	96.9	Residential Land and Structure	Not Available/ None Presented during time of visit	7
Malinamuk	25	Orlando Sousa	174.16	Land where telecom Tower is standing.	Parcel Identification No. NUP-515072060204185067 - issued by SNC & Ministry of Justice. Partially rented out for a telecom tower	7

16. Two households have land plots that accommodate telecom towers. Discussion is underway with the telecom company regarding the new location of the towers. For the purposes of the RP these HHs are classified as being marginally impacted by land acquisition as they have large land holdings. One of these household refused to participate in the socio-economic survey of affected households (SESAH) but both HHs report a potential loss of rental income if the towers are not able to be relocated onto their remaining land in that location.

17. For the remaining 23 HHs the loss is related to the plot of land that their residential structures are currently on. There is a mix of ownership claims as can be seen from the table below. Some HHs were resettled onto the site by the Ministry of Interior between 2012-2016 due to the building of a new police station.

18. Land ownership was assessed using a field survey and with reference to planned project infrastructure, per the DED. Transect walks within affected areas and information about use and ownership was confirmed by local communities and due diligence visits from the Land and Property Department.

Table 3: Land Due Diligence

Project Components	Physical site		Site ownership		Comments
	Area (m²)	Date Last Visited	Public	Private	
Water Treatment Plants and Reservoirs					
Golgota WR	3,504.51	14-Sep-21	√		Expansion/Upgrading of existing WR
Malinamuk WR	3,560.60	14-Sep-21	√	√	Expansion/Upgrading of existing WR
Bemos WTP & WR	6,493.32	11-Sep-21	√		Expansion/Upgrading of existing WTP & WR
Central WR	6,279.15	11-Sep-21	√	√	New Construction
Maloa WTP & WR	2,596.70	04-Feb-22	√	√	Expansion/Upgrading of existing WTP & WR
Raw Water Transmission (18,338.24m-length x 0.6m-width)	11,032.94	11-Sep-21	√		New transmission pipes will be laid-out along the road corridor to transport water from the groundwater source (boreholes) to the WRs
New Boreholes/Pump					
NBH-01	40.00	08-Feb-22	√		New Construction
NBH-02	40.00	08-Feb-22	√		New Construction
New Booster Pump	24.00	07-Oct-21	√		New Construction
Distribution network (40,882m-length x 0.6m-width)	24,529.20	11-Sep-21	√		Distribution pipes will run along the road corridor. Existing pipes will be decommissioned and replaced with new ones

G. Affected Main Structures

19. Table 4 below includes a summary of all affected structures, all of which will mean relocation is required.

Table 4: Summary of Affected Structures

HH ID	Name	Area (m ²)	Structure Description
1	Rodolfo do Carmo Marcelino	42.91	Residential Structure
2	Maria da Conceição	116.17	Residential Structure
3	Domingos Boavida da Costa	46.53	Residential Structure
4	Madalena Pereira Manu Coli	70.13	Residential Structure
5	Martinha da Cruz	48.73	Residential Structure
6	Julio da Cruz	79.45	Residential Structure
7	Domingos Gomes Pereira	77.92	Residential Structure
8	Antonio de Jesus	65.19	Residential Structure
9	Alexandrino Pereira	47.69	Residential Structure
10	Claudino Maia	135.27	Residential Structure
11	Ferdinal Soares Cardoso	95.97	Residential Structure
12	Manuel Maria Ferreira Miranda	80.44	Residential Structure
13	Constantino Soares	63.5	Residential Structure
14	Patricio Lemos	107.91	Residential Structure
15	Moises Pereira Vicente	53.96	Residential Structure
16	Ivone Vicente Pires	43.93	Residential Structure
17	Nuno Ramalho Viana Morais	72.54	Residential Structure
18	Anito Sequeira	98.78	Residential Structure
19	Herminio da Cruz de Jesus	120.18	Residential Structure
20	Mateus do Carmo Vicente	34.43	Residential Structure
21	Venancio Caldas	24.24	Telecom Tower
22	Adao da Costa Mesquita	105.04	Residential Structure
23	Demetrio Mendonca	120.87	Residential Structure
24	Orlando Gomes	96.9	Residential Structure
25	Orlando Souza	174.16	Telecom Tower
Total		2,022.84	

H. Affected Secondary Structures

20. No secondary structures will be impacted.

I. Affected Fruit and Timber Trees

21. Sixteen AHs will lose a total of 305 timber trees, fruit trees and other plants. These are grown for home consumption/use, not for commercial sale.

Table 5: Summary of Affected Trees

Type	Name	Number
Timber	Teak wood	2
Fruit Trees	Apple Water	2
	Dragon Fruit	3
	Jack Fruit	2
	Jambua	2
	Pomergranate	1
	Star fruit	1

Type	Name	Number
	Anona Fruits	2
	Avocado	5
	Banana	1
Fruit Trees	Local Lime	12
	Mango	12
	Pittaya	1
	Rambutan	1
	Soursop	2
Plants	Aloe Vera	2
	Baby Green Beans	15
	Basil	2
	Citrus	1
	Eggplant	5
	Guava	1
	Jambua	1
	Sweet Potatoes	20
	Banana	36
	Beans	47
	Carica Papaya	56
	Cassava	28
	Chili	23
	Lemon Grass	10
	Local Lime	2
	Taro	5
	Tomatoes	2
Grand Total		305

J. Risk of Economic Displacement

22. Two households have been identified to lose income from rental of land for telecom towers. The project intends to identify technical solutions to avoid impact. In addition, during the update of this RP, final resettlement destinations of each household will be confirmed. Livelihood impacts will also be assessed. It is anticipated that all households will be offered a supported self-resettlement package and be able to move to an equivalent location in the vicinity of their current location.

23. There may be some temporary disturbance to activities along main roads where the replacement pipe network will be laid. This will be for no longer than three days and will be managed by ensuring continued access to properties and businesses.

24. Full details of traffic management will be contained with the CEMP. Community consultations will take place regularly informing the community of the construction schedule and of the GRM to ensure that the community are well informed of upcoming works.

K. Unforeseen Impacts

25. All impacts are based on information currently available, including the DMS conducted by project preparation consultants. Once the impacts are verified with the final DED, an updated RP will be prepared. New AHs/APs that will emerge in the course of project implementation (for example, due to changes in project scope or impact) will be provided the same entitlements as

the AHs/APs identified in this RP. Should any unanticipated impacts occur ADB must be informed immediately for advice about how to proceed.

L. Summary of Impacts

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

Table 6: Summary of Impacts

No.	Particulars	Unit	Total
1	Land	m ²	2,022.84
	Residential	ha	0.1999
	Non-Residential	ha	0.0024
2	Residential Structures	m ²	2,022.84
3	Plants	no	256
4	Fruit trees	no	47
5	Timber trees	no	2

M. Categorization

27. The project is considered category B for involuntary resettlement as less than 200 persons will experience significant impact as per ADB SPS (2009).

28. The legal recognition of Indigenous Peoples in Timor-Leste is complicated by a long history of colonization, the widespread adoption of Christianity and occupation. The terminology linked to Indigenous People is problematic for the Timorese. The label of 'indigenous' was used in colonial times to negatively categorize people and attaining government positions, or an education could therefore mean losing that label. There remains significant stigma around that terminology and field work indicated that people did not self-identify as being from any ethnic grouping aside from being Timorese.

29. ADB SPS (2009) for Indigenous Peoples (IP) safeguards are triggered where a project is anticipated to have either a positive or negative affect, directly or indirectly on IP; dignity, human rights, livelihood systems or culture; territories or natural or cultural resources (the tangible aspects of their identity).

30. IP safeguards apply when a distinct, vulnerable, social and cultural group is present. In this case, the AHs are from several different groups however they have moved into Dili to pursue economic activities. The land is not customarily owned and there is no collective attachment. There is no anticipated impacts on livelihoods (none of which are reportedly traditional) It is therefore determined that this project is categorized as a C for IP.

31. There will be special measures taken to protect any Physical Cultural Resources (PCR) and ensure consultations are sensitive to any issues raised relating to spiritual beliefs as these are especially important surrounding water and the Tasi Tolu area.

III. SOCIO ECONOMIC PROFILE OF AFFECTED HOUSEHOLDS

32. The SESA covering all AHs was conducted from 10-15 September 2021 with further data gathered in February 2022 as the engineering design and associated impacts were further clarified.²

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

A. Basic Information on the AH Heads

34. Average household size of AHs is 4.5 with a range from single occupancy up to 15 members in one household. Table 7 and 8 contain relevant household composition data.

Table 7: Affected Households

HH ID	Name of Head of Household	Gender	HH Size	Civil Status
1	Rodolfo do Carmo Marcelino	Male	1	Single
2	Maria da Conceição	Female	6	Single
3	Domingos Boavida da Costa	Male	2	Married
4	Madalena Pereira Manu Coli	Female	3	Single
5	Martinha da Cruz	Female	3	Widow
6	Julio Da Cruz	Male	4	Widow
7	Domingos Gomes Pereira	Male	3	Married
8	Antonio de Jesus	Male	6	Married
9	Alexandrino Pereira	Male	2	Married
10	Claudino Maia	Male	4	Married
11	Ferdinal Soares Cardoso	Male	4	Married
12	Manuel Maria Ferreira Miranda	Male	3	Married
13	Costantino Soares	Male	6	Married
14	Patricio Lemos	Male	7	Married
15	Moises Pereira Vicente	Male	5	Married
16	Ivone Vicente Pires	Female	9	Widow
17	Nuno Ramalho Viana Morais	Male	5	Married
18	Anito Sequeira Gomes	Male	6	Married
19	Herminio da Cruz de Jesus	Male	4	Married
20	Mateus do Carmo Vicente	Male	3	Married
21	Venancio Caldas	Male	2	Married
22	Adao da Costa Mesquita Mesquita	Male	8	Married
23	Demetrio Mendonca Mendonça	Male	2	Married
24	Orlando Gomes	Male	15	Married
25	Orlando Sousa	Male	2	Married

Table 8: Vulnerability and Household Composition

HH ID	Name of Head of Household	Vulnerability Factors	M	F
1	Rodolfo do Carmo Marcelino		1	0
2	Maria da Conceição	Female headed	3	3

² SEAH questionnaire is shown in Appendix 3.

HH ID	Name of Head of Household	Vulnerability Factors	M	F
3	Domingos Boavida da Costa		1	1
4	Madalena Pereira Manu Coli	Female headed, Below Poverty Line	1	2
5	Martinha da Cruz	Female headed, Below Poverty Line	1	2
6	Julio Da Cruz	Below Poverty Line	2	2
7	Domingos Gomes Pereira		2	1
8	Antonio de Jesus	Below Poverty Line	2	4
9	Alexandrino Pereira		1	1
10	Claudino Maia	Below Poverty Line	2	2
11	Ferdinal Soares Cardoso		2	2
12	Manuel Maria Ferreira Miranda	Below Poverty Line	2	1
13	Costantino Soares		3	3
14	Patricio Lemos		4	3
15	Moises Pereira Vicente	Below Poverty Line	1	4
16	IvoneVicente Pires	Female headed, Below Poverty Line	7	2
17	Nuno Ramalho Viana Morai		1	4
18	Anito Sequeira Gomes		4	2
19	Herminio da Cruz de Jesus		3	1
20	Mateus do Carmo Vicente	Below Poverty Line	2	1
21	Venancio Caldas		1	1
22	Adao da Costa Meskita		4	4
23	Demetrio Mendonca		1	1
24	Orlando Gomes		10	5
25	Orlando Sousa		1	1

35. As can be seen from the table below a range of different languages was recorded as being used during the SESA. Level of education reported was generally high and all AHs reported using Tetum as their main language outside of the home, but other languages were also used in the home.

Table 9: Languages Spoken

HH ID	Head of HH Name	Other languages spoken	Main language spoken outside the home
1	Rodolfo do Carmo Marcelino	Makalero	Tetum
2	Maria da Conceição	Bunak	Tetum
3	Domingos Boavida da Costa	Bunak	Tetum
4	Madalena Pereira Manu Coli	Tetum Teri	Tetum
5	Martinha da Cruz	Mambai	Tetum
6	Julio Da Cruz	Bunak	Tetum
7	Domingos Gomes Pereira	Bunak	Tetum
8	Antonio de Jesus	Bunak	Tetum
9	Alexandrino Pereira	Bunak & Tetum terik	Tetum
10	Claudino Maia	Bunak	Tetum
11	Ferdinal Soares Cardoso	Bunak	Tetum
12	Manuel Maria Ferreira Miranda	Makasae	Tetum
13	Costantino Soares	Bunak	Tetum
14	Patricio Lemos	Bunak	Tetum
15	Moises Pereira Vicente	Bunak	Tetum
16	Ivone Vicente Pires	Bunak	Tetum
17	Nuno Ramalho Viana Morai	Bunak	Tetum
18	Anito Sequeira Gomes	Makasae	Tetum
19	Herminio da Cruz de Jesus	Bunak	Tetum

HH ID	Head of HH Name	Other languages spoken	Main language spoken outside the home
20	Mateus do Carmo Vicente	Bunak	Tetum
21	Venancio Caldas	Bunak	Tetum
22	Adao da Costa Mesquita	Tetum Prasa	Tetum
23	Demetrio Mendonca	Tok odede	Tetum
24	Orlando Gomes	Mambai	Tetum
25	Orlando Sousa	Bunak	Tetum

Table 10: Educational Attainment

HH ID	Name of AP	Educational Attainment
1	Rodolfo do Carmo Marcelino	University and Post-graduate level
2	Maria da Conceição	University and Post-graduate level
3	Domingos Boavida da Costa	Completed secondary/junior/vocational level
4	Madalena Pereira Manu Coli	Completed secondary/junior/vocational level
5	Martinha da Cruz	Completed secondary/junior/vocational level
6	Julio Da Cruz	Completed Primary school level
7	Domingos Gomes Pereira	Secondary/junior/vocational level
8	Antonio de Jesus	University and Post-graduate level
9	Alexandrino Pereira	Completed secondary/junior/vocational level
10	Claudino Maia	Completed secondary/junior/vocational level
11	Ferdinal Soares Cardoso	University and Post-graduate level
12	Manuel Maria Ferreira Miranda	University and Post-graduate level
13	Costantino Soares	Completed secondary/junior/vocational level
14	Patricio Lemos	Completed secondary/junior/vocational level
15	Moises Pereira Vicente	Completed Primary school level
16	Ivonía Vicente Pires	Completed Primary school level
17	Nuno Ramalho Viana Morais	University and Post-graduate level
18	Anito Sequeira Gomes	Completed secondary/junior/vocational level
19	Herminio da Cruz de Jesus	University and Post-graduate level
20	Mateus do Carmo Vicente	Completed secondary/junior/vocational level
21	Venancio Caldas	Completed secondary/junior/vocational level
22	Adao da Costa Mesquita	Secondary/junior/vocational level
23	Demetrio Mendonça	Completed secondary/junior/vocational level
24	Orlando Gomes	University and Post-graduate level
25	Orlando Sousa	University and Post-graduate level

B. Primary Occupation of AH Heads

36. Households originate from different parts of Timor Leste, having moved into the area to establish businesses, or seek employment.

Table 11: Primary Occupation of Household Heads

HH ID	Name of AP	Employment status	Occupation
1	Rodolfo do Carmo Marcelino	Employed, permanent	Salesperson
2	Maria da Conceição	Employed, temporary	Midwife
3	Domingos Boavida da Costa	Employed, permanent	Security guard
4	Madalena Pereira Manu Coli	Employed, permanent	Works in Hotel
5	Martinha da Cruz	Unemployed	Small shop
6	Julio Da Cruz	Employed, permanent	Security guard
7	Domingos Gomes Pereira	Employed, temporary	Skilled labor

HH ID	Name of AP	Employment status	Occupation
8	Antonio de Jesus	Employed, temporary	None
9	Alexandrino Pereira	Unemployed	Driver
10	Claudino Maia	Employed, permanent	Security guard
11	Ferdinal Soares Cardoso	Employed, permanent	Works Offshore
12	Manuel Maria Ferreira Miranda	Unemployed	None
13	Costantino Soares	Employed, temporary	Researcher
14	Patricio Lemos	Employed, permanent	Security guard
15	Moises Pereira Vicente	Employed, temporary	Skilled labor
16	Ivone Vicente Pires	Self-employed	Sells Vegetables
17	Nuno Ramalho Viana Morais	Employed, temporary	Journalist
18	Anito Sequeira Gomes	Works overseas	Restaurant staff
19	Herminio da Cruz de Jesus	Employed, permanent	University Lecturer
20	Mateus do Carmo Vicente	Employed, temporary	Security guard
21	Venancio Caldas	Employed, permanent	Businessman
22	Adao da Costa Mesquita	Employed, temporary	Sells Firewood
23	Demetrio Mendonça	Self-employed	Small shop
24	Orlando Gomes	Employed, permanent	Government staff
25	Orlando Sousa	Self-employed	Businessman

C. Income of the AHs

37. The average monthly per capita income of affected households is \$114 USD, mostly from wage employment.

38. The poverty line was set in 2014 at \$56.16 per person per month in Dili³. This will form the basis for calculations of allowances and identification of vulnerable households. Using this measure, ten households were identified as living under the poverty line.

Table 12: Average Income

HH ID	Name of AP	Annual Income (US\$)	Monthly Income per Capita	Below Poverty Line
1	Rodolfo do Carmo Marcelino	2,400.00	200.00	No
2	Maria da Conceição	5,400.00	75.00	No
3	Domingos Boavida da Costa	2,400.00	100.00	No
4	Madalena Pereira Manu Coli	1,800.00	50.00	Yes
5	Martinha da Cruz	1,200.00	33.33	Yes
6	Julio Da Cruz	1,380.00	28.75	Yes
7	Domingos Gomes Pereira	2,280.00	63.33	No
8	Antonio de Jesus	1,380.00	19.17	Yes
9	Alexandrino Pereira	2,400.00	100.00	No
10	Claudino Maia	2,280.00	47.50	Yes
11	Ferdinal Soares Cardoso	6,000.00	125.00	No
12	Manuel Maria Ferreira Miranda	960.00	26.67	Yes
13	Costantino Soares	15,600.00	216.67	No
14	Patricio Lemos	8,340.00	99.29	No
15	Moises Pereira Vicente	1,200.00	20.00	Yes
16	Ivone Vicente Pires	240.00	2.22	Yes
17	Nuno Ramalho Viana Morais	10,020.00	167.00	No
18	Anito Sequeira Gomes	21,600.00	300.00	Yes

³ Timor-Leste Survey of Living Standards-3

HH ID	Name of AP	Annual Income (US\$)	Monthly Income per Capita	Below Poverty Line
19	Herminio da Cruz de Jesus	15,552.00	324.00	No
20	Mateus do Carmo Vicente	1,380.00	38.33	Yes
21	Venancio Caldas	3,972.00	165.50	No
22	Adao da Costa Mesquita	6,660.00	69.38	No
23	Demetrio Mendonça	9,600.00	400.00	No
24	Orlando Gomes	15,240.00	84.67	No
25	Orlando Sousa	Refused SESAH	Refused SESAH	Refused SESAH

39. Nine households reported holding livestock for home consumption. This was raised as an issue for water during the focus group discussions with women who reported that they were responsible for care of livestock and a better water supply would be a benefit. Livestock will not be lost as current grazing arrangements will remain in place and small livestock live around the home and are free ranging.

Table 13: Livestock

HH_ID	Cattle/ Buffalo	Sheep/ Goat	Chicken/ Duck
7			4
8		5	4
9			1
10			15
18			5
19			20
22	4		10
23			1
24			4

D. Water Supply and Sanitation

40. Only two of the surveyed AHs have a pour flush toilet. Six households share a toilet with others. Only two households have a sanitation disposal system with the majority reporting using open fields to dispose of sanitary waste with open defecation common.

41. Survey questions regarding the sources of water were met with some reluctance. Surveyors observed AHs did have a piped supply as they were near to the reservoirs however these were informal and unmetered.

E. Vulnerable Households

42. According to the agreed criteria, there are 10 vulnerable AHs that will be resettled, comprising two female headed households and ten households with an income below the poverty line.

Table 14 - Income Sources

[illegible]

IV. LEGAL FRAMEWORK

A. Laws of Timor-Leste

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

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

45. A comparison between ADB SPS (2009) and government regulations on involuntary resettlement as relevant and applicable to the DWWSP project are presented in Appendix 8. Where there are gaps the higher standard will apply.

46. 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 states that:

- 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;
- Private property should not be used to the detriment of its social purpose;
- Requisitioning and expropriation of property for public purposes shall only take place following fair compensation in accordance with the law; and
- Only national citizens have the right to ownership of land.

47. Decree No. 6 issued by the government in February 2011 provides for compensation to relocate unlawful occupants of State property based on humanitarian considerations.

48. Decree No. 27 approved on 6 July 2011, allows private property rights registration by landowners/persons in areas where cadastral surveys have been completed (following registration and verification by the government the claim is not disputed).

49. The Civil Code which was promulgated in 2011 and came into force in March 2012 includes a section that governs day-to-day land decisions such as the sale and lease of land.

50. The new Land Law (Transitional Land Law 2017) was approved on 5 June 2017 by Timorese Parliament. The Law interprets who owns what land and, in the case of conflicting claims, whose tenure rights prevail. The purpose of the Law is to clarify the legal status of land ownership by bringing into effect the different dimensions of the right to private property provided for in the Constitution of Timor-Leste. Clarification of property rights is done through the recognition of prior property rights. In addition, the law creates the concept of informal property rights and recognizes community ownership. Access to land is guaranteed in two ways. Firstly, with the creation of the National Land Registry, intended to allow the emergence of a safe and transparent real estate market, and secondly with the clarification of assets belonging to the State, potentially enabling it to carry out a better management of its assets, which can be distributed to those who may not otherwise have access to land. The law also provides criteria for the resolution of disputes and the principle of compensation where there is “duplicity of rights.”

51. The Expropriation Law 2017 is the most current and relevant law pertaining to involuntary land acquisition and compensation. The Law determines the conditions and establishes the procedures and limits under which the state can take private land for public good including land

needed for public electricity generation and distribution systems and under which it will provide fair compensation. The Expropriation Law recognizes the right to private property and fair compensation for expropriated land as fundamental rights of citizens. Under the Law, the expropriation of property for public purposes will be only possible where it is not possible to acquire it amicably through private negotiations. The Council of Ministers with advice of the Ministry of Justice is empowered to issue a notice of expropriation for public purpose.

B. Customary Law

52. Elders in the community play an integral role in conflict resolution in the customary justice system at the hamlet (aldeia) or village (suco) level.

53. Tara bandu are recognized as a traditional framework of laws of communities in Timor-Leste. They regulate the relationships between people and the environment, promoting traditional environmental protection and management through the control of, access to and use of natural resources. Tara bandu passes traditional knowledge, laws and respect for the environment down through generations, and these vary from community to community. It has been seen by the state as a means to facilitate decision making and conflict resolution on the use of natural resources such as water supplies and source protection (Palmer 2015).

54. Resolution of conflicts - especially those related to land use - are presided over by local Elders (Lia Nain) based on traditional practices (Lulik) which for many centuries have regulated community relationships linked to kinship in sacred houses (Uma Lulik).

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

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

C. ADB Institutional Framework

57. The ADB's Safeguard Policy Statement (SPS 2009) combines three of its key safeguard policies; environmental management (EM), involuntary resettlement (IR) and indigenous peoples (IP). It aims to promote sustainability by managing potential environmental and social risks.

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

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

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

D. Project Resettlement Principles

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

Table 15: Project Resettlement Principles

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

V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

62. With respect to resettlement, land acquisition, compensation and livelihood restoration, the objectives of disclosure, consultation and participation are:

- (i) To fully inform APs about the proposed project, its components, and its schedule;
- (ii) To incorporate into project design an appreciation of APs opinions, needs, interests and priorities;
- (iii) To facilitate participation of APs in resettlement activities such as the IOL, identification of livelihood restoration activities, and monitoring of resettlement plans;
- (iv) To inform APs about proposed mitigation measures (including relocation, compensation, and livelihood restoration measures) and gauge the appropriateness and acceptability of proposed mitigation measures.
- (v) To inform APs how to lodge complaints, concerns and questions using the Grievance Redress Mechanism; and
- (vi) To ensure transparency in all activities related to land acquisition, resettlement, compensation, and rehabilitation.

63. Key stakeholders were identified as:

- (i) Beneficiaries of the project (current and future water supply users)
- (ii) Persons adversely affected by the project (APs)
- (iii) Local government officials at aldeia, suco, administrative post, and municipality level affected by or involved in the project.

A. Validation Requirements – Pandemic Consideration

64. The COVID-19 global pandemic has affected safeguard planning due to the difficulty with mobilizing international personnel to verify field work including consultations and validation of data. Project preparation was carried out by local consultants providing due diligence on all defined locations from the draft DED with remote support from international consultants. Household level and public consultations have been carried out along with focus group discussions. The RP that has been developed will be updated along with the final DED and there are no anticipated restrictions to be able to visit project sites.

65. The risk to the project or communities of delaying the data validation and carrying out further consultations is assessed as **low** using criteria from internal guidance notes issued by ADB. This conclusion is drawn assessing the following criteria.

Table 16: Risk Screening

Risk screening questions	Yes	No	Not sure	Remarks
1. Will project preparation be affected by the inability of experts/consultants, to visit the project site because of the pandemic?		X		Project preparation was carried out by local consultants providing due diligence on all defined locations from the draft DED with remote support from international consultants. Household level and public consultations have been carried out. The RP that has been developed is preliminary and will be updated along with the final DED and there are no anticipated

Risk screening questions	Yes	No	Not sure	Remarks
				restrictions to be able to visit project sites.
2. Is the project likely to face challenges in achieving meaningful consultation because of the pandemic? If yes, please clarify the types of consultations to be affected and at what stages in social safeguards planning and implementation.		X		Public Consultations, focus group discussion and individual household consultations were able to be carried out during project preparation and will continue through implementation.
3. Is the project likely to face challenges in preparing safeguards assessments/planning instruments and/or implementing social safeguards plans because of the pandemic? Please be as specific as you can in the remarks section.		X		The DMS was carried out by local consultants to enable the draft RP to be completed.

B. Consultations During Project Preparation

66. The first round of public consultations was held between January 2021- 9th August 2021 to set out initial project plans.

67. In readiness for the Detailed Measurement Survey (DMS) and Socio-economic Survey of Affected Households (SESAH) community meetings were held in August 2021 in 3 locations: Central, Maloa and Malinamuk. The cut-off date was also disclosed and disseminated during those meetings and in all relevant Sucos on 10 August 2021.

68. The purpose of these consultations was to provide an overview of i) the project and its preparation status, ii) the function of asset registration and inventory of loss, iii) the dates of the forthcoming DMS and SESA; (iv) ADB policy regarding land acquisition and compensation; (v) the cut-off-date for eligibility to project entitlements; and (vi) the grievance redress mechanism.

69. Individual household consultations were held in November 2021 and again in April 2022 to refine resettlement plans and preferences. Focus group discussions were held with female project beneficiaries in four locations in September and October 2021 to explore gender aspects relating to the current water supply and the proposed improvements.

70. Further public consultation meetings were held in March-April 2022 with 130 beneficiaries in four locations to provide an update on project preparation including its aims, scope of civil works, identified social, environmental and gender aspects, proposed mitigation measures, plans for public consultation and the grievance mechanism.

71. These consultations indicated broad-based community support for the project and a high demand for water supply improvements. There were some concerns raised regarding resettlement and in Tasitolu residents were concerned as there are several infrastructure projects

planned which resulted in some confusion and risk of multiple impacts. Further consultations will be conducted during implementation.

72. Records of consultations can be found in Appendix 12 (To follow).

Table 17: Public Consultations

Date/Time	Location	Description	Participants
03/08/2021	Meeting Room Paroquial Comoro – Dili	Presentation of project design and land acquisition focusing on Golgota reservoir.	Total: 7 (female: 1)
30/09/2021	Sede Suco Bairro Pite	Focus group discussion with female project beneficiaries to explore attitudes towards the project	Total: 7 (female: 7)
30/09/2021	Sede Aldeia Lemorana – MALOA Suco Dare	Focus group discussion with female project beneficiaries to explore attitudes towards the project	Total: 9 (female: 9)
01/10/2021	Sede Suco Manleuana	Focus group discussion with female project beneficiaries to explore attitudes towards the project	Total: 11 (female: 11)
01/10/2021	Sede Aldeia 30 de Augusto – Malinamuk (Comoro)	Focus group discussion with female project beneficiaries to explore attitudes towards the project	Total: 8 (female: 7)
24/12/2021 11:00 AM	Chef Aldeia Moris Ba Dame home	Discussion about land tenure in the vicinity of Central reservoir	Total: 5 (female: 1)-
24/01/2022	Belun Office, Farol, Dili.	Key Informant Interview with NGO Belun on water supply usage challenges to support project design.	Total: 4 (female: 3)
04/03/2022	Sede Suco Manleuana	Public consultation for population in pressure zone PZ03 covering Sede Suco. Content: project rationale, scope of civil works, social, environmental and gender aspects, proposed mitigation measures, consultation plan and grievance mechanism.	Total: 24 (female: 5)
21/03/2022	Sede Suco Comoro	Public consultation in pressure zone PZ01 Golgota & PZ02 Malinamuk covering populations in: Suco Comoro, Suco Madohi, and Aldeia Fatunia Tibar. Content as above.	Total: 44 (female: 17)
07/04/2022	Sede Suco Bairro Pite	Public consultation for population in pressure zone PZ04 covering Central. Content as above	Total: 33 (female: 11)
08/04/2022	Sede Aldeia Lemorana - Maloa Suco Dare	Public consultation for population in pressure zone PZ-05 Maloa. Content as above.	Total: 29 (female: 33)

C. Future Consultation Plans

73. Consultation and disclosure activities with APs and other stakeholders will continue during implementation of the RP as presented in the table below.

Table 18: Future Consultation Plan

Timing	Location	Description	Participants
Following approval of the RP	In AHs homes	Individual HH level consultations to discuss compensation package and for HH to choose from resettlement or self-relocation option.	APs, PMU, Safeguards consultant support
Following approval of the RP	Suitable public space in each affected Suco	Public consultation meeting with project affected communities. Contents: <ul style="list-style-type: none"> - Project overview and schedule - Impacts, compensation policy and entitlements - Grievance Redress Mechanism - EMP mitigation measures - Individual compensation agreements - Process for compensation payment 	APs Suco and aldeia PMU Civil work contractor
Following approval of the updated RP	Suitable public space in each affected Suco	Public consultation meeting with project affected communities. Contents: <ul style="list-style-type: none"> - Project overview and schedule - Impacts, compensation policy and entitlements - Grievance Redress Mechanism - EMP mitigation measures - Individual compensation agreements - Process for compensation payment 	APs Suco and aldeia PMU Civil work contractors
Prior to and during resettlement of AHs	Suitable public space in each affected Suco	HH level consultations with Affected Households <ul style="list-style-type: none"> - Project schedule - Impacts, compensation policy and entitlements - Grievance Redress Mechanism - Individual compensation agreements - Compensation payments 	APs Suco and Aldeia PMU
Prior to commencement of construction	Suitable public space in each affected Suco	HH level consultations with Affected Households <ul style="list-style-type: none"> - Project schedule - Grievance Redress Mechanism 	APs Suco and Aldeia PMU Civil work contractors
Quarterly during civil works	As above	Public consultation meeting with project affected communities. Contents: <ul style="list-style-type: none"> - Construction progress/issues - Unanticipated impacts - Grievances 	APs Suco and Aldeia PMU Civil work contractors

Timing	Location	Description	Participants
6 months after completing civil works	As above	Public consultation meeting with project affected communities. Contents: <ul style="list-style-type: none"> - Disclosure of construction defects (if any) and corrective measures - Community feedback on completed works - Grievances outstanding (if any) 	APs Suco and Aldeia PMU

D. Disclosure of Project Information

74. During project preparation, information has been provided to local communities and other stakeholders as part of the consultation and participation activities described above. This has included information on the project scope, aims, benefits, anticipated impacts and mitigation measures.

75. The subproject cut-off date was disclosed to project affected persons in August 2021 (Appendix 8) in conjunction with the DMS and SESA with notices posted in public areas.

76. A Project Information Booklet has been prepared and has been disseminated containing key information. This will be updated closer to implementation to ensure final and complete project information is disseminated.

77. AHs have been provided a record of the DMS survey results to ensure that all the details have been recorded accurately and entitlements are clearly defined. Signed compensation agreements will be provided to each affected household.

78. At implementation, the EA will submit the following documents for disclosure on the ADB website: i) this RP as endorsed by ADB; and ii) compensation completion reports providing evidence that all entitlements have been provided; and iii) 6-monthly social safeguards monitoring reports.

VI. GRIEVANCE REDRESS

79. The Grievance Redress Mechanism's main objective is to provide a transparent mechanism for the stakeholders and public to voice their social *and* environmental concerns or issues linked to the project, arising during the pre-construction, construction, and development of the Project, with the objective of ensuring that concerns and potential conflicts can be satisfactorily addressed.

80. Affected Persons (APs) are entitled to lodge a grievance regarding any aspect of the preparation and implementation of the project. The objective of the grievance redress mechanism (GRM) is to provide a structured process for receiving, assessing, and resolving complaints that is accessible, prompt, fair, guided by laws and local custom, and free of charge. Information about the Grievance Redress Mechanism (GRM) will be communicated to APs and other stakeholders through public consultations and capacity building conducted for this RP during project implementation.

81. The function of GRM is to receive, evaluate and facilitate resolution of affected persons' concerns, complaints, and grievances related to social, environmental, and other concerns on the project in a form of forum which can be accessible to other related parties with a provision of Complaint Registry Form (See Appendix 2) by the Contractor as described below on the Grievance Procedure.

82. The proposed mechanism for grievance redress of environmental and social matters in construction and operation of the project's infrastructure subcomponents uses existing Suco ("village") and Aldeia ("Hamlet") administrative structures (affected persons/ village committees/ village groups), any of which can be complainants. This benefits the project itself and also the affected persons and stakeholders as the project can resolve any relative disputes before they escalate to a higher level, helping build trust and confidence to the related community members, create productive relationships between the parties and help avoid project delays and increase in cost, thus improving the quality of the work. Affected persons will also benefit from eased and facilitated access to information and provide an effective way to report their grievances and complaints.

83. Every grievance shall be registered by the PMU under a carefully documented process. The BTL will also be involved in the clients' complaints and establish a good network with the chefe de suco and aldeia for cultural facilitation purposes.

84. Grievance regarding the process can be redressed up to 4 levels, during the construction, and Operation of the project, following the process in **Error! Reference source not found..**

85. At each level of the GRM, written records shall be maintained in a case file that includes (i) a description of the complaint and date received; (ii) contact details of the AP lodging the grievance, (iii) memos of meetings and consultations, (iv) the agreed resolution or decision to refer to the next level. BTL/PMU is responsible for recording all the complaints for the project, at all levels, with support from PMC as needed; this will form the Complaints Register.

Table 19: Grievance Redress Mechanism

Steps, Actions and Levels of Intervention		Duration
▼	ALDEIA AMD SUCO COUNCIL	
1	<p>Level 1 of the GRM includes the Aldeia and Suco Council (ASC) - An AP (complainant) may present a complaint to any of the following: the aldeia chief, the suco chief, a construction site supervisor, a contractor engineer, or a city project coordinator. Multiple points of entry for grievances are provided to ensure accessibility. The details of the complaint shall be recorded on a grievance form either by the AP or by the person receiving their representation; in case the AP is unable to fill out the grievance form due to low literacy, physical impairment or for any other reason assistance must be provided.</p> <p>Irrespective of who receives a grievance, the grievance form shall be submitted to the ASC to coordinate the investigation, assessment, and resolution. If the grievance cannot be resolved by the ASC within 2 working days, the ASC shall refer the case to the next level of the GRM. BTL/PMU will obtain records of all complaints from ASC to form the Project Complaint Register, and will support the ASC in determining the relevance of the complaint to the project activities.</p>	5 days
▼	PROJECT LEVEL	
2	<p>Level 2 of the GRM is a Project Grievance Committee (PGC) chaired by BTL PMU, The Project Grievance Committee (PGC) will consider the case and seek a resolution in consultation with the AP and the ASC. If the grievance cannot be resolved by the PGC within 10 working days, then PGC shall refer it to the next level of the GRM.</p>	Further 10 days
▼	CITY	
3	<p>Level 3 of the GRM is the Grievance Redress Committee (GRC) chaired by Dili City MPW, with members from relevant government departments and representative(s) of a civil society organisation, which is established by Dili City authority. The GRC will consider the case and seek resolution in consultation with the AP and the ASC. If the grievance cannot be resolved by the GRC within 10 working days, then GRC shall refer it to the next level of the GRM</p>	Further 10 days
▼	NATIONAL	
4	<p>Level 4 of the GRM is the court of law. The court will register the case and provide a final decision which is binding to all parties</p>	Open, but further 20 days
N-1: The shown days per step should be understood as a maximum duration.		

86. If the grievance requires local mediation, BTL and contractor representatives should consult quickly with local ASC in the area of related grievance and the affected stakeholder/person to arrive at a conclusion on the correction of the grievance. BTL must follow up on the corrective measure, within the agreed timeframe.

87. If the Contractor has not taken any satisfactory corrective action within the defined timeframe, BTL will elevate the Grievance to the PGC.

88. If satisfactory corrective action is yet to be carried out within the defined timeframe, BTL will elevate the Grievance to the GRC and take action in accordance to environmental/social legal and contractual clauses in effect.

89. If the Grievance cannot be solved at the GRC level, the case will be referred to the court of law to adjudicate the matter.

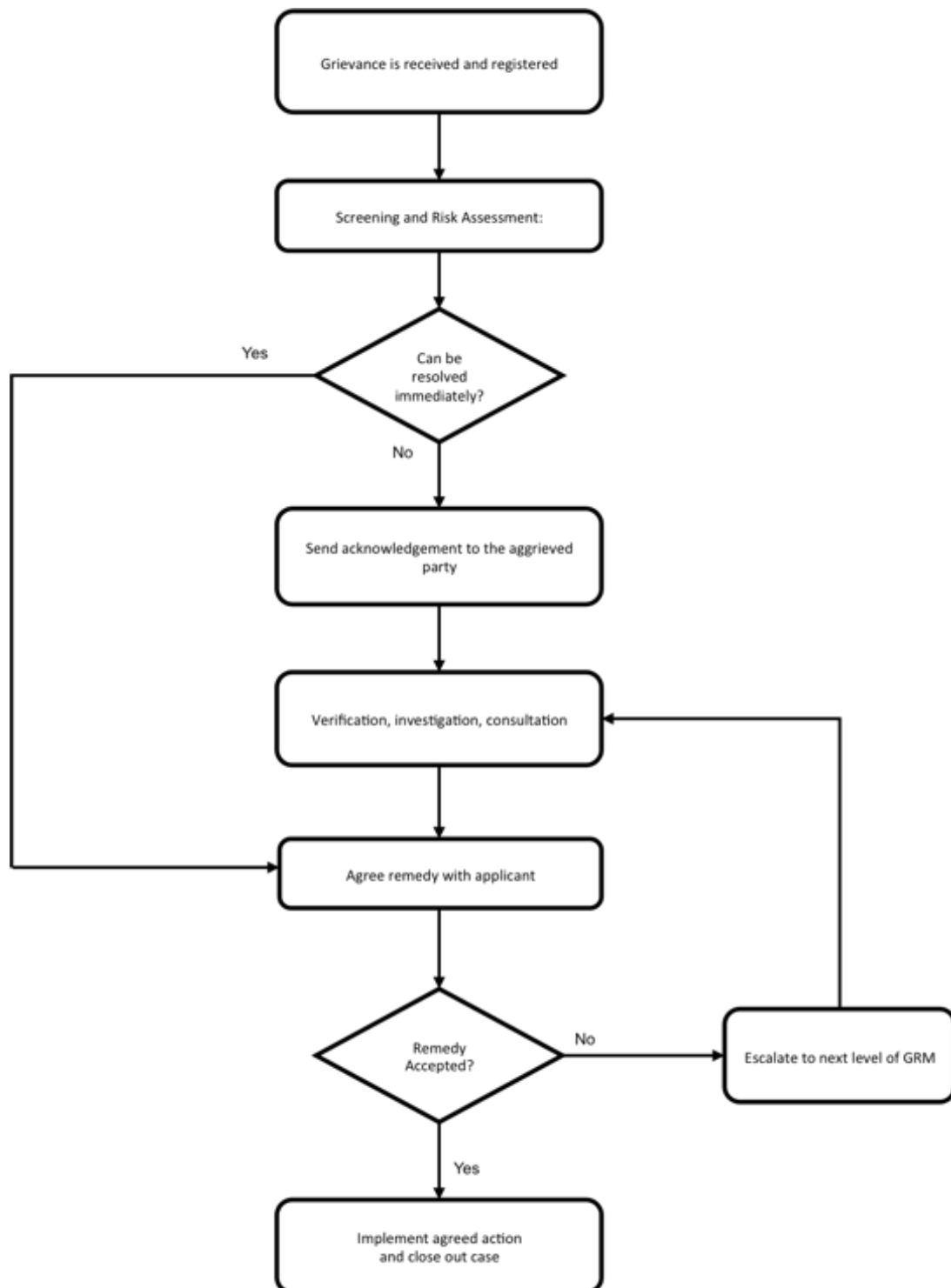
90. Complainants can also file a direct complaint to BTL, under their official Department for Client Support (Address: BTL, Caicoli, Díli; Telephone: 331 71 57), who will follow up directly with the project. This BTL Department for Client Support is the official grievance redress representative for water supply purposes, when the operation phase of the project comes online.

91. If a resolution is not found, affected people should be encouraged to contact the i) ADB Timor-Leste Resident Mission or ii) the Southeast Asia Department of ADB in Manila. Finally the Accountability Mechanism of the ADB can be used. The Affected Person should contact the Complaints Receiving Officer of the ADB via the following addresses:

- Complaints Receiving Officer, Accountability Mechanism, Asian Development Bank
- ADB Headquarters, 6 ADB Avenue, Mandaluyong City 1550, Metro Manila, Philippines
- (+632) 632-4444 loc. 70309
- (+632) 636 2086
- amcro@adb.org
- Instructions available here: <http://www.adb.org/site/accountability-mechanism/how-file-complaint>

92. ADB Special Mission or Judicial System. If the complainant is still unsatisfied, the PMU/EA will inform ADB to convene a special mission to attempt a resolution prior to use of the Timor-Leste judicial system.

93. The Project's GRM should not impede access to the country's jurisdiction or administrative remedies. Accessing the country's legal system and GRM can be done at the same time. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, the AP has the right to directly discuss his/her concern/complaint with ADB.

Figure 7: Grievance Redress Mechanism

VII. PROJECT ENTITLEMENTS

94. Only persons and organizations with fixed assets and sources of income in the project COI at the time of the cut-off date are eligible to receive project entitlements. The cutoff date for Dili was disseminated on 10th August 2021 (Appendix 8). Notice of cutoff date was also included in DMS forms given to AHs.

95. There are three types of APs (i) legal owners and holders of documents which are recognized by the Director General of the Land and Property; (ii) those who do not currently possess legal titles but have legal rights to the land, including customary rights; and (iii) those who do not have any recognizable rights to land.

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

Table 20: Entitlement Matrix

No	Type of Loss	Application	Definition of Entitled Person	Entitlement Policy
1	Loss of Productive Agricultural or Income generating land 2 AHs	Less than 10% of total productive agricultural land holding lost (therefore, marginal impact on household income and living standards).	AHs who are owners with legal ownership of land (legal users are those with a witnessed purchase document, inheritance documents such as a will, tax payment receipts will be considered)	AHs will be entitled to: <ul style="list-style-type: none"> – Equivalent area of land or – Cash compensation for acquired land at replacement value. – Cash compensation for land preparation.
			Tenant, leaseholder, or sharecropper	AHs will be entitled to: <ul style="list-style-type: none"> – Support to locate equivalent leased land or – Reimbursement for un-expired lease – Compensation for land improvement
			AHs without valid title (encroachers, squatters)	AHs will be entitled to: <ul style="list-style-type: none"> - Cash compensation for loss of land preparation - Squatters / Encroachers will not be entitled to land compensation.

No	Type of Loss	Application	Definition of Entitled Person	Entitlement Policy
		More than 10% of productive land holding lost, or where <10% lost but the remaining land becomes economically unviable. (severe impact on household income and living standards)	AHs who are owners with legal ownership of land (legal users are those with a witnessed purchase document, inheritance documents such as a will, tax payment receipts will be considered)	AHs will be entitled to: <ul style="list-style-type: none"> – Equivalent area of land with equivalent productive potential. Or – Cash compensation for acquired land at replacement value. – Cash compensation for land preparation.
			Tenant, leaseholder, or sharecropper	AHs will be entitled to: <ul style="list-style-type: none"> – Support to locate equivalent leased land or – Reimbursement for un-expired lease – Compensation for land improvement – Transitional allowance until equivalent new lease opportunity located.
			AHs without valid title (encroachers, squatters)	AHs will be entitled to: <ul style="list-style-type: none"> - Cash compensation for loss of land preparation - Squatters / Encroachers will not be entitled to land compensation.
	Loss of residential, commercial, industrial, or institutional land 23 AHs	Loss of residential, commercial, industrial, or institutional land with remaining land sufficient to reorganize	AHs who are owners with legal ownership of land (legal users are those with a witnessed purchase document, inheritance documents such as a will, tax payment receipts will be considered)	AHs will be entitled to the following: <ul style="list-style-type: none"> - Cash compensation for affected portion of the land at replacement value or, - An equivalent area of land in a location acceptable to the PAH

No	Type of Loss	Application	Definition of Entitled Person	Entitlement Policy
			AHs who are users with legal user rights to use the land for example tenants and concession holders (legal users are those with e.g. lease agreements, concessions agreements, payment receipts for lease or concessions etc)	AHs will be entitled to the following: <ul style="list-style-type: none"> – Reimbursement for un-expired lease – Transitional allowance of a one-month payment of current rental cost if equivalent lease available – At least 90 days' notice on any change in lease conditions
			AHs without any legal or formal rights (squatters and encroachers)	AHs will be entitled to the following: <ul style="list-style-type: none"> – Transitional allowance of a one-month payment of current rental cost – At least 90 days' notice on any change in lease conditions
		Loss of residential, commercial, industrial or institutional land without sufficient remaining land. APs will be required to relocate	AHs who are owners with legal ownership of land (legal users are those with a witnessed purchase document, inheritance documents such as a will, tax payment receipts will be considered)	AHs will be entitled to the following: <ul style="list-style-type: none"> – An equivalent area of land in an acceptable location, or – Cash compensation for the entire land holding at replacement value.
			AHs who are users with legal user rights to use the land for example tenants and concession holders (legal users are those with e.g. lease agreements, concessions agreements, payment receipts for lease or concessions etc)	AHs will be entitled to the following: <ul style="list-style-type: none"> – An equivalent area of land in an acceptable location – Reimbursement for un-expired lease – Transitional allowance set at 200 USD for each working age adult. – OR – Supported self-resettlement package to include cash for land at replacement cost – Support to identify suitable land and all legal costs provided by the project.
			AHs without any legal status on the land (squatters and encroachers)	AHs will be entitled to the following: <ul style="list-style-type: none"> – Squatters / Encroachers will not be entitled to land compensation.

No	Type of Loss	Application	Definition of Entitled Person	Entitlement Policy
Implementation Considerations: <ul style="list-style-type: none"> • Verification of land size and use will be required as part of resettlement planning. • Land documents such as tax receipts, payment agreements, agreements witnessed by Chef De Suco are suitable in lieu of formal title. • In the case of land loss, if land is not available, cash compensation should be based on replacement cost including transaction costs. This should be set by the appropriate agency, within the same year that compensation will be paid. • Only applies to land, structures and assets registered at time of cut-off date • Compensation must be fully paid prior to impact. • All entitlements will be subject to a gap analysis of local laws and ADB SPS (2009) requirements. In the event of gaps, the higher standard will apply. 				
2	Structures (Residential, commercial, industrial or institutional)	Partial loss of structure and the remaining structure viable for continued use.	APs who are owners with legal ownership to structures (legal users are those with structure or other assets purchase document, inheritance documents such as a will, tax payment receipts could be considered as well) APs who are users of structures without any legal/formal rights (encroachers/squatters)	AHs will be entitled to the following: <ul style="list-style-type: none"> - Cash compensation for affected part of the structure at replacement value; and - Allowance to cover repair of the remaining structure. - OR Contractor to restore to pre-project conditions.
			APs who are users of structures without any legal/formal rights (encroachers/squatters)	AHs will be entitled to the following: <ul style="list-style-type: none"> - Cash compensation for affected part of the structure at replacement value; and - Allowance to cover repair of the remaining structure. - OR Contractor to restore to pre-project conditions

No	Type of Loss	Application	Definition of Entitled Person	Entitlement Policy
		Entire loss of structures or where only partial impact, but the remaining structure is rendered unviable for continued use, and sufficient land for reorganization. 23 AH	APs who are owners with legal ownership to structures (legal users are those with structure or other assets purchase document, inheritance documents such as a will, tax payment receipts could be considered as well) APs who are owners/users whose rights to structure are not legal/formal, but who's claim to the structure or assets are recognized under national law or customary law	AHs will be entitled to the following: <ul style="list-style-type: none"> - Structure of equivalent standard or at least minimum national housing standards, in an acceptable location or - Cash compensation for entire structure at replacement value including labour and all transaction costs - OR - Where housing is below acceptable minimum community standard, Cash compensation based on replacement costs of a minimum community standard house. ⁴ AND They will receive a package of (i) Disturbance Allowance (\$500 per AH), Cash lump sum for water Connection \$300 USD per AH Labour costs for rebuild of structure @ \$40 USD per square Metre Dismantling cost @ \$10 USD per square Metre
			Tenant / leaseholder in the partially affected structure	AHs, if displaced, will be entitled to the following: <ul style="list-style-type: none"> - Transitional allowance until equivalent new lease opportunity located. - Moving costs @ actual cost
Implementation Considerations: <ul style="list-style-type: none"> • Minimum housing standard set at design for Community Housing Standard – this will form the basis of the BOQ for minimum compensation payments. 				

⁴ This is devised by government as a minimum standard of housing in order that if current housing does not meet that standard, replacement housing will be of a minimum national standard.

No	Type of Loss	Application	Definition of Entitled Person	Entitlement Policy
<ul style="list-style-type: none"> At least thirty (30) days' notice is issued prior to the date of eviction or demolition. APs may be allowed to self-demolish their structures where safe to do so to enable them to preserve materials that still have salvage value. 				
3	Loss of trade / livelihood / occupation	Agricultural / industrial / commercial or institutional wage employment impacts	Individuals	<p>AHs will be entitled to the following:</p> <ul style="list-style-type: none"> - Individual package of support based on loss such as: - Employment in reconstructed enterprise or package for re-employment or starting a business and transition allowance equivalent to one year's wages in case of permanent closure. - In case of temporary closure, compensation will be wages equivalent to closure period.
	Loss of access to trade / livelihood / occupation		AH whose new location is further than current location for livelihood.	Transport allowance @ actual cost for x 6 months.
4	Loss of access to common resources and facilities	Loss of access to rural common property resources and urban civic amenities	Communities / Households	<p>AHs will be entitled to the following:</p> <ul style="list-style-type: none"> - Replacement of common property resources / amenities. - Access to equivalent amenities / services.
5	Loss of standing crops	Standing Crops located in the corridor of impact	Household who cultivates the land.	<p>Provision of 2 months' notice to harvest crops and fruit or trees; for crops and trees which cannot be harvested because they have not reached maturity the crops and trees will be compensated at prevailing market price or at replacement cost whichever domination is higher. Replacement cost includes reestablishment of crops in new location.</p> <p>For annual crops and fruit (from trees), compensation values will be based on type, age and production per hectare/year.</p> <p>For fruit trees, compensation values will be based on the type, age and production per tree/year. If at full maturity, compensation of productivity (5-7 years) is to be provided.</p>

No	Type of Loss	Application	Definition of Entitled Person	Entitlement Policy
				For timber trees, compensation values will be based on types, age and diameter at breast height of trees. For perennial crops (including bamboo), compensation values will be based on types and age of crops.
6	Loss of trees and productive plants including NTFPs, firewood herbs and forage foods	Affected Trees and Plants	Owners of the affected trees irrespective of land tenure status. Includes women who may gather items from public/unused land for sale or consumption	Provision of 2 months' notice to harvest crops and fruit or trees; for crops and trees which cannot be harvested because they have not reached maturity the crops and trees will be compensated at prevailing market price or at replacement cost whichever domination is higher. For annual crops and fruit (from trees), compensation values will be based on type, age and production per hectare/year. For fruit trees, compensation values will be based on the type, age and production per tree/year. If at full maturity, compensation of productivity (5-7 years) is to be provided. For timber trees, compensation values will be based on types, age and diameter at breast height of trees. For perennial crops (including bamboo), compensation values will be based on types and age of crops.
7	Loss of public infrastructure	Infrastructure (electric water supply, sewerage & telephone lines; public health center; public water tanks)	Relevant agencies.	Compensation based on agreement between government agencies.
8	Losses during transition of displaced persons / establishment	Affected Assets	Losses during <ul style="list-style-type: none"> • Shifting/transport • Maintenance • Construction 	The AHs will be entitled to the following: <ul style="list-style-type: none"> - Provision of transport or cash equivalent for transport arrangement per Sqm to move structures - Cash payment for 3 months transition allowance @ monthly income
9	Temporary Losses	Affected structures or	Affected HHs	In cash, on the basis of replacement cost of material and labor without

No	Type of Loss	Application	Definition of Entitled Person	Entitlement Policy
		other fixed assets		deduction for depreciation or salvageable materials for the damages during the period of temporary possession.
		Business Disruption	Affected HHs	compensation at market value and for loss of net income x number of days of income lost.
		Rental allowance	Affected HHs made to shift temporarily from their present location	Entitlement will be in terms of rent allowance to cover the cost of alternate accommodation for the period of temporary displacement.
		Loss of crops and trees	Affected HHs	compensation at market value and for loss of net income from subsequent crops that cannot be planted for the duration of temporary possession
		Temporary acquisition	Affected HHs	No compensation for land if returned to the original user, but a monthly rent as per market value will be paid to PAPs. PAPs will be compensated immediately, and damaged assets will be restored to its former condition or better.
		Long term disruption	Affected HHs	<p>If the disruption continues for more than one year, PAPs will have an option to:</p> <ul style="list-style-type: none"> - continue the temporary use arrangements, or - opt for permanent acquisition at replacement value and any other rehabilitation entitlements provided to other permanently affected PAPs under the same project.
<p>Implementation Considerations: In the event of temporary disruption to access (Pipe laying with restoration of access within 3 days for example) This can be managed with effective communication and measures to mitigate this should be set out in the EMP.</p> <ul style="list-style-type: none"> • Contractors will be responsible for the arrangement and payment of land rent, restoration of land and compensation for non-land assets and lost income. • Temporary impacts due to construction will be monitored and reported as part of monitoring of the Environment Management Plan. <p>In the event of temporary displacement (rental of land for construction camp or offices and/or borrow pits:</p> <ul style="list-style-type: none"> • Contractors will be responsible for the arrangement and payment of land rent at prevailing market rates and restoration of land to its original state or better. • Rentals and negotiated settlements shall adhere to ADB SPS (2009) requirements. 				

No	Type of Loss	Application	Definition of Entitled Person	Entitlement Policy
10		Support to Vulnerable HHs	Vulnerable households, as per established criteria from ADB SPS (2009)	<p>All Vulnerable households will be provided the following:</p> <ul style="list-style-type: none"> - Skills training and access to income restoration activities to reach minimum national poverty standards - Priority in any employment opportunities <p>Vulnerable households classified as economically vulnerable (poor or below the poverty line) or single headed households that lack manpower (high dependency ratio) will receive an assistance allowance of 1 month x \$56.16 per person in AH.</p> <p>Vulnerable HHs that are also severely affected will receive 3 months x \$56.16 per person in AH.</p>

A. Unit Costs of Affected Assets

97. The compensation unit rate covers the cost, including transaction fees and taxes, needed to replace an asset determined as follows:

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

98. Rates used in the development of this RP will need to be updated or validated to ensure the rates reflect market rates at the time of project implementation. This validation will include a replacement cost study to ensure compensation is at replacement costs.

VIII. MITIGATIVE MEASURES

A. Compensation Arrangements

99. No physical and economic displacement will occur until compensation at full replacement cost and other entitlements due to APs are paid to them in accordance with the final RP. Civil works contracts are to be awarded only after an updated RP is finalized, endorsed and disclosed on the ADB website.

100. Compensation completion reports will serve the basis for ADB's "no objection" to commencement of the civil works for each subproject. No civil works will occur until compensation at full replacement cost and other entitlements due to affected persons (APs) are paid to them in accordance with the resettlement plan and security of tenure ensured for resettled households. No voluntary donation of land or assets will be permitted under this project activities.

101. An international external monitor (IEM) will be recruited as early as possible at project start to monitor/verify that all activities carried out as part of the RP strictly follow the requirements and principles set forth in the documents and that the GRM is functional and pre-project conditions have been restored.

102. The contractor will be responsible for any rental arrangements for storage of materials or for any other use of private land. In case the contractor encounters or causes unanticipated impacts to private land, property or assets during the course of civil works this must be reported immediately to PMU. Any impacts that require compensation will be guided by the entitlement matrix provided above.

103. Allowances will be paid to resettled households along with compensation to enable a smooth transition into the new location. Each household will also receive a package of allowances for (i) Dismantling and moving costs (ii) labor costs for rebuilding per square meter, (iii) payment for connection of water supply and electricity (iv) Disturbance Allowance and (v) Income support during the transition period.

B. Resettlement Arrangements

104. The project requires the resettlement of 23 households at three locations due to land acquisition for reservoir expansion. The majority of resettlement will occur at Central (21 AHs).

105. Guided self-relocation has been identified as the likely approach to be utilized for resettlement. AHs who choose to self-relocate will receive a cash payment sufficient to purchase a new plot of land (with or without structure) of the same size and proximity to services. Consultations will be held with vulnerable affected households who wish to self-relocate to ensure their chosen location enables livelihood restoration and enhancement.

106. To ensure that AHs are able to effectively process, purchase and move into their new abode, the PMC shall guide the process closely and develop a short self-relocation plan to document the action. The plan shall be developed with both Heads of Households and require the signature of both husband and wife. In particular, the PMC will provide support during the process to ensure that any vulnerable households, or households lacking labour will have relevant support and legal advice to be able to complete the transaction.

107. A minimum housing standard will be developed in consultation with affected households and cash compensation will be provided adequate for materials and labour to enable AHs to construct a new house of a standard equivalent to their impacted house or at the agreed minimum standard, whichever is the higher standard. Project teams will monitor the construction process.

108. Replacement land has also been identified behind the reservoir at Central as a potential option for AHs. This land is currently unoccupied and unused and belongs to Government. To access this area a road will need to be developed through land owned by the current Chef De Aldea who has indicated his willingness to sell the land required for easement. All resettlement land will receive land tenure that is equal to or an improvement on their pre-project land tenure status. Detailed household level consultations will be required to propose the compensation package and guide AHs to choose which package will be most suitable for them.

109. Livelihood restoration will be devised based on individual household needs based on impacts of nre resettlement locations.

C. Gender Arrangements

110. Gender is a key consideration for the provision of water as many water-related tasks identified during the socio-economic survey are carried out by women and represent a significant burden of time. The project has sought to ensure perspectives of women are taken into account in project design and that women have equal access to project benefits.

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

- (i) Potential conflict over land and water use
- (ii) Perspectives of women being overlooked
- (iii) Low demand for new water systems

112. The project has prepared a Gender Action Plan (GAP). Households headed by women are classified as a vulnerable group and will be entitled to additional cash assistance and priority for assistance.

113. Women from affected households will be informed of employment opportunities, encouraged to apply and prioritized for employment by the contractor(s) for civil works for the Project.

114. The design of public consultation meetings will seek to maximize women's involvement by considering traditional gender roles and the barriers these may present to active participation. This will include selecting appropriate times for public consultations to match women's availability considering home and work commitments. The views and concerns of women and men will be given equal weight during all project consultations.

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

IX. RESETTLEMENT COSTS

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

A. Source of Funds for Resettlement

117. The total project cost is at \$155 million. ADB will provide a regular loan of \$50 million and a concessional loan of \$77 million, both from its ordinary capital resources. The government will finance the balance of \$28 million which includes all resettlement related costs. The proposed project will use the project loan financing modality.

B. Compensation for Assets

The cost of compensation for land, structures and trees is estimated at \$468,624 based on provisional unit rates that will be reviewed and verified prior to project implementation. At the present time it is not known how many APs will choose to relocate to a nominated resettlement site and how many will choose the self-relocation package. Thus, provision is made for a scenario in which all APs choose the cash compensation package.

C. Other Entitlements

118. Affected households will receive allowances totaling \$159,024 in accordance with the Project entitlement matrix as follows: disturbance allowance, water connection fee, transitional allowance, labor costs for house construction, and for dismantling and moving existing structures.

119. This RP will be updated with further details on livelihood restoration and additional budget provision should the chosen resettlement location prove to have negative livelihood impacts.

D. Allowances for Vulnerable Households

120. 10 AHs are eligible for extra assistance as indicated below.

Table 21: Vulnerable Households

HH ID	Name of AP	Vulnerable HHs Criteria	Allowances (US\$)		
			Total APs	Months	Amount
2	Maria da Conceição	Female Single Headed, severely impacted	6	3	1,010.88
4	Madalena Pereira Manu Coli	Female Single Headed, severely impacted	3	3	505.44
5	Martinha da Cruz	Female Single Headed, Income below poverty line, severely impacted	3	3	505.44
6	Julio Da Cruz	Income below poverty line, severely impacted	4	3	673.92
8	Antonio de Jesus	Income below poverty line, severely impacted	6	3	1,010.88
10	Claudino Maia	Income below poverty line, severely impacted	4	3	673.92
12	Manuel Maria Ferreira Miranda	Income below poverty line, severely impacted	3	3	505.44

HH ID	Name of AP	Vulnerable HHs Criteria	Allowances (US\$)		
			Total APs	Months	Amount
15	Moises Pereira Vicente	Income below poverty line, severely impacted	5	3	842.40
16	Ivonía Vicente Pires	Female Single Headed, Income below poverty line, severely impacted	9	3	1,516.32
20	Mateus do Carmo Vicente	Income below poverty line, severely impacted	3	3	505.44
Total			46		7,750.08

E. Implementation, Administration and Contingency Costs

121. Administrative costs relating to implementation of the RP, in addition to the cost of monitoring, are included in other budget items of the whole project. Therefore, only the cost of compensation, cash allowances, and a 10% contingency are reflected in this RP. BTL will ensure that adequate funds are made available as and when necessary for the efficient and timely implementation of resettlement.

122. The unit rates used for this budget will be reviewed as detailed above and therefore this draft budget will be updated in line with the final RP.

F. Estimated Cost of Resettlement

123. The estimated total cost of resettlement for the project, including a 10% contingency, is US\$690,277.

Table 22: Resettlement Budget

Item		Quantity	Unit	Unit Cost	Amount (US\$)
A.	Compensation				
A.1	Land	2,022.84	sqm	100	202,284
A.2	Structures	1,998.60	item		263,815
A.3	Plants and Trees	305	no.		2,525
<i>Sub-Total</i>					468,624
B.	Allowances				
B.1	Disturbance Allowance	23	AH	500	11,500
B.2	Water Connection	23	AH	300	6,900
B.3	Transitional Allowance	23	3 Months	Average 460	31,740
B.4	Labor costs for rebuild home	23	sqm	40	80,914
B.5	Dismantling and moving costs	23	sqm	10	20,220
B.6	Vulnerable AH	10	AH		7,750.08
<i>Sub-Total</i>					159,024
C.	Total Cost of Compensation and Allowances				627,648
D.	Contingencies (10% of C)				62,764
Total in USD					690,277

G. Schedule of RP Preparation and Implementation

Table 23: Implementation Schedule

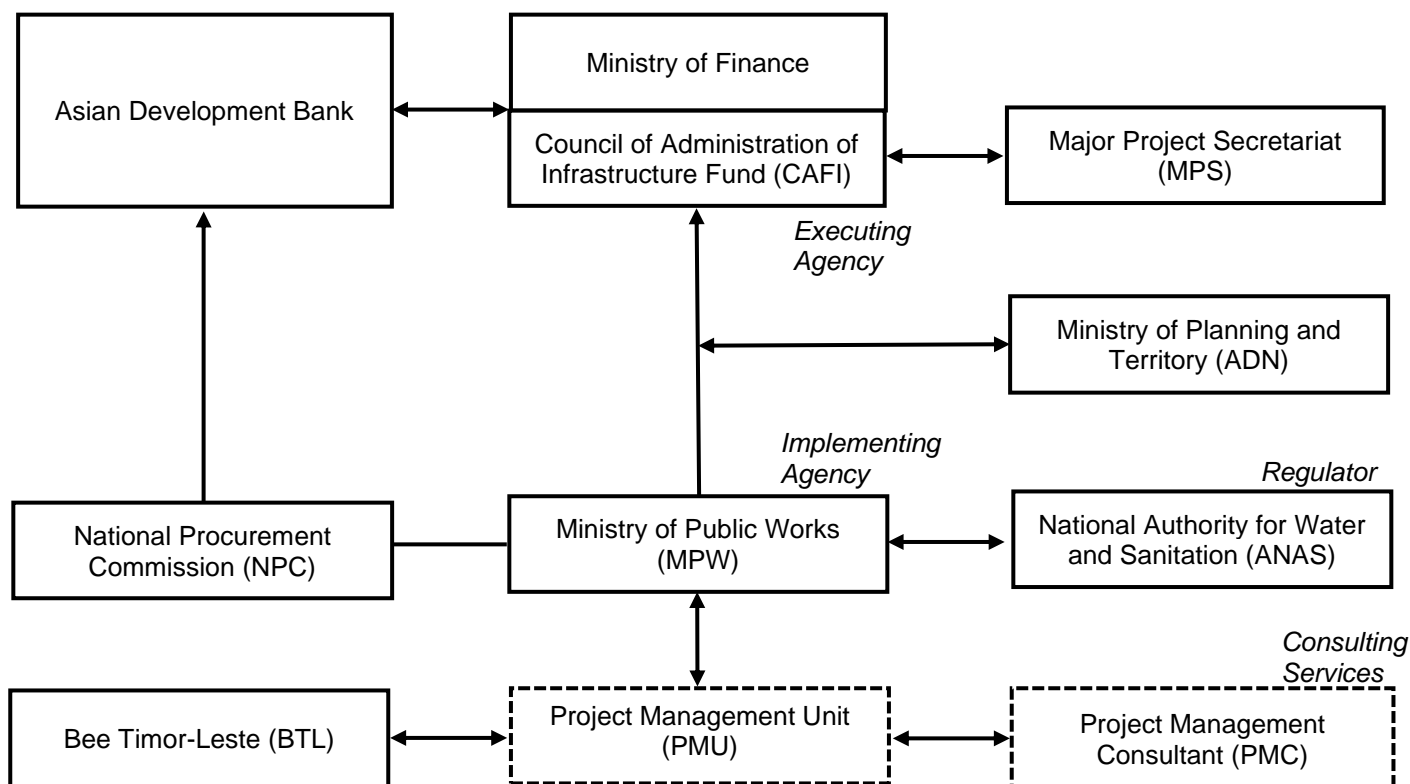
Activities	Schedule
Detailed studies and SES of the AP	September 2021
Submission of the draft RP to ADB	April 2022
Posting of the draft RP in relevant government offices and on the ADB website	May 2022
ADB concurrence to the RP	June 2022
Individual AH meetings to disclose project impacts, entitlements, and develop compensation agreements	September 2022
Payment of compensation and allowances	December 2022
Guided self-resettlement complete	March 2023
ADB to issue letter of no objection once compensation complete and households have moved.	September 2023
Start of civil works	October 2023

X. INSTITUTIONAL ARRANGEMENTS

124. The project has engaged the services of a consultant team to provide technical advice to project management and implementers on resettlement planning, implementation and monitoring. These agencies and actors are discussed below. Detailed implementation arrangements are in the project administration manual (PAM).

125. The flow chart of the project organization will be as follows.

Figure 13: Project Organization Structure



A. Ministry of Public Works (Ministry responsible for overseeing BTL)

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

B. Project Management Unit (PMU)

127. The Project Management Unit (PMU) to be lodged in BTL will have the following functions: (i) facilitate consultation meetings with APs/AHs, (ii) prepare compensation plans based on RCS results as basis for compensation payments of affected assets and submit this to MPW for budget allocation; (iii) set up Suco Resettlement Committee; (iv) undertake negotiations and final agreement with APs on compensation; and (v) conduct actual compensation payments to APs and prepare disbursement report (v) monitor and report on all IP implementation activities; (v) act

as grievance officers to deliberate and resolve resettlement-related complaints of APs/AHs and recommend to the IA the issuance of a notice-to-proceed (NTP) to civil works contractors when full compensation and relocation activities will have been completed as indicated in a monitoring report so that site clearance activities can be undertaken. The PMU is tasked to assign a qualified Social Safeguards Officer to work closely with the project management consultant (PMC). The Social Safeguards Officer is the key liaison to the PMC and shall facilitate all necessary government documentation to enable resettlement planning and implementation.

C. Project Management Consultant (PMC)

128. A firm will be recruited as PMC by the Ministry of Public Works (MPW). The firm will assist the PMU with project management tasks including management of civil works contracts, implementation of the gender action plan, and monitoring of environmental and resettlement safeguard plans. The firm will also provide institutional strengthening to BTL through provision of experts embedded in BTL's organization, organizing training programs on water utility management, and advice on strengthening regulation, monitoring and supervision of the water supply sector. Qualified experienced international and national resettlement specialists shall be engaged through the PMC.

D. Suco Resettlement Committee (SRC)

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

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

XI. MONITORING AND EVALUATION

A. Internal Monitoring

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

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

132. Internal monitoring and evaluation will assess the implementation of the RP according to the following criteria:

- (i) Assessing if mitigation measures and compensation are sufficient.
- (ii) Identifying methods of responding expeditiously to mitigate problems.
- (iii) Smooth transition between land acquisition and compensation activities and civil works.
- (iv) The grievance redress mechanism is functioning.

- (v) Safeguard contractual obligations of the civil works contractor are complied with.
- (vi) Provisions of the loan covenant are met.

B. External Monitoring

133. An independent external monitor (EM) will be recruited as early as possible at project start to monitor/verify that all activities carried out as part of the RPs strictly follow the requirements and principles set forth in the documents.

134. The EM will submit periodic reports simultaneously to ADB and PMU/BTL. Its tasks include verification, evaluation, and review of the following:

- (i) Internal monitoring reports.
- (ii) Consultation process
- (iii) Effectiveness of the GRM across the whole project area
- (iv) Land acquisition procedures are in-line with ADB requirements and
- (v) Payment of compensation of AHs based on the entitlement matrix.
- (vi) That pre-project conditions have been restored
- (vii) Review of project impacts on the lives of AHs after resettlement.

APPENDIXES

Appendix 1: Photographs of Key Locations

Figure 8: Proposed location of the new boreholes



Figure 9: Proposed location of NBH-01



Figure 10: Proposed location of NBH-02



Figure 11: Location of new and existing boreholes



Figure 12: Location of Pumping Station in Manleu



A booster pump station will be located on vacant government land in Manleu and there are no resettlement impacts.

Appendix 2: Detailed Measurement Survey (DMS) Form

		
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ASSET REGISTRATION FORM Household Information

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

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

I. Affected Structures

Code	Description of Impact

Type of Structure Codes:

- 1- House
- 2- Business/Commercial Structure

- 3- Fence
- 4- Ancillary structure

II. Affected Land

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

Type of land Codes

- | | |
|----------------------------|---------------|
| 1- Residential | 5- Plantation |
| 2- Cropland (Annual crops) | 6- Empty |
| 3- Garden Plot | 7- Sacred |
| 4- Grazing livestock | 8- Specify |

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

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

A. Affected Crops

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

Stage of Production Codes

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

B. Fruit Trees

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

C. Timber Trees

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

D. Palm Trees

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

E. Bamboo

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

Stage of Production Codes

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

F. Horticultural crops

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

Stage of Production Codes

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

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

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

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

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

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

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

Signature of Husband

Name and Signature of the Field Staff

Signature of the Wife

WITNESSED BY:

Appendix 3: Socio-Economic Assessment Form

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

No	Questions
40	Does the HH have dependents?
41	Males <5 years old
42	Females <5 years old
43	Males 5-17 years old
44	Females 5-17 years old
45	Males 18-64 year old
46	Females 18-64 year old
47	Males >65 years old
48	Females >65 years old
49	Total Males
50	Total Females
51	Total Male and Female
52	Males 5-17 years old regularly attending school
53	Females 5-17 years old regularly attending school
54	Males >18 years old regularly attending school
55	Females >18 years old regularly attending school
56	Male -none
57	Female -none
58	Male -Some primary
59	Female -Some primary
60	Male -Completed primary
61	Female -Completed primary
62	Male - Some secondary/junior/vocational school
63	Female - Some secondary/junior/vocational school
64	Male -Completed secondary/junior/vocational school
65	Female -Completed secondary/junior/vocational school
66	Male -Higher (including university, post-secondary vocational school, business or teachers training college)
67	Female -Higher (including university, post-secondary vocational school, business or teachers training college)
68	Total Males
69	Total Females
70	Males working regularly locally
71	Females working regularly locally
72	Males working regularly overseas
73	Females working regularly overseas
74	Wages or salary from skilled labor (e.g., professional work, carpentry)
75	Wages or salary from unskilled labor
76	Money earned from agriculture
77	Money earned from fishing
78	Money earned from forestry/forestry product (selling goods)

No	Questions
79	Money earned from business (e.g. shop, eatery)
80	Pension or subsidy received from government
81	Remittances from relatives or friends
82	Rental income (e.g., farm lot, store rental)
83	Total
84	Is there another source of income
85	Amount of other source of income
86	Specify the other source of income
87	Amount of other source of income
88	Specify the other source of income
89	Total of other sources of income
90	Total Gross Income
91	Is there other source of income in kind
92	Food
93	Education
94	Healthcare (i.e., consultation, medicine)
95	Housing (i.e. rental, maintenance)
96	Electricity for lighting/electrical appliances
97	Energy/fuel for cooking
98	Water consumption
99	Sanitation/toilet facility
100	Drainage
101	Solid waste collection
102	Transport including fuel
103	Communication (phone, internet)
104	Clothing
105	Others
106	Specify
107	Others
108	Specify
109	Others
110	Specify
111	Total Expenses
112	Net Income
113	How many times in the last 12 months did the HH don't have sufficient food?
114	How many times in the last 12 months did the HH don't have sufficient water?
115	How many times in the last 12 months did the HH don't have enough for other essentials?
116	To what extent are you concerned that your HH will not be able to provide itself with the basic food and non-food necessities in the next 12 months?
117	Source of water for drinking
118	Source of water for cooking

No	Questions
119	Source of water for handwashing
120	Source of water for dishwashing
121	Source of water for other purposes
122	Does the HH owns a Toilet?
123	Type of toilet does your HH use
124	Where is the toilet located?
125	Does the toilet have a septic tank?
126	If yes, type of septic tank

Appendix 4 - Individual HH Discussion Record

NO	Location	AH CODE	AP'S NAME	AGE	OCCUPATION	Summary of Individual HH discussions
1	Central Bairro Pite Reservoir	D.CBP31	Ferdinal Soares Cardoso	38	Company Inspector Petroleum Company	<p>AP's family plan to re-construct the house in case of resettlement. They would prefer to stay in their current location. AP's does not have any other land nearby. They would like to move to move to Tasi Tolu, however family there have no space to accommodate them. Ferdinal and family moved to Central since last year after buying the land from friends..</p> <p>AP's come from Iliomar in Lospalos. Previously, they lived in Tasi Tolu. They speak Makalero and Kemak in the home.</p> <p>Distance between house and work means a journey of approximately 15 minutes by motorbike. Children are walking distance from school.</p>
2	Central Bairro Pite Reservoir	D.CBP32	Antonio de Jesus	32	Self-Employed Private business	<p>This AP confirms that he does not own any other land near Central reservoir. AP reported he owns this plot. AP requests to government and proponent to be fully responsible in case there is any involuntary resettlement plan in future.</p> <p>AP has lived near Central reservoir since 2016. The main reason for moving up to the hill near reservoir as he was one of the AP's from construction and rehabilitation police squadron downhill therefore the chefe suco recognized the AP's and his family. AP originally comes from Municipal Suai and speaks fluent Bunak.</p> <p>To get to work, he uses a motorbike. The children have to go to Canossa and Cristal schools. His children access public transportation i.e. microlet to go to school.</p>
3	Central Bairro Pite Reservoir	D.CBP33	Domingas Dos Reis (Anito Sequeira- UK)	32	Husband Anito Sequeira Oversea worker United Kingdom	<p>The AP's have just finished building their house. AP's do not have any other land nearby. The AP has lived there since 2019.</p> <p>At the present time, local leader as of chefe suco has not yet authorized the documents to recognize them as land-owner. The family bought the land which is 9 x 12m</p>

NO	Location	AH CODE	AP'S NAME	AGE	OCCUPATION	Summary of Individual HH discussions
						AP comes from Municipal Bobonaro and speak Bunak. Previously, AP' lived in Bairro-Pite, then decided to move uphill. Currently, the head of family is working in United Kingdom as overseas worker. However, the spouse Mrs. Domingas Dos Reis is a housewife, no children.
4	Central Bairro Pite Reservoir	D.CBP34	Herminio da Cruz de Jesus	34	Lecture UNPAZ University	<p>AP is a lecturer in university UNPAZ. AP reported that he does not have any more space, empty land or a backup plan to build a new house just in case the government has decided to use this location for reservoir expansion.</p> <p>The AP's and family moved to Aldeia Fuslam near Central reservoir in 2016. The preference to buy the land in the area comes from relative who introduce AP's to landlord. The negotiation is ongoing.</p> <p>APs speak Bunak and originate from Municipal Bobonaro. The AP's lived in Bairro-Pite. At that time, they were moving from one boarding house to another. While starting a family AP's decide to buy a piece of land near Central reservoir and starting to build a permanent residence</p> <p>The distance between current residences to the workplace is 15 minutes with motorbike. AP's children are able to access public transport to reach their school.</p>
5	Central Bairro Pite Reservoir	D.CBP35	Domingos Gomes Pereira	26	Badaen Unskilled Labor	<p>The respondent has declared that he does not have any other land around or within sub project area. He occupies 213 sq.m. of land which is owned by a group of siblings. The process of splitting the family property has been problematic.</p> <p>AP decided to live in Aldeia Fuslam, Central reservoir. He moved to current residence in 2020. The chefe suco acknowledged this AP and he has ID card with current address.</p> <p>AP works as a carpenter and seasonal construction worker. Walking to work takes almost one hour.</p>

NO	Location	AH CODE	AP'S NAME	AGE	OCCUPATION	Summary of Individual HH discussions
6	Central Bairro Pite Reservoir	D.CBP36	Julio da Cruz	52	Security guard	Mr. Julio da Cruz is the father of Mrs. Martinha da Cruz. At the moment, AP D.CBP35 prefers team to ask questions to his daughter. AP's does not want to discuss further until government come up with the final relocation and resettlement plan.
7	Central Bairro Pite Reservoir	D.CBP37	Martinha da Cruz	25	Open Kiosk Business (Self Employed)	<p>AP's Martinha da Cruz is daughter of AP.CBP#36 Mr. Julio da Cruz. She reported that there she has no other land to re-build a new house.</p> <p>AP's D.CBP37 does not have place to move. In case of to obtain any other land access, she reported that there is no family support unless she got a piece of land from her father.</p> <p>Prior to moving to this location in 2012, They moved to Aldeia Fuslam due to being moved from their previous location in a flat area (police headquarters). After getting compensation, this AP's moved to upper hill. The land was acquired following negotiation with her father's friend. The chefe do suco recognized the existence of this AP's from 2012.</p> <p>AP does not work outside the home, she runs a small kiosk from home due to child care.</p>
8	Central Bairro Pite Reservoir	D.CBP38	Nuno Ramalho Viana Morais	34	Journalist RTTL Government Employee	<p>The AP does not own any other land. From 2017, AP was staying in a boarding house, saving money and then found land on the upper hill of central reservoir.</p> <p>AP reported that local leader i.e. chefe suco acknowledged their presence in the referred area. AP originates from Baucau and speaks Makassae. The distance from residence and work place is approximately 10 minutes. He uses a motorbike to pick and drop the children from and to school.</p>

NO	Location	AH CODE	AP'S NAME	AGE	OCCUPATION	Summary of Individual HH discussions
9	Central Bairro Pite Reservoir	D.CBP39	Mateus do Carmo Vicente	35	Security at Central Reservoir	<p>AP has lived near Central reservoir since 2016. The AP's decided to buy land in the uphill area as it was a cheaper location to live. The process of buying and building the structure started in 2016. The chefe suco and aldeia are notified. The AP originates from Bobonaro and speaks Bunak.</p> <p>AP previously had a small house in the location in flat area. The current location was acquired to allow the construction of police headquarters. This AP's categorized into affected person from construction referred. Declares to working distance, AP's spends almost 5 minutes from house to central reservoir. However the distance for school to AP's house is near. Mostly, AP's shall use motorbike to drop children to school.</p>
10	Central Bairro Pite WTP and Reservoir	D.CBP40	Rodolfo do Carmo Marcelino	36	Store employee LEADER Supermarket	The AP's unable to answer the questionnaire. AP's is waiting the plan from government due to compensation offers.
11	Central Bairro Pite WTP and Reservoir	D.CBP41	Venancio Caldas	29	Employed Government (Army –FDTL)	The AP's profession as army (FDTL) Timor Leste. AP's is waiting the plan from government due to compensation offers.
12	Central Bairro Pite WTP and Reservoir	D.CBP42	Zacarias Dos Santos	44	Employed, Government	<p>Zacarias Dos Santos assigned as AP's D.CBP#42 has declared has no more assets or other land. He informed team that he wishes to wait for government offers regarding options for involuntary relocation. The AP's has lived there since 2017.</p> <p>He moved to this location due to working purpose and distance is quite near from other options. AP's obtained help from family to stay here. Chefe suco also acknowledged the presence of the AP's. Based on answer under questionnaire, AP's comes from Municipal Liquica.</p> <p>Prior to moving to Central Bairro Pite, AP's stayed in boarding house and set the time approximately 07.00 AM to find public</p>

NO	Location	AH CODE	AP'S NAME	AGE	OCCUPATION	Summary of Individual HH discussions
						transportation to go to office. However, children now walk from house – school in Fatumeta.
13	Central Bairro Pite WTP and Reservoir	D.CBP43	Maria da Conceicao	30	Midwife Contractual Agreement	<p>Maria Conceição is AP's D.CBP#43. She is a midwife with typical contractual agreement. She does not have an available land to re-construct the house. AP's D.CBP#43 did not agree to move outside Dili because she has a proper work and contract. She has lived in Central Bairro Pite in 2019. In beforehand, the land has bought by her and AP's uncle has helped to arrange the negotiations.</p> <p>Chefe suco has informed with AP's presence. AP's comes from Municipal Bobonaro and speak Bunak. Previously that, it take four hours from Dili to Ermera using private motorbike. Nowadays, AP's still not engaged and have children.</p>
14	Central Bairro Pite WTP and Reservoir	D.CBP44	Jose da Silva	35	Security Guard at National Commission of Election	<p>Mr. Jose Silva is D.CBP#44. AP does not have any empty land to re-construct the house. This AP's open for further discussion just in case government is welcome for a proper compensation.</p> <p>He has no other place to stay or lived even for the family has no more space to accept us. During at the time, AP's moved to this place since 2019. Before, AP's stay in Central Bairro Pite, he lived together with family but once setting up the family and commitment, then AP's uncle gave the permission to stay in Central.</p> <p>Further than that, chefe suco has recognized AP's. This AP's comes from Bobonaro and speak Bunak maternal language. Previously, AP's lived in Raikotu. The distance between houses to office place takes 30 minutes with private motorbike. However, children still infants and will go to school unless meet the requirement of kindergarten level.</p>

NO	Location	AH CODE	AP'S NAME	AGE	OCCUPATION	Summary of Individual HH discussions
15	Bemos Future Booster Pressure System (BPS)	D.BPS45	Jaimito Melo Dos Santos	30	Skilled Labor (Badaen)	The AP's unable to answer the questionnaire. AP's is waiting the plan from government due to compensation offers.
16	Malinamuk Water Reservoir	D.MLN46	Orlando Gomes	37	Government Employee, BTL.EP	The AP's unable to answer the questionnaire. AP's is waiting the plan from government due to compensation offers.
17	Malinamuk Water Reservoir	D.MLN47	Orlando de Sousa Xavier	57	Employed, Private	The AP's unable to answer the questionnaire. AP's is waiting the plan from government due to compensation offers.
18	Golgota Reservoir	D.GLT48	Catholic – Priest Institution	Church is not able or unable to fill the questionnaire as is not a private individual.		
19	New Identified AP's Central Bairro Pite WTP and Reservoir	D.CBP49	Alexandrino Pereira	34	Driver	The AP's unable to answer the questionnaire. AP's is waiting the plan from government due to compensation offers.
20	New Identified AP's Central Bairro Pite WTP and Reservoir	D.CBP50	Claudino Maia	34	Security Guard at SAMES Medicine Houseware	<p>AP's Claudino Maia is AP's code D.CBP#50. He cannot able to move to the other place because he does not have any other option unless government has a proper offer. Even the family, does not have legacy to member of the family. Since 2008, AP's live in this place. Before he lived in Perumnas Bairro Pite.</p> <p>Beforehand, the origin of this AH's is from Bobonaro and use Kemak as per their daily maternal language. When go to office, it requires 30 minutes to arrive and this AP's prefers to walk. The children are still infants and stay at home.</p>
21	New Identified AP's Central Bairro Pite	D.CBP51	Constantino Soares	35	Migrant Worker in South Korea (Fisheries)	Mr. Constantino Soares has plan to expand the structure of the house in the referred area (Central Bairro Pite), however he does not have any other preference to live at. Overall with limited option, he is waiting for government options to the AP's.

NO	Location	AH CODE	AP'S NAME	AGE	OCCUPATION	Summary of Individual HH discussions
	WTP and Reservoir					<p>Since 2016 until now, he has occupied this place. He bought this land from friend and chefe suco has been notified for his presence.</p> <p>The AP's with sub-project code D.CBP#51 origin from Municipal Bobonaro and has spoken Bunak within his circles. Currently, Costantino's wife is the in charge to answer this questionnaire. Constantino itself now assigning as migrant worker for fisheries sector in South Korea.</p>
22	New Identified AP's Central Bairro Pite WTP and Reservoir	D.CBP52	Ivonia Vicente Pires	32	Vegetables Seller	<p>Ivonia Vicente Pires has claimed land and plan to build her house in the referred house. Due to that time and condition, she does not have any available land. Even the family does not have any access for land legacy. Since 2017 she shall stay in this place and selling the vegetables to support her financial status. This land has introduced by her relatives and likewise chefe suco has notified due to her presence there.</p> <p>The current AP's with sub project code D.CBP#52 comes from Bobonaro and speaks Bunak. She spend approximately 2 minutes to walk from her residence to sell the vegetable in front of gate of Central reservoir. At that point, her children use to access public transportation to go to school.</p>
23	New Identified AP's Central Bairro Pite WTP and Reservoir	D.CBP53	Patricio Lemos	38	Security Tribunal Distrital at	<p>Patricio Lemos informed that he bought this land since 2016 and due to finalize the payment of the land then they stay and lived in this place. AP's does not have any other land and even family has not keep any legacy for the properties.</p> <p>Since, obtain an information from friend, and dealt with landlord to buy this land, Chefe aldeia has notified on this condition. The AP's originated from Municipal Bobonaro and speaks Bunak.</p> <p>As of he has morning shift at workplace, then he shall to prepare himself around 04.00AM in the morning to go to replace the time shift. He used to go to office with a motorbike</p>

NO	Location	AH CODE	AP'S NAME	AGE	OCCUPATION	Summary of Individual HH discussions
						and most of his children are going to school with public transportation.
24	New Identified AP's Central Bairro Pite WTP and Reservoir	D.CBP54	Moises Pires Vicente	30	Unskilled Labor (BADAEN) - Temporary	Moises Pires is the potential AP's of sub project D.CBP#54, He has no other land and house to stay. He only has this piece of land near Central Bairro Pite. He also admitted that none of his family can provide land legacy to him. He shall be survive and find himself to support the own family. Since 2018 until nowadays, he has notified to chefe suco and aldeia due to her presence there. It takes approximately 3 hours to reach his working place. He has a profession as temporary labor. He comes from Bobonaro and speaks Bunak. The public transportation used to be common access to his children to reach their school.

Appendix 5: Project Categorization Forms

INDIGENOUS PEOPLES IMPACT CATEGORIZATION

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?	x			The majority of the population of Timor-Leste are indigenous. Colonialization and occupation led to significant stigma to this terminology.
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?		x		As they are the majority they are not recognized as a minority.
3. Do such groups self-identify as being part of a distinct social and cultural group?		x		Different languages are recognized but nationality is Timorese.
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?		x		In rural areas this is present, however this does not apply where there has been immigration to urban areas such as Dili. No customary land has been identified and there is no impact on traditional livelihoods
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?		x		There is strong resilience of customary land and law however there has been land registration in Dili, via a cadastral survey immigration has meant much less connection to land. To be verified as part of project preparation
6. Do such groups speak a distinct language or dialect?		x		32 different languages recognized in the census of 2015. SESA did not indicate any distinct communities.
7. Has such groups been historically, socially, and economically marginalized, disempowered, excluded, and/or discriminated against?	x			Colonial times and through recent occupation.

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?	X			Not represented as groups separately but there is recognition of customary laws and elders.
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?		X		Provision of water supply is a benefit, but it is not a targeted towards IP directly.
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)		X		
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)		x		Urban livelihoods were not found to be traditional or land based.
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?		x		In an urban area, no ancestral domain identified at this time.
C. Identification of Special Requirements <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?		x		
14. Physical displacement from traditional or customary lands?		x		
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?		x		
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied, or claimed by Indigenous Peoples?		x		
17. Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by Indigenous Peoples?			x	Land is used or occupied but it is not ancestral domain due to in-migration into urban areas.

D. Anticipated project impacts on Indigenous Peoples

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect
1. N/A	N/A	N/A

Note: The project team may attach additional information on the project, as necessary.

INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION

B. Project Data			
Country/Project No./Project Title :		TIM 54429. Dili West Water Supply Project	
Department/ Division :		SERD/SEUW	
Processing Stage :		Concept Paper Approval	
Modality :			
[x] Project Loan	[] Program Loan	[] Financial Intermediary	[] General Corporate Finance
[] Sector Loan	[] MFF	[] Emergency Assistance	[] Grant
[] Results-based lending	[] Other financing modalities		
C. Involuntary Resettlement Category		[x] New	[] Recategorization —
Previous category []			
<input type="checkbox"/> Category A	<input checked="" type="checkbox"/> Category B	<input type="checkbox"/> Category C	<input type="checkbox"/> Category FI
D. Comments			
Project Team Comments: The proposed project will improve domestic water supplies to the population of Dili and will require a new and augmented piped network, along with new and rehabilitated reservoirs and water treatment plants. Three sites have been identified and screened for involuntary resettlement impacts. A total of 25 households, 115 AP, will be impacted by land acquisition. 23 HHs will lose their primary residential structure and will receive a new structure in a new location with security of tenure. Two HHs will lose land and rental income gained from telecom towers. Impacts related to the pipeline are expected to be temporary as works will be limited to the existing right-of-way. The consulting team responsible for the technical design has developed a resettlement plan in line with ADB requirements.		SDSS Comments: 	

Involuntary Resettlement Impact Categorization Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?	x			Initial Due diligence has been carried out in 11 separate locations and there are three locations where land acquisition will occur. A total of 25 private HHs will be affected by land acquisition in three locations. Please see attached table.
2. Is the site for land acquisition known?			x	A total of 2022 m ² at three locations is anticipated.
3. Is the ownership status and current usage of land to be acquired known?			x	Due diligence is ongoing; not all land ownership has been verified at the time of writing.
4. Will easement be utilized within an existing Right of Way (ROW)?	x			Water supply network networks will be located in existing ROW following road and existing alignments. WTP and Reservoir expansion works will require some land acquisition.
5. Will there be loss of shelter and residential land due to land acquisition?	x			23 structures will be impacted
6. Will there be loss of agricultural and other productive assets due to land acquisition?		x		Land identified is residential or vacant. Two small plots have telecom towers on them.
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?	x			Small scale commerce only.
8. Will there be loss of businesses or enterprises due to land acquisition?		x		No impact on business structures.
9. Will there be loss of income sources and means of livelihoods due to land acquisition?		x		At this time there are no permanent livelihood impacts anticipated as new houses will be very close to current location
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities, and services?		x		All land affected is either residential or government / vacant land. No designated parks or protected areas will be affected.
11. If land use is changed, will it have an adverse impact on social and economic activities?		x		
12. Will access to land and resources owned communally or by the state be restricted?		x		

Information on Displaced Persons:
<p><i>Any estimate of the likely number of persons that will be displaced by the Project?</i> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p> <p>If yes, approximately how many? 25 HHs, 115 APs according to the SESA</p>
<p><i>Are any of them poor, female-heads of households, or vulnerable to poverty risks?</i> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p> <p>SESAH indicates 10 vulnerable HHs who will be eligible for additional support.</p>
<p><i>Are any displaced persons from indigenous or ethnic minority groups?</i> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>The majority of the population of Timor-Leste is indigenous, however, in-migration to the capital has led to new communities with no evidence of ancestral domain or vulnerability due to indigenous status.</p>

Appendix 6: Minutes of FGDs August-September 2021

A series of focus group discussions (FGD) were conducted between August 25th – September 6th 2021 in Sede suco Bairro Pite, Manleuana, Suco Comoro and Aldeia Lemorana Maloa. This was led by a project preparation consultant and discussed issues such as their concerns related to a clean water supply. The FGD also explored the contribution of women to current and future expectations of water system in aldeia-suco and at a national level.

The summary of the views of women included : when the water supply is available 24/7 then the community will agree to paid on a monthly basis. However, for metered system this should be set for each house then each household will measure their need and control their use wisely. In conclusion most of urban community including community from Bemós reservoirs suco Manleuana will be cooperate once the procedure and management of billing system are in place.



Community opinion in general and women as a financial approval under household in Culau agreed to proponent to speed the process of installation water metering system. This tool can be secure the management of water use between client and BTL E.P. Overall community agreed to paid unless government create the clear system on how to install each household and paid base on daily use.

- The process and system of water recording shall be monitored rigorously by technical person to avoid sabotage by individual who are trying to avoid responsibility to pay the water bill.
- The community proposes to proponent finalize the DED of water rehabilitation and execute the project soon as possible.



Appendix 7: Notice of Cut-Off Date



**BEE TIMOR-LESTE, EMPRESA PÚBLICA
BTL, E.P.**

Avenida 20 de Maio, Camoli, Dili-Timor Leste Caixa Postal No- 194, Telp- 3311538

Ref.No. 317/Gab.P.BTL.EP/IX/2021

Date: 06 September 2021

To all it may concern

CUT- OFF NOTICE

In relation to the

Water Supply Investment Project in Dili City

CUT-OFF DATE FOR PROPOSED PROJECT : 10 SEPTEMBER, 2021

This notice is to inform the intention to develop a water supply investment project in this Dili City. This will be a joint project between Bee Timor Leste Empresa Publica (BTL, E.P) and the Asian Development Bank (ADB) & the World Bank (WB).

While the design is not yet finalized, surveys are ongoing and in this phase of the project small parcels of land have been identified that **may** be required for the project. Although this is not final at this time, BTL, EP has issued this formal notice on this day 10 September, 2021.

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

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

Signed by


BTL, E.P.
Carlos P. dos Reis
President of BTL, EP



**BEE TIMOR-LESTE, EMPRESA PÚBLICA
BTL, E.P.**

Avenida 20 de Maio, Caicó, Dili Timor-Leste Caicó Postal No: 194, Telp: 3311538

Ref.No. 317 /Gab.P.BTL/EP/IX/2021

Date: 06 September 2021

Ba ema hotu nebe interesse

PRAZO LIMITE DE NOTIFIKASAUN
Relasiona ho

Projeto Investimentu Abastesimentu Beé iha Cidade Dili

DATA LIMITADO BA HALO AKTIVIDADE : 10 SETEMBRO, 2021
PROPOSTO

Notifikasaun ne'e atu informa konaba intensaun atu dezenvolve projeto beé iha cidade Dili. Ida ne'e nudar projeto konjuntu entre Bee Timor Leste Impresa Publika (BTL, EP) ho Banco Dezenvolvimento Asiático (ADB) no Banco Mundial (WB).

Embora projeto ne'e nia dezenho seidauk finaliza, estudos (*surveys*) kontinua halao hela no iha fase ida ne'e dadaun, rai balun identifikadu ona nebe **karik** sei precisa ba projeto ne'e. Mesmo que ida ne'e seidauk definitivu iha tempu ne'e, BTL, EP hasai ona notifikasaun formal iha loron ne'e dia 10 de Setembro de 2021.

Tuir politika rekere husi ADB no WB, estatutu propriedades nebe afeitadas, inklusivamente estrutura sira hotu (privadu no publiku/), ai-oan fisika no ekonomika no ai-hun **agora ou antes data limitado ba halo aktividade**, precisa halo lista ou dokumenta tuir matadalan nasional ba kompensasaun nebe adekuada. Melhoramentu ou buat sira nebe maka halo depois de data Prazo Limete de Notifikasaun sei la eligivel ba kompensasaun.

Konsultasaun tuir mai, informasaun konaba kompensasaun no benefisius husi projeto ne'e sei publika durante konsulta publikas kuando dezenho projeto refere remata ona.

Assina husi

:

BTL, E.P.
Carlos P. dos Reis
Presidente BTL, EP

Appendix 8: Gap Analysis

Issues	ADB's SPS (2009)	Timor-Leste Laws on Land Acquisition and Resettlement	Gaps between ADB's SPS (2009) and Timor-Leste Laws	Gap Filling Measures
Objective	Avoid involuntary land acquisition resettlement wherever possible. Minimize involuntary resettlement by exploring protect and design alternatives.	There is no explicit reference to the need for avoidance or minimizing of resettlement impacts.	Timor-Leste Laws do not have the provision of avoiding or minimizing the involuntary resettlement impacts	The Resettlement Plan includes measures to avoid or minimize land acquisition and resettlement impacts of the Project.
Project screening	Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	<ul style="list-style-type: none"> Articles 19 and 21 of Expropriation Law call for conducting a cadastral survey, social impact assessment and resettlement plan where land being expropriated involves residential households. The Expropriation Law includes provisions for public consultation, which provides for early screening of the project, as well as public hearings which include publicizing the proposed public hearings in the media. 	There are no specific requirements for a census or cut-off date for entitlements under the Timor-Leste Laws.	The Project impacts will be identified based on early screening, survey/census, cut-off date, and assessment of impacts as per ADB SPS.
Consultation	Carry out meaningful consultations with APs, host communities, and concerned NGOs. Inform all displaced persons of their	The Expropriation Law includes provisions of the public hearing, including requirements for publicity about the proposed public	Consultations are only required at the planning stage. There are no specific provisions on preparing and implementing	Consultations are conducted on an ongoing basis with stakeholders including DPs. Development of mitigation measures will take

Issues	ADB's SPS (2009)	Timor-Leste Laws on Land Acquisition and Resettlement	Gaps between ADB's SPS (2009) and Timor-Leste Laws	Gap Filling Measures
	entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.	hearings in the Official Journal and in the media. A report of the consultation is to be made, including a description of the public hearings. The Expropriation Law provides for information to be provided to DPs before expropriation occurs. Once the report on the public consultation results is published, a social impact study and property survey of DPs is carried out.	resettlement plans based on meaningful consultations with DPs, including the poor, landless, elderly, women and other vulnerable groups and no requirements of public consultation and public engagement during implementation under the Timor-Leste Laws.	into consideration the needs and views of stakeholders and those affected.
DPs without titles to land or any recognizable legal rights to land	Ensure that DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	Decree No. 06/2011 on compensation for resettlement authorizes the payments of compensation to unlawful occupants of state property to resettle elsewhere.	According to the Timor-Leste Laws, payment of compensation to unlawful occupants of state property is not mandatory.	DPs without legal or recognizable legal claims to land acquired, will be equally entitled to participate in consultations and benefit schemes and be compensated for their affected non-land assets such as dwellings and structures. However, the eligibility of the DPs without titles to land will be defined by a cut-off date. Any informal settlers who encroach on the project area after the declaration of the cut-off date are not

Issues	ADB's SPS (2009)	Timor-Leste Laws on Land Acquisition and Resettlement	Gaps between ADB's SPS (2009) and Timor-Leste Laws	Gap Filling Measures
Compensation at full replacement cost	The calculation of full replacement cost will be based on the following: elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Depreciation of structures and assets should not be taken into account	The Expropriation Law stipulates requisitioning and expropriation of property for public purposes shall only take place following fair compensation in accordance with the law. The Expropriation Law requires that land expropriation should follow principles of justice and equality on account of ensuring that expropriation must ensure that the standard of living of DPs is equal to or higher than the one prior to compensation. The Expropriation Law is also required to guarantee fair compensation based on market value. The NDLPSC has the mandate and responsibility to assess the value of land and related assets.	There is no explicit guidance provided on how to determine fair compensation and/or replacement costs and no requirement for third party validation to appraise the replacement cost of affected land and other assets.	eligible for any compensation. Customary land use will be accepted and verified by community consultations. An independent and qualified replacement cost appraiser will be engaged by the PMU to assist the NDLPSC in appraising the replacement cost of affected land and other assets.
Compensation for loss of income	The loss of income or livelihood sources will be compensated	Legal provisions are deficient to recognize entitlements for	There is no specific provision on entitlements for loss of income and	Households whose income or livelihood sources will be affected by

Issues	ADB's SPS (2009)	Timor-Leste Laws on Land Acquisition and Resettlement	Gaps between ADB's SPS (2009) and Timor-Leste Laws	Gap Filling Measures
	promptly at full replacement cost.	loss of incomes and means of livelihood due to land acquisition	livelihoods under the Timor-Leste Laws.	the Project are entitled to compensation for income loss. Affected business regardless of status of business registration will be compensated for the lost net income from the affected business.
Assistance for physically displaced households	In the case of physically displaced persons, the borrower/client will provide (i) relocation assistance, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, and civic infrastructure and community services as required; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) opportunities to derive appropriate development benefits from the project.	The Expropriation Law allows compensation for lost assets.	Timor-Leste Laws do not provide for any specific assistance including transitional support and development assistance to DPs other than offering compensation for lost assets.	All displaced persons will be entitled to relocation assistance such as transportation assistance, transitional assistance and other resettlement measures as necessary and eligible to participate in the Income Restoration Program of the Project.
Assistance for Vulnerable People	Improve the standard of living of displaced persons and other	Article 10 of the Expropriation Law obliges the government to take	Timor-Leste laws do not prescribe specific measures for improvement of	Vulnerable affected households are eligible to participate in the

Issues	ADB's SPS (2009)	Timor-Leste Laws on Land Acquisition and Resettlement	Gaps between ADB's SPS (2009) and Timor-Leste Laws	Gap Filling Measures
	vulnerable groups, including women, to at least national minimum standards, and assist them with legal affordable land, adequate housing, and appropriate income sources.	the necessary measures to ensure the adequate information, consultation and participation of vulnerable groups, and promote the right to equality and non-discrimination, but without elaboration on what measures required to reach these outcomes.	living standards to national minimum standards, nor for restoration of livelihoods, or access to income generating sources, and there are no specific measures to be taken for vulnerable people.	Income Restoration Program of the Project which will be described in the RP. There will also be cash assistance to ensure livelihoods are not disrupted by any losses.
Income Restoration Program	Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.		The Timor-Leste Laws do not elaborate the option and implementation of assistance and livelihood restoration for the affected households.	Severely affected households who lose 10% or more of total productive land and assets and/or have to relocate and vulnerable affected households are eligible to participate in the Income Restoration Program of the Project.

Issues	ADB's SPS (2009)	Timor-Leste Laws on Land Acquisition and Resettlement	Gaps between ADB's SPS (2009) and Timor-Leste Laws	Gap Filling Measures
Compensation payment	All compensation and resettlement entitlements must be provided before any displacement or commencement of works.	Article 41 of the Expropriation Law requires that (i) takeover of expropriated land cannot occur until: a) public notice of expropriation has occurred; b) list of assets has been drawn up; c) resettlement plan has been implemented; d) replacement land as agreed by DPs has been provided free of charge; e) Fair compensation to DPs has been deposited with a banking institution; (ii) DPs are granted a reasonable period of time to vacate expropriated property, not to exceed ninety days.	There is no specific mention of works in the Expropriation Law but possession of expropriated land by the government not permitted until Resettlement Plan and other fair compensation have been implemented.	Civil works contracts will not be awarded for a specific component or geographic area until (i) compensation and assistance have been paid in full to the affected households and communities; (ii) relocation has been completed and the Income Restoration Program for the severely affected households and vulnerable affected households is in-place; and (iii) the area is free from any encumbrances.
Grievance redress mechanism (GRM)	Establish a GRM to receive and facilitate resolution of the DPs' concerns and grievances regarding the project's environmental performance.	The Expropriation Law suggests disputes over expropriation process to be handled through normal administrative and court processes.	Under the Timor-Leste Laws, there is no specific requirement of a project-level GRM to be established, including roles and responsibilities and documentation of grievances.	A project level GRM will be established in consultation with the affected households and communities to resolve complaints regarding land acquisition, compensation, assistance and resettlement of the Project.
Monitoring	Monitor and assess resettlement outcomes, their impacts on the	As regulated by the Laws, NDLPSCS and project proponents have	There is no provision on external monitoring of resettlement	The EA will undertake internal monitoring on land

Issues	ADB's SPS (2009)	Timor-Leste Laws on Land Acquisition and Resettlement	Gaps between ADB's SPS (2009) and Timor-Leste Laws	Gap Filling Measures
	standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	the responsibility to monitor land expropriation processes.	implementation and post-implementation evaluation to assess whether the objectives of the Resettlement Plan have been achieved under Timor-Leste Laws.	acquisition and resettlement. Internal and External Monitoring reports will be shared with relevant stakeholders and uploaded on the ADB and MPW's websites for disclosure.
Resettlement Plan Preparation	Prepare a Resettlement Plan elaborating on displaced persons entitlements, income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation plan.	Article 21 of the Expropriation Law calls for a social impact study and resettlement plan to be developed to mitigate adverse effects and to compensate for the losses due to expropriation, based on social impact assessment and consultations with DPs. Resettlement plan is to include: (i) different alternatives to housing for stakeholders to choose from; (ii) mechanisms for restoration of income and lost livelihoods; (iii) timetable for plan's implementation; (iv) estimation of costs of implementing different alternatives; (v) supervision	There are no specific details of how requirements of the plan are to be developed and carried out, including institutional arrangements or time-bound implementation plans under Timor-Leste Laws.	A Resettlement Plan will be prepared if there is land acquisition and resettlement by the Project covering displaced persons entitlements, income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation plan.

Issues	ADB's SPS (2009)	Timor-Leste Laws on Land Acquisition and Resettlement	Gaps between ADB's SPS (2009) and Timor-Leste Laws	Gap Filling Measures
Disclosure of Resettlement Plan	The draft Resettlement Plan, including documentation of the consultation process, must be disclosed in a timely manner before project appraisal (in an accessible place, and a form and language understandable to DPs and other stakeholders.) The final Resettlement Plan must also be disclosed.	mechanisms for implementation of the relocation plan. The Expropriation Law requires prior public notice of consultation phase including availability of project documents. Consultations are held in "simple and adequate" language, and minutes taken of stakeholder questions and comments, and publication of public consultation report following consultation.	There are no specific government requirements on how and where disclosures of public consultation reports and/or resettlement reports are to be made.	Requirements on information disclosure will be specified in the Resettlement Plan. Before submitting to the ADB and after acceptance of ADB on the Resettlement Plan, the document in the Timor Leste language will be posted in accessible public areas and sent to the relevant agencies and community leaders. A summary of the final Resettlement Plan will be provided to the community leaders. The final Resettlement Plan will also be uploaded to the websites of ADB

Appendix 9: Public Bulletin



BEE TIMOR-LESTE, EMPRESA PÚBLICA
BTL, E.P.

Avenida 20 de Maio, Camoli, Dili Timor-Leste Caixa Postal No. 256, Telp. 3311539

Ref No. 272 / Gab.P.BTL.EP/VI/2021

ENGLISH – TETUM

PUBLIC BULLETIN

The government of Timor-Leste is planning to develop and rehabilitate water supply project in Municipal Dili, specifically in your area. Governo Timor-Leste planeia hodi desenvolver projeto ba rehabilitasaun ba abastecimentu be'e iha Munisipiu Dili, especialmente iha ita bo'ot nia area.

The design plan are being develop to be able to supply water to existing household. This objective is to provide a safe water supply that will improve the health of your household and benefit the community. Due to COVID-19, project proponent looking for any kind of alternative to be shared in a series publication of public bulletin, limited face to face meeting with affected household accompany with local leader and series of public meetings, but at this stage as we know this will be initial stages of design. Planu ida ne'e nudar etapa inicial desenvolvimento Dezeñu nia atu bele fornese be'e mos to'o iha kada uma kain. Objektivu ida ne'e, atu fornese be'e mos ne'ebé seguru nune hadiak saúde iha uma laran no benefesia comunidade. Relasiona ho COVID-19, proponente projeto nafatin buka alternativu atu fahe planu iu husi dafan publikasaun bulletin publiku, hasoru malu limita ho deit umakain affetadu akompania husi lider lokal and série reuniaun publika, malbe por enkuanto oras ne'e sei iha faze inisiu ba Dezeñu nian.

The current situation of emergency of state is getting fluctuate since Delta variant invade to Timor Leste. The emergency state will be possibly continue until August 12th 2021. The safeguard DED team continuing observe, update and discussing for new boreholes, reservoirs and water treatment plant facilities engaging with member of local community and limiting consultation not exceed to ten (10) persons as per MoH-GoTL COVID Protocols. Foin talais kondisaun estadu emergjensia tama iha situasaun tuun sa'e relasiona ho variante Delta tama Timor Leste. Iha possibilidade ba apliksaun estadu emergjensia ate 12 de Agosto 2021. Ekipa estudo DED Salvaguarda kontinua observa, atualiza, diskute ba lokalizasaun (fatin atu fura be'e), reservatório no facilidade Tratamentu no envolve diretamente ho membru husi comunidade ne'ebé limita labele iu nain sanulu (10) haktur protokolu COVID husi MS-GoTL.

In order that Safeguard team able to deliver a DED study into technical reports based on applicable safeguard policy statement, we ask for your full assistance, support and cooperation. If there are parts of the affected system that requires to re-adjust on land that used this will be fully explained under the rules of the project once the final design is complete. Atu bele ekipa Salvaguarda bele entrega dadus tekniku bazeia ba padraun Salvaguarda ne'ebé aplikavel, ami husu assistensia, supporta no kooperasaun. Wainhira iha parte balun husi sistema ne'ebé rekere re-ajustamentu husi rai sei aplika klaramente wainhira dezeñu final projeto completo ona.

If you have any queries, comments or need a further clarification regarding this DED study please feel free to contact the person listed below. We are committing to accept, respond any requires as soon as we are able. Karik ita bo'ot sira iha duvida ruma, komentariu, klarifikasaun ou esklarisimentu, favour bele Kontaktu ho pessoal iha lista no sira iha komitmentu atu resposta wainhira disponivel.

Name/ Naran	HP/No.Telemovei	E-mail
BTLEP Focal Point – Sr. Aleixo Dos Santos	+670 77380936	aleixo.santos@btl.tl
PMU WATSAN – Sr. Amélio Quintas	+670 78075671	cauhafa2002@yahoo.com
Dongsung Deputy TL – Sr.Evaristo Piedade	+670 7726 4112	edspiedade.59@gmail.com
Responsavel SSG – Sra. Carolina Carlos	+67074295136	carolinaidgcarlos@gmail.com
Safeguard Field Officer – Sr. Alcino da Silva	+670 7625 6984	alcinosilva95@gmail.com


Carlos P. dos Reis, GPP.M.S.
President of Bee Timor-Leste EP

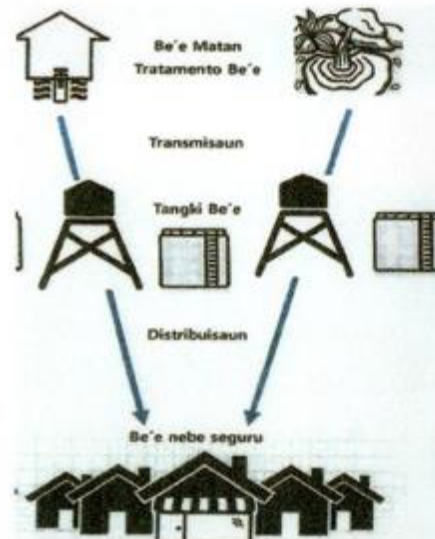


REPUBLIC DEMOCRATIC OF TIMOR-
LESTE

MINISTRY OF PUBLIC WORKS

CONSULTING SERVICES FOR
DETAILED ENGINEERING DESIGN (DED)
URBAN WATER SUPPLY
(RFP/038/MOP-2019)

DILI



BULLETIN PUBLIKU

Ref No. 272 /Gab.P.BTL/EP/VII/2021

Governo Timor-Leste planeia hodi dezenvolve projetu ba rehabilitasaun ba abastesonamentu be'e iha Munisipiu Dili, especialmente iha ita bo'ot nia area.

Planu ida ne'e nudar etapa initial desenvolvimento dezeñu nia atu bele fornese be'e mos to'o iha kada uma kain. Objektivu ida ne'e, atu fornese be'e mos ne'ebé seguru nunee hadiak saúde iha uma laran no benefesia comunidade. Relasiona ho COVID-19, proponente projetu nafatin buka alternativu atu fahe planu liu husi dalan publikasaun bulletin publiku, hasoru malu limita ho deit umakain affetadu akompaña husi lider lokal and série reuniaun publika, maibe por enkuanto oras ne'e sei iha faze inisiu ba dezeñu nian.

Foin lalais kondisaun estadu emergjensia tama iha situasaun tuun sa'e relasiona ho variante Delta registos iha Timor Leste. Iha possibilidade ba aplikasaun estadu emergjensia ate 12 de Agosto 2021. Ekipa estu-do DED Salvaguarda kontinua observa, atualiza, diskute ba lokaliza-saun (fatin atu fura be'e), reservatório no facilidade tratamentu no envolve diretamente ho membru husi comunidade ne'ebé limita labele liu nain sanulu (10) haktuir protokolu COVID husi MS-GoTL.

Ekipa Salvaguarda presija atu bele entrega dadus tekniku bazeia ba padraun Salvaguarda ne'ebé aplikavel, ami husu assistensia, supporta no kooperasaun. Wainhira iha parte balun husi sistema ne'ebé rekere re-adjustamentu husi rai sei aplika klaramente wainhira dezeñu final projetu kompleto ona. Karik ita bo'ot sira iha duvida ruma, komentariu, klarifikasaun ou esklarisimentu, favour bele Kontaktu ho pessoal iha lista no sira iha komitmentu atu resposta wainhira disponivel.

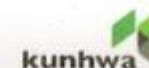
Name/ Naran	HP/No.Telemovei	E-mail
BTL/EP Focal Point – Sr. Aleixo ds Santos	+670 77380936	aleixo.santos@btl.tl
PMU WATSAN – Sr. Amélio Quintas	+670 78075671	cauhafa2002@yahoo.com
Dongsung Deputy TL – Sr.Evaristo Piedade	+670 7728 4112	edspiedade.59@gmail.com
Responsavel SSG – Sra. Carolina Carlos	+67074295136	carolinaldgcarios@gmail.com
Safeguard Field Officer – Sr. Alcino da Silva	+670-7629 6984	alcinosilva95@gmail.com



BEE TIMOR-LESTE, EMPRESA PÚBLICA
BTL, E.P.




JOINT VENTURE: DONGSUNG ENGINEERING CO. LTD
WITH KUNHWA ENGINEERING & CONSULTING CO. LTD



Carlos P.dos Reis, **BTL/EP**
Presidente Bee Timor-Leste E.P.

Appendix 10: Request for Land Verification Survey



BEE TIMOR-LESTE, EMPRESA PÚBLICA
BTL, E.P.
Av. 20 de Maio, Calcutá, Dili Timor Leste Caixa Postal 110 754, Telf: 3311533

No. Ref. 029 / Gab.P.BTL.EP / II / 2022 Dili, 02 de Fevereiro 2022

Bodik ba : S.E. Sr. Helder Cosme Marçal Belo, Director Nacional Terras no Propriedades (DNTP) Aty 13/01/22

Asuntu : Pedidu Apoio Ekipa Tekniku DNTP ba verifikasaun estatuto rai ba projetu konstrusaun Tanki Rezervatoriu no Estasaun Tratamentu de Água iha Kapital Dili

Projetu : RFP/038/MOP-2019 Dezeñu Tekniku Detalladu ou Detailed Engineering Design (DED) ba Abastesimentu bee Urbana Munisipiu Dili

Aneksu : 1) Lista Area Pakote Planu Alargamentu Rezervatório Atual iha Municipal Dili
2) Konseptual mapa no GPS coordinates ba area Central Rezervatório Bairro-Pite nia kotuk

Ex^{mo} Sr. Diretor,


Governo Timor Leste liu husi Ministerio das Obras Públicas no BTL, E.P. ho Konsultor relevante oras ne'e prepara hela dezeñu detalladu ba projetu RFP/038/MOP-2019 ba Abastesimentu bee mos iha area Urbana Dili. Objetivu prinsipal husi DED maka hadia sistema abastesimentu bee mos, no nia distribuissau ba iha Kapital Metropolitana Dili.

Dezenvolvimentu ida ne'e sei persiza espasu rai ne'ebé identifikadu ona husi BTL, E.P. no Konsultor Dezeñu nian. Tan ne'e BTL, E.P. persiza tebes apoiu husi DNTP atu hala'o verifikasaun ba estatuto rai tamba iha situasaun atual comunidade uza nudar hela fatin. Objetivu seluk mak BTL, E.P. bele hetan suzestaun husi DNTP konaba prosedimentu muda comunidade ho dignu tuir regras sira ne'ebé aplika iha ita nia Nasaun.

Nune'e, liu husi karta ida ne'e BTL E.P bodik ba Sr. Diretor atu bele suporta ekipa teknik DNTP hodi apoiu ekipa BTL E.P atu hala'o levantamentu dados ba estatuto rai mensionadu atu deside Legalidade ba estatuto propriedade besik fatin sira mensiona iha aneksu 1 haktuir rekizitu no regulamentu bazeia ba padraun GoTL.

Ba kolaborasaun no servisu hamutuk, ami hatu'o obrigado wa'in.

Mellores Kumprimentus



Carlos Peloi dos Reis, STP., M.S
Prezidente Komisaun Administrasaun no Komisaun Ezekutiva BTL, EP

Cc:

1. S.E. Sr. Rodrigo Mendonça, Director Geral Terras e propriedades → Luiz 3/02/22
2. Arquivo

Page 1 of 4



**BEE TIMOR-LESTE, EMPRESA PÚBLICA
BTL, E.P.**

Avenida 20 de Maio, Calicó, Dili, Timor-Leste Caixa Postal No- 194, Telp: 3311539

Nu. Ref. 048 / Gab.P.BTL.EP / II / 2022

Dili, 21 Fevereiro 2022

Hato'o ba : Ex.^{mo} Sr. Arq. Roger Tertuliano Belo,
Diretor Geral da Direção Geral de Habitação e Urbanismo do Ministério das Obras Públicas

Kópia: Ex.^{mo} Sr. Helder Cosme Marçal Belo- Diretor Nacional da Direção Nacional de Terras e Propriedades (DNTP) *ANEXA 21/2/22*
Ex.^{mo} Sr. Rodrigo Mendonça- Diretor Geral da Direção Geral de Terras e Propriedades (DGTP) *21/2/22*

Asuntu: *Konvite Verifikasaun Terenu Entre Ekpa Tékniku BTL E.P – DNTP ho MOP hodi hare'e Asuntu Estatutu Propriedade no Planu Resenseamentu ne'ebé afeta ba - alargamentu dezeńu Konstrusaun Sistema Abastesimentu Bee Mos iha Munisípiu Dili ba Projeitu: RFP/038/MOP-2019 Detailed Engineering Design (DED) ba Abastesimentu Bee Urbana Munisípiu Dili*

Ho Respeitu,

Bee Timor-Leste Empresa Pública (tuir mai temi nu'udar "BTL, E.P."), kumprimetidu ona atu hala'o melloramentu Sistema Bemos iha Kapital Dili hanesan Konstrusaun Tanki Rezervatóriu, Tanki Tratamentu de Água, Perfurasaun Bee Rai okos no seluk tan iha Ano Fiscal 2022 ba oin liu husi *Orsamentu Impréstimu (Loan Fund)* husi ADB no Banku Mundial. Konstrusaun ida ne'e sei afeta ba rai, uma no propriedades comunidade nian ba fatin sira ne'ebé hatudu iha aneksu 1 iha karta ida ne'e. Nune'e BTL, E.P. preziza apoiu tékniku husi DGHU atu hala'o verifikasaun ba uma no sasan seluk ne'ebé sei afeta ba dezeńvimentu ida ne'e no BTL, E.P. bele hetan pareser husi DGHU nu'udar mata dalan ba sistema rekompensasaun ne'ebé dignu ba lista comunidade afetadu sira.

Atu informa ba Ex.^{mo} katak BTL, E.P. iha ona koordenasaun ho parte DNTP hodi halo verifikasaun ba estatutu rai ba fatin sira ne'ebé identifikadu ona. Tan ne'e ami husu Ex.^{mo} atu delega ekipa tékniku hodi hala'o verifikasaun konjuntu (BTL – DGHU – DNTP) iha terenu tuir loron no data ne'ebé konkorda ona maka:

Loron	: 3-10 Marsu 2022 (<i>Propoen data husi DNTP Dili</i>)
Horas	: 08.30 OTL – Remata
Fatin	: Rezervatóriu sira ne'ebé eziste iha Munisípiu Dili Hahu'u husi área Golgota, Comoro to'o Benamauk, Becora

Nune'e, atu servisu ne'e la'o ho di'ak, maka ami solisita ba Ex.^{mo} hodi aprova data verifikasaun terenu ida ne'e no mós nomeia tékniku sira tuir oráriu no tempu ne'ebé maka mensiona iha leten hodi bele apoiu servisu ba verifikasaun iha terenu.

Atu koordenasaun ida ne'e la'o ho diak maka BTL E.P. mós prepara ona pontu fokál ida ne'ebé mak sei responsabiliza ba enkontru no verifikasaun sira maka (Sr. Carlito Amaral, Nu. kontaktu: +670 7801 2571, Email: carlito.amaral@btl.tl).

Laiha tan asuntu seluk iha momentu ne'e, la haluha hatu'o obrigadu wa'in.

Mellores kumprimetus,

Carlos Peloi dos Reis, STP.M.S

Prezidente Konsellu Administrasaun no Komisaun Ezekutiva BTL, E.P.



Appendix 11: Public Consultations March-April 2022

[To follow]