

# La'ο Hamutuk Bulletin

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## Congratulations to the People of Timor-Leste, Members of Parliament and the Eighth Constitutional Government

La'ο Hamutuk congratulates the Timorese people, who demonstrated their civic responsibility to elect Members of Parliament in the Early Election. We also congratulate the political parties who competed in this election and those who were elected to sit in the National Parliament. Congratulations also to the electoral bodies, CNE and STAE, who successfully organized the electoral process.

We hope that the new members of the fifth Legislature and the soon to be formed Eighth Government will do their jobs well in order to develop policies that respond to the interests of the people. La'ο Hamutuk is a national civil society organization which researches, analyzes and advocates on development processes in Timor-Leste. We are ready to assist the new leadership by providing factual information, to ensure that laws and policies that are established and implemented genuinely respond to the needs of the people, in particular poor people and other vulnerable groups.

La'ο Hamutuk offers information and analysis about important issues that need urgent attention from the Eighth Constitutional Government, including:

- Policy to diversify the economy. Our leaders should pay closer attention to and invest more in agriculture, tourism and other productive sectors, in order to provide sustainable livelihoods for more Timorese people. Our oil and gas reserves will not last forever.
- State budget allocations. The Government and National Parliament should give higher priority to basic services such as health, education, clean water and sanitation, keeping the political promises they made in their recent electoral campaigns.
- Government leaders have already established some systems and policies that promote transparency and accountability, as demonstrated by the Ministry of Finance through the Transparency Portal, and the Directorate-General of Statistics website which continues to provide important information to the public, although they could be further improved. All government institutions should have ways to ensure access to information that responds to people's needs.
- Development policies in Timor-Leste should prioritize and ensure social inclusion. All people – including people with disabilities, women, marginalized people and all vulnerable groups – must be able to participate in our democracy, and to enjoy their human rights.

Therefore, we ask the Fifth National Parliament and the Eighth Constitutional Government to work together to prioritize productive economic sectors based on a state plan that is realistic, reasonable and sustainable. This is the only way we can escape from the resource curse and reduce poverty, social inequality and conflict that threatens human security. ❖



Party/ Coalition	Number of votes	Number of seats
PEP	5,060	0
PD	50,370	5
PR	4,125	0
FRETILIN	213,324	23
MSD	3,188	0
MDN	4,494	0
FDD	34,301	3
AMP	309,663	34

Fonte: CNE

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# What is the New Maritime Boundary Treaty Worth to Timor-Leste?

## A victory after a long struggle

On 6 March 2018 in New York, the Governments of Timor-Leste and Australia signed a new treaty, establishing the maritime boundaries of the two countries after a long period of negotiation and discussion. The new treaty will replace the 2002 Timor Sea Treaty, which was the basis for joint petroleum development, the 2003 International Unitization Agreement for the Greater Sunrise field and the 2006 CMATS (Certain Maritime Arrangements in the Timor Sea) Treaty. CMATS' 'gag rule' had prevented Timor-Leste and Australia from entering into any negotiations or diplomatic processes regarding the maritime boundary for as long as it remained in force.

Since 2000, civil society, students, the international solidarity movement and others, both inside Timor-Leste and around the world, have been advocating and demanding that Australia respect the sovereign rights of the Timorese people. Therefore, La'õ Hamutuk sees this new Treaty as a great victory for the Timorese people: a victory resulting from the people's struggle to obtain sovereign rights to the Timor Sea. The Timor Sea has been occupied by Australia since 1956, when Australia proclaimed its continental shelf regarding the sea area closest to Timor-Leste (which at that time was Portuguese Timor).

## The international mechanism really works

In March 2002, two months before Timor-Leste restored its independence, Australia withdrew from binding international mechanisms for resolving maritime boundary disputes through the United Nations Law of the Sea (UNCLOS) and the International Court of Justice. Australia's action created a huge obstacle for Timor-Leste to obtain its sovereign rights in the Timor Sea. Therefore, this Treaty is not only a victory for the people of Timor-Leste, but it also has implications for Australia, showing that Australia cannot avoid its legal obligations under principles of international law. Even more significantly, the new Treaty shows that the process described in UNCLOS Article 298 and Annex V really does have teeth; this was the first time in the history of the world that a country has successfully used this mechanism in negotiations. Timor-Leste has provided a new example for resolving disputes that affect other countries by successfully using compulsory conciliation mechanisms.

UNCLOS Article 298 and Annex V outline the compulsory conciliation process through which a country can compel a neighboring country that refuses to negotiate, to participate in bilateral boundary negotiations facilitated by an expert 'Conciliator' team agreed on by the two countries and supervised by the United Nations. The Conciliators have no power to make decisions, but work to encourage the two parties to listen and respond to each other.

## Timor-Leste succeeds in restoring its right to sovereignty

The new Treaty includes fundamental principles including the establishment of the Exclusive Economic Zone (EEZ) for Timor-Leste according to International Law, a median line which is the permanent boundary between Timor-Leste and Australia, and provisional eastern and western lateral boundaries in the Timor Sea.

Due to the establishment of the median line, oil and gas fields that were previously included in the Joint Petroleum Development Area in accordance with the 2002 Timor Sea Treaty, such as Bayu-Undan, Kitan and Elang-Kakatua, are now in Timor-Leste's territory. The new Treaty also widens the lateral line to the west, bringing the Buffalo oil field, which had been in Australian territory according to CMATS, into Timor-Leste. The Treaty also establishes a provisional line near the Laminaria-Corallina oil and gas fields, which according to CMATS were in Australia, but which could be included in Timor-Leste's territory after the fields are exhausted, and after Timor-Leste has established its maritime boundary with Indonesia. So far, Laminaria-Corallina has provided more than \$2 billion in revenue to Australia, and although the field is still in production, it is almost exhausted.

In addition, the eastern lateral line is also expanded, although it is still provisional, with the result that 70% of the Greater Sunrise field is now in Timor-Leste's territory, and it is possible that 100% could be included in the future, after the field is exhausted and Timor-Leste has an agreement with Indonesia. With all of these new agreements, Timor-Leste will need to revise existing petroleum contracts in these areas.



April 2004 Demonstration in Dili, during negotiations.

## Important aspects of the Treaty that should be considered

The Treaty of 6 March 2018 is packaged with a Special Regime for the Greater Sunrise field. This Regime establishes guidelines for future development of the field, including decision-making and dispute resolution. Several important aspects of the Treaty and the Special Regime should be considered by Timor-Leste before it ratifies the Treaty:

- Article 6.2(c) of the Sunrise Special Regime gives authority to the ‘Designated Authority’ or the National Petroleum and Minerals Authority (ANPM) to directly use payments from oil and gas companies to finance its operational activities. La’o Hamutuk believes that this violates Article 6.1 of Petroleum Fund Law No. 9/2005 which clearly states that all revenues from petroleum-related activities must be deposited into the Petroleum Fund.
- Timor-Leste has long been compliant with the Extractive Industries Transparency Initiative (EITI), which promotes transparency in petroleum activities, and our government has been proud of this achievement. However, the new Treaty undermines these principles and does not mention transparency for Production Sharing Contracts for Greater Sunrise and other fields. Timor-Leste’s Petroleum Activities Law No. 13/2005, Article 30.1(a)(1) states that Production Sharing Contracts are public documents. We hope that Article 9.2 of this new Treaty is not used to justify violations of Timor-Leste’s transparency requirements by the companies or Australia.
- Although the Treaty refers to an “Approved Development Concept” for Greater Sunrise, there is no provision that explains how exactly this concept will be approved. This omission means that the future development of Greater Sunrise requires further negotiations among Timor-Leste, Australia and the oil companies.
- Article 10 of the Treaty also states that neither country will claim compensation, which means that Timor-Leste cannot ask Australia to return money they have received through treaties signed during the Indonesian occupation and since independence. Although we realize that it is difficult to change this provision, it does not prevent Australia from voluntarily returning around \$5 billion that it has already taken from Timor-Leste. La’o Hamutuk notes that the Preamble of the new Treaty discusses “promoting Timor-Leste’s economic development” and being “good neighbors and in a spirit of cooperation and friendship . . . . In order to achieve an equitable solution”. In this new spirit of mutual respect, La’o Hamutuk recommends that Australia give back what it took during the nearly three decades since it signed the Timor Gap Treaty.

- In the annex of the Treaty, the Conciliation Commission provides some incentives regarding the future development of Greater Sunrise, to be considered by Timor-Leste, Australia and the oil companies. These incentives include a calculation that if Timor-Leste wants the Greater Sunrise pipeline to come to Timor-Leste (T-LNG), then Timor-Leste will have to provide a direct subsidy of \$5.6 billion to the operating companies, because building an LNG plant in Timor-Leste could cause them to lose \$5.6 billion in investment, plus \$280 million for the annual operating costs of T-LNG. If the pipeline goes to Darwin (D-LNG), Australia and the operating companies should assign 2.7% of the shares of the project to Timor-Leste, including 9% of the shares in the Sunrise Consortium (3% of which are free), and Australia should also give 10% more of Sunrise revenues to Timor-Leste. Although La’o Hamutuk does not have access to complete information regarding the amount of these incentives, we believe that it is good for Timor-Leste to discuss the benefits and the risks in detail, in order to maximize benefits to Timor-Leste from developing Greater Sunrise.

La’o Hamutuk is aware that many people in Timor-Leste prefer the T-LNG option of a pipeline from Greater Sunrise to Timor-Leste. However we recommend evaluating the financial, economic, environmental and social benefits, the costs and risks. We also recommend developing a realistic projection of the jobs provided for Timorese workers and the economic effects or spinoffs of an LNG plant for Timor-Leste’s economy. We urge that Sunrise be developed to serve the best interests of all Timor-Leste’s people, rather than those of a particular oil company, political faction, or region. The decision is too important to be swayed by emotional, political or personal considerations.

Timor-Leste has just finished an early election and now has a new Parliament. La’o Hamutuk encourages the National Parliament of Timor-Leste to ratify the new Treaty quickly, however there must be public consultation and care should be taken to ensure that the Treaty is in accordance with Timor-Leste law. ❖





# 18 Years Later: Should Timor-Leste Drop the U.S. Dollar?



On 29 January 2018, the Institute of Business (IOB) hosted a national seminar entitled ‘Should Timor-Leste have its own currency? Perspectives and challenges’ (*Bele ka lae Timor-Leste iha moeda rasik? Perspectiva no dezafiu*), where representatives of government, academia and civil society shared ideas on whether Timor-Leste should have its own currency. Juvinal Dias from La’o Hamutuk spoke, alongside Finance Minister Rui Gomes, Director of the Economics and Statistics Division of the Central Bank Gastão de Sousa, and Monash Uni Professor Brett Inder.

At the time of independence, several currencies were circulating in Timor-Leste, including the Indonesian rupiah, the Australian dollar, the U.S. dollar, and the Portuguese escudo. The IMF and other institutions recommended dollarization in an effort to make the economy more stable through price predictability, regulation of foreign exchange and reduced reliance on the black market. This article will compare the benefits and challenges of using the U.S. dollar and discuss how Timor-Leste’s government can prepare the country for a national currency in the future.

## Benefits of using the U.S. dollar

### International exchange rate stability

The value of new currencies often fluctuates as the global market tries to determine their worth relative to other currencies. Currency values are based on a nation’s credit history, long-term monetary policy decisions and economic performance. Timor-Leste does not yet have a long history of good macroeconomic policy, such as proving that our institutions can resist temptations to print money during economic hard times. Therefore, the value of a Timorese currency would likely fluctuate in the short to medium term.

### Structure for young institutions

One challenge often faced by newly independent countries is having inexperienced institutions. The biggest risk is the potential use of cheap and quick fixes for the economy – such as printing money to reduce a budget deficit or providing credit to banks – which could have devastating im-

pacts on inflation and exchange rates in the future. Using the U.S. dollar protects countries from macroeconomic crises such as hyperinflation, which can result from dangerous monetary policy decisions that would cause import prices to soar, make the price of domestic goods unpredictable, scare away investors and prevent citizens from saving because their money loses value every day.

### Security for foreign and domestic investors

A relatively stable currency makes investors confident that the value of their investment will be preserved over time. Investors trust the value of the U.S. dollar, and therefore, currently trust that the value of their investment in Timor-Leste next year will not be significantly different from the value of that investment this year. In fact, Heineken listed the U.S. dollar as one of the main attractions that led them to opening a plant in Timor-Leste. At least in the short-term, a Timorese national currency would discourage investment in Timor-Leste because it would make those investments relatively riskier.

### Many commodities are bought and sold in dollars

Timor-Leste’s two biggest exports are oil and coffee, both of which are sold to the global market in U.S. dollars. Therefore, using the U.S. dollar partially insulates Timor-Leste’s economy from fluctuations in commodity prices.

During the 2014 fall in oil prices, the value of the U.S. dollar appreciated relative to the rupiah and other currencies, thereby reducing the cost of imported goods and the rate of inflation. Although lower oil prices meant that the State received less money from its oil exports, prices that people had to pay for goods stopped increasing, therefore partially offsetting the economic impact of the price shock.

### Challenges of using the U.S. dollar

#### Relinquish control over monetary policy

Monetary policy is a tool used by central banks to respond to different economic situations by adjusting a country’s money supply or interest rates. By using the U.S. dollar, Timor-Leste

has given up its power to decide on monetary policy, which it could otherwise use to stabilize the economy and help the country recover from external shocks.

### Obstacle to diversification

The value of a Timorese national currency would be weaker than the U.S. dollar, making imported goods more expensive and local products relatively cheaper in comparison. Local products could compete with the relatively more expensive imported goods in the domestic market and, subsequently, Timorese producers could sell more products, improve productivity and grow their production over time. As production and productivity increase, Timorese products would become more competitive on a global scale, thus expanding non-oil exports. If Timor-Leste were to have its own currency, this could be a tool to help diversify its economy and encourage non-oil sector growth in the future.

### Conclusion

All of the speakers at the IOB seminar, including La'o Hamutuk, agreed that it is too soon for Timor-Leste to implement a national currency. Timor-Leste will imple-

ment a national currency in the future but first must develop the non-oil sectors of the economy, which include agriculture, tourism and light manufacturing. This is because implementing a national currency now would lead to an increase in the price of imported goods, thereby worsening people's purchasing power while domestic production remains low. Additionally, monetary policy is not an effective policy tool without several different export sectors to adjust.

One way that countries can boost local production and gradually substitute imports for domestic products is by introducing a combination of import tariffs and government subsidies for targeted sectors. These policies can protect our domestic industry as it develops the capacity to compete with imported products.

Timor-Leste's people achieved national sovereignty after years of struggle and sacrifice, and it might seem that having a national currency is one of the benefits of that victory. However, we need to be sure that it also materially benefits the people of this country, especially the many who are not yet fully enjoying the economic benefits of independence. ❖

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## National Seminar: Challenges and Opportunities for Small Agricultural Processing Industries in Timor-Leste

On 22 February 2018, La'o Hamutuk held a seminar in Dili on the challenges and opportunities facing small agricultural processing industries in Timor-Leste. The event provided space for discussion between relevant government officials and the public about current programs and the status of the industry. Speakers at this seminar were from La'o Hamutuk, the Ministry of Commerce and Industry, the Ministry of Agriculture and Fisheries, and the NGO Parcic.

Mariano Ferreira (La'o Hamutuk) summarized findings from La'o Hamutuk's research on the topic, which we had conducted in 2017-2018 in the municipalities of Ainaro, Baucau, Bobonaro, Covalima and Dili. Food processing groups in these municipalities produce various products, some of which are sold in supermarkets across Dili. These groups face many challenges, including a lack of adequate equipment and space for processing, raw materials, understanding about access to markets, as well as capital. The biggest potential is that these groups are strongly motivated to produce consistently and create new products.

When speaking about government policies and programs, Minister of Commerce and Industry António da Conceição agreed that Timor-

Leste should prioritize industries that are connected to many people's lives, including agricultural processing. He told the participants that the government was in the process of establishing a Quality Institute to control and improve the quality of processed agricultural products.

Speaking from an agro-commerce point of view, the National Director of Agro-commerce of the Ministry of Agriculture and Fisheries, Fernando Egidio Amaral, reaffirmed the importance of developing agriculture, especially since it is one of the main economic pillars in Timor-Leste's 2011-2030 Strategic Plan. According to the Director, there has not yet been significant progress in rural or agricultural development, and the sectors still face many challenges.



The government, as well as various national and international agencies, have implemented many useful programs to develop the agricultural economy in rural areas, but the macro and micro impacts of these programs have not benefited all citizens equally. One cause of these unequal impacts is the absence of a master plan to guide programs and investments within the agricultural sector, including those in agro-commerce.

Junko Ito, the coordinator of NGO Parci, an organization that supports many agriculture processing groups in the municipalities, shared her experiences and views on the state of small processing industries in Timor-Leste. These groups face many challenges, including lack of knowledge to do cost and profit calculations, capacity to determine product quality, access to packaging materials, and access to markets. Currently, Parci is supporting some of these groups by providing training and equipment, supplying packaging materials, and helping them access markets. Parci supports the groups to sell their products in stores and supermarkets under the brand name of *Aroma Timor*. Based on her experience, Junko recommended that the government and civil society organizations change their approach from humanitarian assistance to business support to best help these communities.



Traditional herbal tea from Aroma Timor

Participants in the seminar raised questions and contributed opinions on the topic based on their observations of small industries in the country. Some of the issues raised included human resource limitations due to a lack of Timorese with specialization in the industrial sector, the lack of interest in farming among many agriculture student graduates, and some technical problems related to the supply of packaging materials.

The participants included government representatives, NGOs members, international agencies, academics, media, and the general public. ❖

**16 June:**

**International Day for Domestic Workers.**

**Fair Work for Domestic Workers!**

**Fair salary.**

**Respect and Dignity.**

**The right to rest, holidays and work leaves.**

Credit: Women's Working Center Timor-Leste (WWCTL)



# Access to official documents: A basic democratic right

Freedom of information is a right protected in Timor-Leste's Constitution (Article 40) and in the International Covenant on Civil and Political Rights (Article 19: Public Right to Information) which Timor-Leste has ratified. Since our founding, La'o Hamutuk has called for transparency from public entities to ensure that both civil society and the public can actively participate in the country's development process. This article discusses access to official documents to promote transparency and guarantee the public's access to important information that impacts their lives.

The Government has the responsibility to create a systematic process to ensure that the public can access important documents. The process should have the following characteristics:

- Consistency (e.g.: access does not depend on having a friend in the right place);
- Universal access (e.g.: access does not depend on fluency in English or Portuguese);
- Timely (e.g.: documents are released while they are still relevant).

Implementing the right to access of information will help:

- Improve people's understanding of their rights and of the Government's work;
- Build public trust in the Government and opening possibilities for dialogue and collaboration;
- Enable informed consent from local communities on development projects that affect them;
- Empower the public to participate in decision-making and elections with accurate and complete information;
- Hold public agencies accountable by allowing the public to evaluate the performance of the government;
- Improve the ability of the government to respond to the real needs of people;
- Prevent corruption and improve good governance;
- Spread accurate information and control rumors and "fake news" in social media (Facebook).

## Transparency via the Internet

The State has shown some commitment to providing access to official documents via the Internet. The public can access the *Jornal da República* via the Ministry of Justice's website, as well as budget and procurement information on the Transparency Portal and the Ministry of Finance website. The Government also publishes pages which focus on statistics, including the national census, links to the General State Budget (budget transparency), and monthly Government expenditure via Central Bank's webpage. The National Petroleum and Minerals Authority (ANPM) website also has good information on monthly revenues from gas and oil.



La'o Hamutuk applauds the Ministry of Finance, the General Directorate for Statistics, ANPM, and the Central Bank for publishing this information, among others, on their websites to improve public access. These ministries set positive examples for other public entities to improve the effectivity and efficiency of their public service. La'o Hamutuk believes that if all ministries and agencies implement these reforms Timor-Leste could have one of the highest rates of transparency and accountability in the world. National institutions including La'o Hamutuk, and some international agencies also help increase public access by publishing official documents on their websites. Nevertheless, problems routinely persist regarding access to information via the Internet, such as malfunctioning websites and limited accessibility.

## Transparency through the Decree-Law on Access to Official Documents (LADO)

On 14 October 2016, the Government enacted Decree-Law No. 43/2016 *Regras Relativas ao Acesso a Documentos*

**These websites have information and documents which can help you monitor and participate in State decisions:**

[www.laohamutuk.org/DVD/DVDIndexEn.htm](http://www.laohamutuk.org/DVD/DVDIndexEn.htm)

[www.timor-leste.gov.tl](http://www.timor-leste.gov.tl)

[www.mj.gov.tl/jornal](http://www.mj.gov.tl/jornal)

[www.mof.gov.tl](http://www.mof.gov.tl)

[www.mof.gov.tl/category/current-tenders](http://www.mof.gov.tl/category/current-tenders)

[www.budgettransparency.gov.tl](http://www.budgettransparency.gov.tl)

[www.eprocurement.gov.tl/public/](http://www.eprocurement.gov.tl/public/)

[www.statistics.gov.tl](http://www.statistics.gov.tl)

[www.bancocentral.tl/en](http://www.bancocentral.tl/en)

[www.eiti.tl](http://www.eiti.tl)

[www.anpm.tl/publish-what-you-pay/](http://www.anpm.tl/publish-what-you-pay/)



*Oficiais* (Rules Relating to Access to Official Documents). This Decree-Law establishes a regulatory system for individuals or organizations to access official documents from public entities. The Decree-Law states that everyone has the right to access official documents – except for those which are confidential or could impact national security – from public entities, such as the following:

- ◆ Institutions under direct state administration:
  - Ministries and the Council of Ministers
  - RAEOA-ZEESM Authority
  - President of the Republic
  - National Parliament
  - Directorates, such as DNCPIA
  - National Procurement Commission
- ◆ Institutions under indirect state administration:
  - Public Institutes: National Center for Chega (CNC), Institute for Petroleum and Geology (IPG), National Petroleum and Minerals Authority (ANPM), etc.
  - Public schools and hospitals: e.g. the National University of Timor-Leste (UNTL)
- ◆ Local government institutions
- ◆ State-owned companies:
  - RTTL
  - TimorGAP
- ◆ Other entities with administrative functions or which hold public power:
  - Public Defenders' Office, Court of Appeals, PDHJ (Ombudsman for Human Rights and Justice)
  - PNTL, F-FDTL, prisons, electoral institutions (CNE, STAE)
  - Village councils (Konsellu Suku)
- ◆ Private entities that carry out public functions

Thus, LADO gives the public and civil society the right to access official documents that have a major impact on people's lives. LADO does not, however, define or specify which documents fall under the Decree-Law. This may cause confusion regarding which documents or legislation are considered official documents accessible to the public. Although the Decree-Law does not prohibit public entities from sharing any documents, its ambiguity could pave the way for entities to deny access and limit public participation in the legislative process. Another risk lays in LADO's definition of "confidential material", which can be interpreted very broadly and result in violations of the public's right to information.

To use the Decree-Law, anyone interested must make a written request to the highest ranking individual in the relevant institution. The request should clearly define which documents are requested and whether they want authorization to share the documents. The applicant is not required to explain how the documents may be reused.



Public entities have a maximum of 10 working days to respond to formal requests, starting from the day the request is received. If the request is rejected (in part or in full), the entity must explain why it was rejected. The Decree states that public entities are required to categorize their documents based on confidentiality to ensure the process of responding to requests runs efficiently and timely. If the document is not confidential or related to national security, the public entity should allow access through a written response. If the entity does not respond to the request by the 10-day deadline, the person who submitted the request can request the relevant institution to oblige the entity to allow access to the document.

According to the Decree-Law, people must ask for and receive authorization in order to reuse the documents (e.g. republish on a website or mention in a report). There should be no limitations to reusing the documents, however problems may arise from misinterpretations of the Decree-Law. One issue may be asking to know how the document will be reused even though the Decree-Law does not require an explanation. Another issue may arise regarding ownership of documents: e.g. the Council of Ministers refuse to share a document because it has already been forwarded to president for promulgation (see cartoon, page 11). However, according to the Decree-Law, a "holder entity", or an entity that has the document in its possession, it must provide access to documents, including electronic versions.

Public documents should be seen as belonging to the people, and not as something that can be withheld or kept under strict control. Unfortunately, some leaders of public entities avoid public visibility by refusing to provide documents, even if they are not confidential. After such experiences, some people and civil society organizations have lost hope of accessing documents from public entities.

Based on this situation, La'o Hamutuk recommends:

### **Recommendations to the Government:**

- ◆ **Government should uphold transparency and people's right to information.**  
A functioning democracy requires active participation

from all citizens. To support active and informed participation, the State should ensure that all citizens have timely access to information, including official documents. Additionally, the agency should give clear reasons when denying access, which should be only when a document threatens national security or personal confidentiality.

◆ **Government should be more transparent through the internet.**

Government, along with some ministries and agencies, have already laid a good foundation for transparency via the internet. However, often webpages are not updated in a timely manner, and many ministries and institutions still do not use the internet to disseminate information. The Government should invest in creating electronic archives, which will improve access for the public, as well as improve the functioning of institutions.

◆ **The Government should properly implement Decree-Law No. 43/2016 under the Constitution.**

Although this Decree-Law was approved in 2016, many government officials do not yet understand it well, and have therefore not implemented it properly. The Government should provide written guidelines to public servants with clear instructions on how to follow the Decree-Law, as well as outlining the critical importance of transparency and of seeing the people as the owners of public documents.

◆ **All public entities should be able to provide information and documents in Tetum.**

The majority of the public speaks Tetum, and know very little Portuguese. To facilitate public knowledge of the Decree-Law, we suggest that the Government should also publish in Tetum. In fact, all legislation is required to be published in both official languages under Article 3 of Law No. 1/2002. Some progress has been made in publishing in Tetum, such as for some laws in the electronic version of the *Jornál da República*. It will require, however, considerable further effort to provide Tetum versions of all legislation.

**Recommendations to journalists and colleagues from civil society:**

◆ **Diligently search for, read and share important documents with the public.**

If you don't look for information, you won't find it. None of us should trust rumors or one person's comment; we need clear sources and data. Journalists and civil society organizations have an important role to play in ensuring public access to information. People and organizations should try to find documents through various means -- the internet, government or publications, relevant offices. If they cannot get a document from any of these sources, then make a request to the relevant entity according to Decree-Law No. 43/2016. ❖

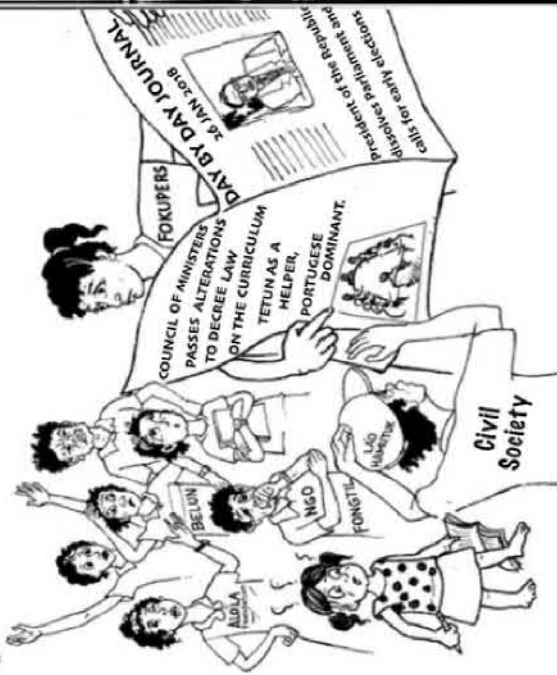
La'ó Hamutuk's reference page includes many documents.

The screenshot shows a web browser window with the URL [www.laohamutuk.org/DVD/DVDIndexEn.htm](http://www.laohamutuk.org/DVD/DVDIndexEn.htm). The page title is "La'ó Hamutuk" and the main heading is "Resources and websites Reference archive from La'ó Hamutuk Updated 28 June 2018". Below the heading, there is a box containing two links: "[Pajina ida ne'e iha lingua Tetum.](#) [April 2013 presentation on Sources of Information \(also \[handout\]\(#\)\)](#) [Current presentation on Rights and Sustainability](#)". Below this box, there is a paragraph of text: "This page links to many key resources about Timor-Leste's budget, economy, society and petroleum development. Links are to pages in English except where noted. Many documents have been copied to La'ó Hamutuk's website, which includes internet addresses where appropriate. In some cases the local links will not work from the internet, as the files were too large to post on our website. Click on any graphic on this page to see it larger." Below the paragraph, there is a section titled "Contents of this page:" followed by a list of links: "• [State Budgets and related documents](#) (including budget execution reports and procurement information)", "• [Key pages on La'ó Hamutuk's website](#)", "• [Documents from the Government of Timor-Leste](#), including [Statistics](#), [2010 Census](#) and [2015 Census](#)", "• [Analysis and commentary on Timor-Leste's economy](#) and other topics", "• [Global and regional reports on economics and statistics](#)", "• [Oil and gas in Timor-Leste and around the world](#)", and "• [Material from other sources](#)".

# DEMOCRACY depends on ACCESS TO INFORMATION

This cartoon describes the experience of La'o Hamutuk and other NGOs around recent alterations to Decree-Laws 3 & 4/2015 about the national curriculum.

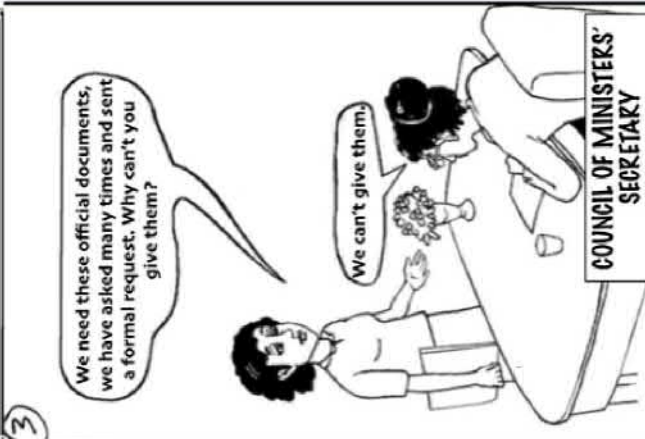
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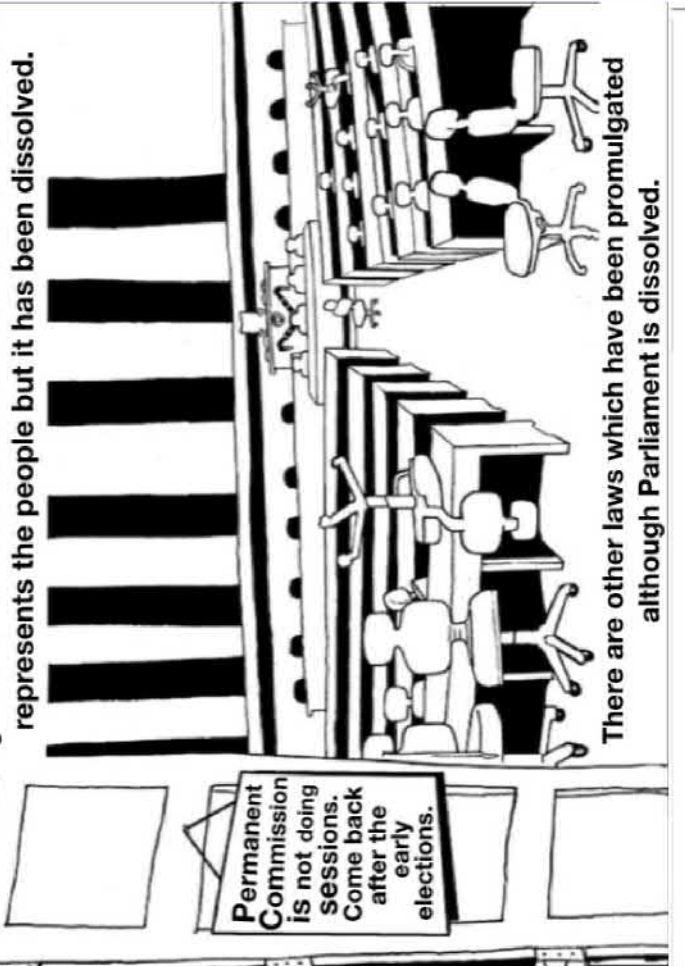


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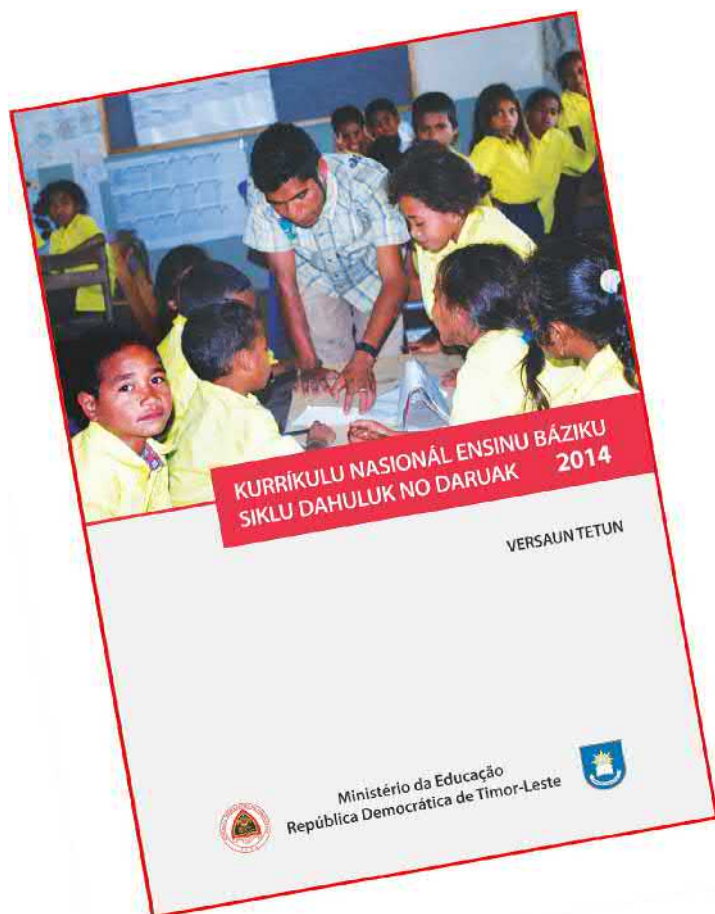
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What about the National Parliament's constitutional right to review decree-laws? The National Parliament represents the people but it has been dissolved.



There are other laws which have been promulgated although Parliament is dissolved.

# NGOs Reject Changes to Decree-laws Related to the National Preschool and Basic Education Curricula



In April 2018, the Advocacy Network for Education petitioned the President of the Republic, all political parties and the Diocese of Dili to reject the changes to the national preschool and basic education curricula which had been promulgated the previous month. Twenty-five non-governmental organizations (NGOs), including La' o Hamutuk, signed the petition, in addition to more than 100 individuals. Below is an abridged version of their declaration:

As NGO representatives and parents of children in preschool and basic education, we have read and analyzed the alterations to the two Decree-Laws related to preschool and primary curriculum for grades 1 to 6 and we reject these changes. We ask that the implementation of the 2015 national curriculum be continued until its results can be fairly assessed, prior to any new revisions. We are happy with both the quality of its content and pedagogy, including how the two official languages are taught in a manner that recognizes the linguistic realities of the country, based upon numerous studies and evidence.

Teachers need support with materials, training and infrastructure to implement the curriculum well, not these changes. We reject the changes for the following reasons:

## 1. The changes were made with no technical basis or transparency.

The process of altering these Decree-Laws was rushed, closed and not based on a scientific assessment of the 2015 curriculum.

## 2. The changes have inconsistent teaching methods and the use of both official languages.

The revised law for primary curriculum does not clearly define a methodology for teaching literacy or languages of instruction. Article 13 of Timor-Leste's Constitution states that we must value and develop the Tetum language, but the changes do not do this. The 2015 Curricula show how to develop the Tetum language well, and to teach students so that they will have a strong base in both official languages.

## 3. The changes to the preschool curriculum are not realistic and do not recognize the importance of developmental play.

Changes in the Preschool Decree-Law expect that children will achieve "a solid base of literacy in both official languages," which is unrealistic for preschool. The changes also downplay the importance of "play-based learning" and "child-centered learning" which we know are very effective at this age.

## 4. The changes undermine inclusive education.

The changes to the two Decree-Laws do not reflect the objective of inclusive education, especially its first priority, which is to identify ways to include all students in the regular teaching and learning process, as opposed to reverting to old ways of thinking whereby students with any kind of disability should be sent to a distant and 'special' place to separate them from other children.

## 5. The changes show little understanding of basic educational concepts and are full of inconsistencies that will contribute to confusion in the teaching-learning process.

These laws were revised so quickly, with no in-depth analysis. We were surprised to note that the changes show an obvious lack of understanding of basic educational concepts, such as the term "literacy" and the methodologies for teaching language discussed above.

## 6. The changes reduce autonomy for all schools, especially Catholic and private schools.

The changes of 2018 do not allow schools – except "Portuguese language immersion" schools – to change the curriculum, and make it very difficult to add to the curriculum. This will severely impact many schools including Catholic schools, international schools and schools that use sign language or Braille.

## 7. The changes bar many good, new and quality teaching and learning materials, which were developed through a long, expensive and inclusive process.

Materials such as Lesson Plan Books (for teachers) and didactic books (for students) do not match the revisions to the curriculum. As these books have not been distributed, the Ministry of Education warehouse is filled with books needed for the 2015 Curriculum. All children have the right to quality education and to have books. ❖

# In Brief...

## Convention Against Torture and Other Cruel Treatment

Timor-Leste ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 2003. In August 2016, the Government submitted its initial report on the implementation of UNCAT, an obligation for each country that is a party to the Convention. In 2017, a coalition of Timor-Leste NGOs, the Provedor for Human Rights and Justice (PDHJ), and the UN in Timor-Leste also sent a report to the Committee about the implementation of UNCAT in Timor-Leste.

During November 2017, the Committee Against Torture held a dialogue with the RDTL Government, representatives of civil society and the PDHJ, to monitor the progress of the implementation of UNCAT. In December 2017, the Committee published its conclusive observation, which includes concerns regarding accountability for torture committed as a crime against humanity during the Indonesian military occupation. The Committee recommended that Timor-Leste re-establish the Special Panel for Serious Crimes to continue the judicial process for those crimes. The Committee Against Torture also urged Timor-Leste to investigate and move toward accountability for cases related to the joint PNTL/F-FDTL operation against the Maubere Revolutionary Council (KRM) and the Popular Defense Council (CPD-RDTL) groups in Baucau in 2014-2015. ❖

## Movement to secure LGBT rights

Over the past year, Timor-Leste's Lesbian, Gay, Bisexual and Transgender (LGBT) movement has increased in both visibility and strength, and has been recognized internationally as a good example in the struggle for human rights. In July 2017, the youth organization Hatutan mobilized the first LGBT Pride march, and other events which drew wide participation, including from local and international organizations. Hatutan also recorded a special message from then-Prime Minister Rui de Araújo about the important contributions to the nation by members of the LGBT community and the nation's responsibility to defend every person's rights.



In April 2018, the National Women's Network (Rede Feto) together with the ASEAN SOGIE Caucus launched a report on the experiences of women – lesbian, bisexual and transgender – in Timor-Leste. Women interviewed for this report describe pervasive discrimination and violence against them. In the same month, Hatutan launched the film *The Road to Acceptance (Dalan ba Simu Malu)* about how families in Timor-Leste can accept differences with strength and unity. ❖

## Land Laws promulgated: process to develop complementary laws and decree-laws continues

After a prolonged process, Timor-Leste finally has a Land Law. President Francisco 'Lu-Olo' Guterres promulgated the Special Regime for Defining Ownership of Immovable Property (Law no. 13/2017) in June 2017. The objectives of this law are to regulate land ownership and legalize the process of assigning land titles to owners of undisputed land who were identified through the land registration process. The law also regulates the right of foreigners to use land and to receive compensation. It also defines state-owned public domain, state-owned private land, and community land (traditional and other land managed by the community).



The President also promulgated the Law on Expropriation for Public Use (Law no. 8/2017), which regulates how the state can take land owned by a citizen. It defines when the state has the right to take private land and establishes criteria that should be met before acquiring the land, including: identification of the land, landowner and affected population, environmental licensing, preparation of a social impact report, new settlement area, alternative plan for the project, public consultation, and negotiation process.

The approval and promulgation of the Land Law and the Expropriation Law are important steps toward recognition of land rights in Timor-Leste. However, to implement them the government needs to develop complementary laws and decree-laws, internal procedures, capacity building and informational campaigns for communities and the public. The Timor-Leste Land Network (Rede ba Rai) has identified that the Ministry of Justice needs to develop more than 15 laws and decree-laws to be able to properly implement the Land Law. In March 2018, La'o Hamutuk and other Land Network members presented their analysis and specific recommendations about these complementary laws/decreed laws to the Ministry of Justice. ❖

## Timor-Leste's Policy for Exploiting Mineral Resources

In 2013, Timor-Leste's Government drafted a Mining Law. Although the Ministry of Petroleum and Mineral Resources socialized this draft law in three municipalities, they didn't keep their promise to hold a public consultation in Dili to gather ideas and suggestions from various perspectives. The mining policy continues Timor-Leste's tendency to rely on non-renewable resources like petroleum. This policy will not utilize the country's human capital and limited financial reserves to develop more sustainable and productive sectors.

Many people already know that mineral exploitation will extract natural resources from under our land, sea and mountains. The history of many nations demonstrates that mineral exploitation often comes with environmental degradation, water contamination, evictions, pollution, corruption, conflict and human rights violations against local citizens.

The draft Mining Law was developed by a government led by CNRT, which is the largest political party in the new AMP coalition. During the campaign for the early parliamentary election, this coalition repeatedly promised to continue its earlier plans, including mineral exploitation. Although the Government believes it will receive a lot of money from mining, people in many other countries have sadly learned that the benefits go mainly to multinational companies and elites, and not to the people whose land was sacrificed, who confront health problems, lose their livelihoods, and have their water and environment destroyed by mining activities.

La'o Hamutuk participated in consultations on the draft mining law, and we provided analysis and suggestions to National Parliament Committee D during their 2017 public consultation. You can read our submission at <http://www.laohamutuk.org/Oil/Mining/2017/LHSubLeiMineira20Apr2017en.pdf>. ❖



### Implementation of Environmental Decree-Laws in Timor-Leste

On 26 March 2018, La'o Hamutuk met with Abrão Gabriel Santos Oliveira, Vice Minister for Development for Housing, Planning and Environment, together with his technical team for environmental issues, to confirm priorities for continuing our collaboration to ensure proper implementation of Environmental Decree-Laws. Everyone in the meeting acknowledged that environmental issues are a key and integral part of developing large infrastructure projects in Timor-Leste. For more than a decade, La'o Hamutuk has been collaborating with environmental authorities in Timor-Leste to gather and analyze information from various sources, and advocate to support leaders to strengthen, develop and implement environmental laws and policies to protect our environment and our nation's future.

La'o Hamutuk will continue to gather and analyze data about this process and about companies involved in large development projects to make sure that they comply with the law. La'o Hamutuk always welcomes information that could help us in this task. ❖

#### Who is La'o Hamutuk?

**La'o Hamutuk staff:** Adilson da Costa, Carly Munnely, Celestino Gusmao, Charles Scheiner, Juvinal Dias, Mariano Ferreira, Marta da Silva, Martinha Fernandes, Maxi Tahu, Pamela Sexton, Pelagio Doutel, Ricarda Martins, Francisco Soares.

**Intern:** Georgia Kelsey

**Illustrator** (page 11): Pele

**Volunteer translator:** Xylia Ingham

**Advisory Board:** Selma Hayati, Justino da Silva, Oscar da Silva, Santana Soares, Andrew da Sousa, Inês Martins.

#### Listen to La'o Hamutuk Radio



We invite you to listen to La'o Hamutuk's **Radio Igualdade (Equality Radio)** program which includes information and commentary in Tetum from La'o Hamutuk staff and other experts on a variety of issues. Listen to us on the following

Community Radio stations: Radio Mauloko Maubisse, Radio Matebian Baucau, Radio Komunitade Maliana, Radio Atoni Lifau Oecussi, Radio Voxpopuli Lospalos, Radio Povu Viqueque, Radio Cova Taroman Suai, and Radio Boaventura Same. These programs are available as podcasts on our website at <http://www.laohamutuk.org/media/radio.htm>.

## Editorial: Learning from the Past to Construct Education Policy *(Continued from page 16)*

This simple method empowered people not only to read words but to express and analyze their own reality. Fretilin's education campaigns included rules to highlight values of mutual respect, collective work and critical thinking. The objective of disciplinary actions was to teach responsibility, consciousness, and skills to resolve problems through discussion, not violence.

### Current Education Policy

The preschool and primary curricula rolled out in 2015 use Tetum as the first language of literacy, and allow the use of other local languages when students do not understand either Tetum or Portuguese. As in the 1974-75 literacy campaigns under Fretilin, students are taught to decode letters, sounds, words and meaning.

Using Tetum allows more students to succeed, and to express themselves well, and enables parents to be more involved in their education. Starting with Tetum also ensures that more children will have the language base they need to successfully learn Portuguese.

Article 13 of our Constitution defines Tetum and Portuguese as the official languages of the nation; thus a goal of primary education is to build a strong base for all students

#### According to the 2015 Census:

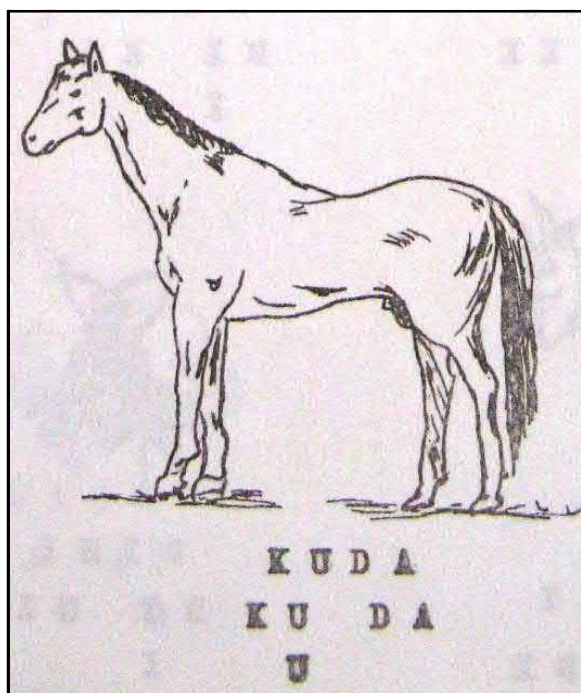
- 30% of children aged 5-9 have Tetum Prasa as their first language;
- 0.08% of them have Portuguese as their first language;
- 80% of all people in Timor-Leste have Tetum Prasa as a first, second or third language;
- 5.4% have Portuguese as a first, second or third language.

in both languages. The colonizers told us that Timor's indigenous languages were backward and uncivilized. Still today, many repeat this message by saying that Tetum is not advanced like Portuguese and will only hold students back. In fact, Tetum is used today to teach and work in all areas, and there is no scientific or linguistic way to measure whether a language is "backward" or "modern."

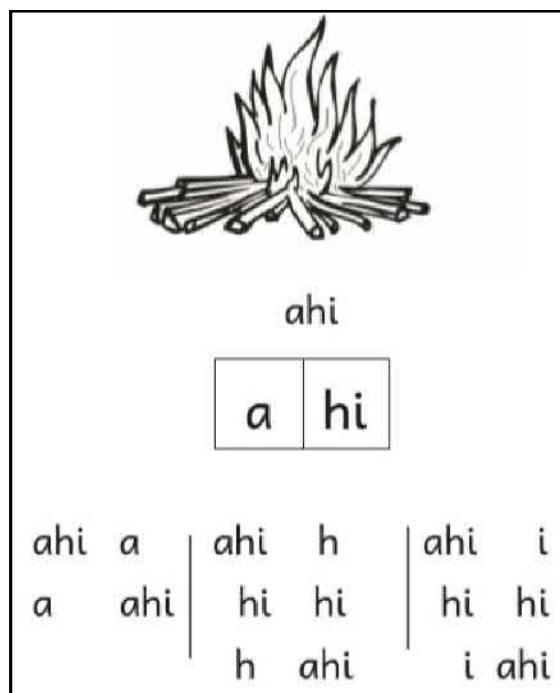
A democratic, non-violent model of discipline in schools has been presented in the 2015 Curricula, but it needs constant reinforcement and teachers need support to use this method consistently. Teaching values and skills such as respect for self and others, responsibility, tolerance, inclusion, and peacebuilding are extremely important. Making lessons interesting and engaging, and involving students in the development of classroom rules and the consequences of breaking them also help to prevent discipline problems. When the punishment or consequences of "bad" behavior are restorative and meaningful, they are more likely to teach valuable lessons, as opposed to building fear, resentment and increasing drop-out rates.

The current goals of schooling should be as Sahe and Mau Lear envisioned: liberation from ideas and actions that oppress or discriminate, and building strength through increasing skills in communication, active inquiry, critical thinking and collective action. The 2015 Curriculum should be implemented properly with all the materials needed and with regular training to respond to teachers' needs. Basic infrastructure must be good, including a suitable place for books in each school. In this way, we can build a nation with strong roots in our national past and wings to fly and engage with the world beyond. ❖

*A longer version of this article is available at <http://laohamutuk.blogspot.com/2018/04/learning-from-our-past-to-craft-good.html>*



From Fretilin Literacy Manual 1974-75



From Grade 1 Literacy Manual, 2015 Curriculum

# Editorial: Learning from the Past to Construct Education Policy



Education is a way to improve our lives and our nation, to find solutions to problems we face, and to build unity and security. La'ó Hamutuk has long advocated for more state funding for education, but increased funding

alone cannot make the education strong and effective. Its success also depends on what is taught, how it is taught, and agreement on the principal objective of education.

Preschool and primary school (grades 1-6) lay the foundation for further levels of schooling, and our national Constitution makes them free and compulsory for all Timorese. Thus, the decisions being made today about these curricula will have a huge impact on our nation's future.

Today, some people say we should force children to learn from the earliest years in a language that most of them do not understand; many also say that we should use violence in schools to intimidate students into behaving. In 2015, the Ministry of Education introduced curricula which emphasize non-violence and democratic process, and which start from the official language that children understand best to begin learning both of our official languages and other subjects. Analyzing past education systems can help us to analyze our current reality and better design our future.

## Past Education Systems in Timor-Leste

During most of the colonial Portuguese presence, formal education was only provided to the children of Europeans (*mestiços* and *assimilados*). In the 1940s, under an agreement between the Salazar regime and the Catholic Church, more Timorese were allowed to study at 'rudimentary schools', whose main tasks were 'civilizing' and 'acculturating Timorese elites to Portuguese culture.' Only about 10% of Timorese people ever went to school under the Portuguese colonial system, and Portuguese was the only language permitted. The curricular content came from Portugal and Europe, and did not respect Timorese traditions, geography or culture. Tetum and other local languages were banned from schools. School discipline was militaristic and corporal punishment was routine.

Although schooling during the Indonesian occupation used many of the same authoritarian methods, its model and purpose were quite different. The purpose of education under Indonesia was primarily to convince Timorese that they were Indonesians. Thus, they built new schools across the half-island and implemented a vast indoctrination policy. Like colonial Portugal, Indonesia also excluded Timorese culture, history, geography and language from schools. They forced students to use the Indonesian language and often used violence in their teaching.

Vicente Sahe and Mau Lear rejected these anti-democratic, authoritarian and violent methods; they understood that how we teach is as important as what we teach. The content must be contextualized to Timor-Leste, and the method should be respectful, disciplined and democratic. They sought to create a new education system, which would not oppress or divide, but whose principal goals would be to:

- empower all Timorese by teaching them to read and write;
- decolonize people's thinking so that everyone could be actively involved in self-governance;
- build national unity.

In practice, Fretilin allowed any local language to be used to teach literacy but gave Tetum a special status because at the time most Timorese people spoke Tetum, while very few spoke Portuguese. They developed a basic manual in Tetum using the following method for teaching literacy:

1. identifying the relation between letters and sounds (decoding);
2. making meaning from the combination of letters;
3. linking that meaning to oneself and the surrounding environment.

(Continued on page 15)

## What is La'ó Hamutuk?

La'ó Hamutuk ("*Walking Together*" in English) is a Timor-Leste non-governmental organization which researches, analyses, and does advocacy and public education about policies and programs of international institutions and of Timor-Leste's government. La'ó Hamutuk believes that the development process should benefit all of Timor-Leste's people, today and in the future, and that the people must guide a democratic, sustainable, transparent and equitable process. La'ó Hamutuk is an independent organization which works to facilitate factual information to strengthen human rights, solidarity, social and economic justice, and gender equality. National and international staff at La'ó Hamutuk share responsibilities equally and receive the same salaries.

La'ó Hamutuk gives permission for anyone to reprint articles or graphics from our *Bulletin* without charge, but we would appreciate it if you could notify us and credit our work. We also welcome ideas about our radio programs and are interested to broadcast them on more Community Radio stations.

In the spirit of encouraging greater transparency, La'ó Hamutuk would like you to contact us if you have documents and/or information that should be brought to the attention of the Timor-Leste people and the international community.