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

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 31st 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.

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.

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

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

Obrigado
Thanks