

## THE NEW LAND LAWS AND THEIR LIKELY IMPACT IN RURAL AREAS



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### CONTEXT IN RURAL AREA

1. Population of rural areas (70%)
  - Female 412,888 (49%)
  - Male 421,547 (51%)
2. Occupation: farmers and fishery workers (74%)
3. Average household cultivated land is less than 1ha (45%)
4. Nearly half of the population still lives in poverty

Source: Sensus 2015, MOF

### LAND FUNCTIONS IN TIMOR-LESTE

- ❖ Land places a key role in Timorese origin and identity
- ❖ Signifies places occupied by our ancestors' spirits
- ❖ Various socio-cultural functions linked to tradition and nature (tara bandu, ritual ceremonies)
- ❖ Collective economic function



### LAND LAWS PROCESS

2009	Land Law Drafting Begins
2012	Parliament Approves the Land Law
2012	President Vetoes
2013	Laws are re-drafted by Ministry of Justice
2016	New debates are held in parliament
2017	Land Law is promulgated

### POSITIVE ASPECTS OF THE NEW LAND LAW

- ❖ Gives some legal certainty and allows land titles to be issued to households which do not have them
- ❖ Provides equal rights for men and women
- ❖ Includes a special provision for vulnerable groups
- ❖ Recognizes informal rights

## LIKELY IMPACT ON RURAL AREAS

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1. The rights of people who have been forcibly displaced are not protected in the final version of the new land law

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### Rights of people forcibly displaced

**Original Draft:** Special adverse possession (Article 20) gives protection to all people who have possession and have been on land since before 31<sup>st</sup> of December 1998.

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### Rights of people forcibly displaced

**Original Draft:** Special adverse possession (Article 20) gives protection to all people who have possession and have been on land since before 31<sup>st</sup> of December 1998.

**Final Law:** New sub-article (article 20.2) that says special adverse possession does NOT apply to people who were forcibly displaced.

## LIKELY IMPACT ON RURAL AREA

### 2. Community Protection Zones and Community Property

**Article 23** Community Protection Zone

**Article 27** Community Property



## LIKELY IMPACT ON RURAL AREAS

### 3. The final version of the land laws do not protect against the threat of eviction

**Original Draft:** Chapter 8 provided many protections against eviction.

**Final Law:** Chapter 8 was removed and replaced by more general article which states that evictions must guarantee human dignity, rights and security.

## LIKELY IMPACT ON RURAL AREAS

### 4. The new land law threatens the use of land as a social safety net

- ❖ Land ensures basic equality
- ❖ The land law opens land up to a market oriented

## CONCLUSION

- ❖ **The law may have negative impacts on rural communities:**
  - ❖ Communities that were forcibly displaced in the Indonesian era do not have strong rights
  - ❖ Protections for customary land are not strong enough
  - ❖ Protections against eviction are not strong enough
- ❖ **In order to be implemented the law will need many subsidiary laws and policies**
  - ❖ Further consultation and policy analysis is needed on these laws

**Obrigado  
Thanks**