La’o Hamutuk briefing for Election Observers
What is La’o Hamutuk?

- Timorese and international people “walking together” on the journey to create a new Nation.
- An independent, Timorese, non-partisan, non-governmental organization which does research, policy analysis, public education and advocacy.
- A force for participatory, equitable, sustainable and evidence-based policies and practices.

Topics to discuss

1. Petroleum dependency – Timor-Leste is cursed by its (lack of diverse) resources.
2. The state budget and national economy are not sustainable.
3. If wishes were horses … dreams should (mostly) be based on reality.
4. Justice and impunity for past crimes
5. Land rights
History in one slide

- People have lived in Timor-Leste for at least 5,000 years.
- Portuguese colonized nearly 500 years ago.
  - They brought Catholicism but little development or education.
  - Offshore oil exploration started in 1890s.
- Australia, then Japan, invaded in 1941-45.
  - 40,000-60,000 Timorese killed in WWII, which didn’t involve them.
- Portugal’s military dictatorship resumed control in 1945.
  - Offshore oil exploration began in the 1960s.
- Portugal began decolonizing in 1974.
  - After Carnation Revolution brought down Portuguese dictatorship
  - TL declared independence 28 November 1975 ... but 10 days later
- Indonesia invaded on 7 December 1975.
  - Indonesia killed 100,000-200,000 Timorese in 24-year occupation.
- Referendum in 1999, then 2½ years of UN rule.
- Finally restored independence on 20 May 2002.
  - Oil income surged in 2005-2007, but is declining since 2012.

1. Petroleum Dependency

Timor-Leste has been one of the world’s most petroleum-export-dependent countries.
This determines our State, our economy and our future.
Basic Statistics

- Nearly half of Timor-Leste’s people live in poverty.
- Two-thirds of our people live in rural areas, largely by subsistence farming.
- About 1,200 Timorese children under 5 years old die from preventable conditions every year ... 15 times the number of people who die from physical violence.
- Poor sanitation and malnutrition are endemic.

We’re worst in the region ... and getting worse.

- A malnourished child could be permanently damaged.
- An undereducated child will not be a productive worker.
- Half of Timor-Leste’s people are less than 20 years old.
Only South Sudan, Libya (and Equatorial Guinea?) are more dependent on oil and gas exports than Timor-Leste was.

But we don’t have very much oil.

<table>
<thead>
<tr>
<th></th>
<th>Timor-Leste</th>
<th>TL without Sunrise</th>
<th>Australia</th>
<th>Brunei</th>
</tr>
</thead>
<tbody>
<tr>
<td>Known oil and gas reserves per person at end of 2015</td>
<td>598 barrels</td>
<td>133 barrels</td>
<td>1,050 barrels+ (1,030 without Sunrise)</td>
<td>5,930 barrels</td>
</tr>
<tr>
<td>How long reserves will last at 2015 production rates</td>
<td>19 years</td>
<td>4 years</td>
<td>43 years+</td>
<td>20 years</td>
</tr>
</tbody>
</table>
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Timor-Leste has already received 98% of the revenue from Bayu-Undan and Kitan, and they will end entirely in 2021.
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Production is dropping faster than prices, and will not go back up. The price will be irrelevant when we have nothing left to sell.

Where TL’s oil income comes from

Graph by La'o Hamutuk based on data and projections from RD1, ANPM, EITI reports, Ministry of Finance and Central Bank. Apr. 2017
Australian companies began exploring Sunrise in the early 1970s, after Australia and Indonesia divided our maritime resources without involving Portugal. In 1989, they closed the "Timor Gap" to share illegally occupied resources in the Joint Development Area.

The 2006 CMATS treaty banned maritime boundaries discussion for 50 years. It divides Sunrise upstream revenues 50-50.

Australia put its greed for oil before respect for its sovereign neighbors or international law.

Based on UNCLOS, TL owns everything north of the median line.

In January 2017, Australia accepted Timor-Leste’s request to revoke the entire CMATS Treaty. Boundary negotiations are finally underway.
Conspiring to steal Timor’s wealth


Australia is still stealing 40%.

This graph includes known fields which would belong 100% to Timor-Leste under the international law median line principle: Bayu-Undan, Elang-Kakatua, Greater Sunrise, Kitan, Laminaria-Corallina and Buffalo.
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The Petroleum Fund balance peaked two years ago at $17.1 billion. It was $16.2 billion when 2016 started, and $15.8b by year-end.

The balance has been dropping for nearly two years.
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If current plans continue, TL will be unable to finance its budget in ten years.

Nominal dollars-of-the-day


Austerity starts in 2027, cutting 69% from planned outlays in 2028-2031.

Petroleum Fund balance

- Petrol revenue + Petroleum Fund return
- Spending (excl. debt serv.)
- Outstanding debt
- Domestic revenues

Signs of the “resource curse” (1)

- **Acting as if the oil money will last forever**
  Kitan is finished; Bayu-Undan will be dry by 2020.

- **Borrowing today, to repay tomorrow**
  TL will borrow $1.5 billion in the next five years, often for projects with little chance of return.

- **Lack of realistic long-term planning**
  The Strategic Development Plan 2011-2030 is but a dream; Tasi Mane and ZEESM Oecusse may not produce returns.

- **Using money to ‘solve’ every problem**
  It’s easier to buy a scholarship than to build a university.

- **Spending without thinking**
  Executed spending still goes up every year.
Signs of the “resource curse” (2)

- **Import dependency**
  TL’s non-oil trade deficit is over a billion dollars every year.

- **Inflation from little local productive capacity**
  Local production cannot absorb the cash in circulation, but the rising U.S. Dollar has masked this problem.

- **Ignoring non-oil development and revenues**

- **Benefits flow to the urban and political elite.**
  Most people won’t use highways, airports and oil facilities … but will share the costs of paying for them.

- **Petroleum “captures” decision-making.**
  Agriculture, tourism, small industries, etc. don’t get a “fair go.”

2. Unsustainable budget and economy

Timor-Leste has almost no industry and a tiny private sector.

Our State Budget has grown faster than nearly every country in the world.
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State Budgets 2002-2017

State Revenues and Expenditures (including auton. agencies)

2002-2016: Executed

2017: enacted

The narrow bars show revenues from various sources.

The yellow and red striped area is loans which must be repaid in the future.

The blue part shows unspent money carried over from the previous year to be spent this year.

The green part is non-coll revenue from taxes, fees and autonomous agencies.

Most financing is from the Petroleum Fund (pink and purple), with the darker purple showing the Estimated Sustainable Income (ESI).

Graph by La'o Hamutuk based on RDTL Ministry of Finance data and projections. March 2017

Budgeted & executed spending

Budgeted, executed and recurrent spending year by year

Graph by La'o Hamutuk based on data in RDTL State Budgets, General State Accounts and Transparency Portal. March 2017
The 2017 Budget still neglects farmers, students, and health care.

Allocation of the approved 2017 State Budget (US $1,387 million)

<table>
<thead>
<tr>
<th>Physical Infrastructure</th>
<th>Governance</th>
<th>Services</th>
<th>Benefits</th>
<th>Development</th>
<th>Security</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>$347 million (39%)</td>
<td>$245</td>
<td>$202</td>
<td>$202</td>
<td>$38</td>
<td>$76</td>
<td>$17</td>
</tr>
<tr>
<td>Electricity $76</td>
<td>Exec. $38</td>
<td>Legislative $42</td>
<td>Civil society $11</td>
<td>Health $73</td>
<td>Social security $55</td>
<td>Other $8</td>
</tr>
<tr>
<td>Water &amp; Sanitation $54</td>
<td>Tase $77</td>
<td>Judicial $18</td>
<td>Youth $11</td>
<td>Education $166</td>
<td>Other social protection $27</td>
<td>Other Security $8</td>
</tr>
<tr>
<td>Misc planning &amp; infrastr. $77</td>
<td>Tase Main $76 (incl. $14 for Tase S.B, $15 for Tase airport $30 for housing)</td>
<td>Other ports &amp; airports $40 (9174 for others)</td>
<td>Contingency $12</td>
<td>Security $78</td>
<td>Other $17</td>
<td>Other $6</td>
</tr>
</tbody>
</table>

The money doesn’t match the promises.

The Government says its priorities are education, health, agriculture and water. All together, they will get one-fifth of state expenditures.
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Total revenue: $1,387 million, of which 85% is from past, present and future oil and gas income.

Donor support is less important now.

Since 2008, donors have spent between $200 and $300 million each year. The percentage dropped because more public money is being spent.
Recent budget execution
Hasty end-of-year spending is neither effective nor efficient.

Government executed monthly spending since 2012

- Development Capital
- Minor Capital
- Transfers
- Contingency
- Goods & Services
- Salary & Wages

Includes $130 million for Tibar Port

Real Threats to Real Security

- Human security is health care, food, education, employment, housing, etc.
- 20 times as many Timorese children under five die from avoidable conditions as people are killed by violence.
- These children will not be helped by police, soldiers or judges, but many donors prioritize the “security sector,” seeing everything through a conflict lens.
- We must diversify our economy and strengthen our people and workers to prepare for the day our oil runs out and we can no longer pay for imports.
The graph shows legal goods trade only. 80% of donor spending and 70% of state spending doesn’t stay in Timor-Leste.
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Timor-Leste changes every year.

- **Population**
  Increases 1.8% every year, slower than 5.3% in 2004 and 2.4% in 2010. The post-war “baby boom” will start having children in the next few years, but half of the country is under 20 years old..

- **Inflation**
  Consumer prices went up 11% in 2012, but have increased only slightly since then due to slower state spending increases and the rising U.S. dollar.

People’s needs and desires increase as the nation develops.

Many children are becoming youth.

Timor-Leste is struggling to find jobs for 19,000 people who will enter the work force in 2017.

By 2024, it will be about 28,000/year, and the oil will be gone. Today’s youth will have their own children.
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Year-on-year inflation
High inflation in 2010-13 resulted from the government spending more than the economy can absorb. Since then, it has been less, as the USD rose compared to currencies in nations we import from.

Most people live in rural areas by subsistence agriculture.

Agriculture will get 1.6% of state expenditures in 2017, although it is the livelihood of 65% of the population.
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What do 690,000 Timorese people aged 15-64 do for work?

- Unemployed, unpaid household, informal, retired or not seeking work: 27%
- Students: 21%
- Subsistence farmers & fisherpeople: 27%
- Private sector (incl. gov't contractors): 9%
- Rural-agricultural, local and part-time: 1.5%
- Self-employed (market, seat, times, etc.): 6.5%
- Work or study outside TL: 3.1%
- Petroleum sector: 8.2%
- Employed by TL, gov't/local, day labourers: 7%

The potential workforce grows by 19,000 people every year.

We have a few rich, but many poor.

- Income (including non-cash)
- Expenditure (including non-cash)
- Share of expended petroleum wealth

The richest 10% receive 14 times as much as the poorest 10%.

The black line shows the amount withdrawn from the Petroleum Fund in 2011, if it were shared equally by every Timor-Leste citizen.

Graphic by La'o Hamutuk based on DGS 2011 Household Income and Expenditure Survey. June 2013
More than 70% of Dili’s population are among the wealthiest 20% of Timorese, while only 2% are below the poverty line.

More than half of families outside Dili live in poverty.

Oil dropped from 82% to 48% of GDP in three years and will continue to fall.
Timor-Leste’s GDP is falling and uncertain

<table>
<thead>
<tr>
<th>Real growth in total GDP</th>
<th>Date used</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>RDTL National Accounts (2015)</td>
<td>Apr-17</td>
<td>11.9%</td>
<td>4.8%</td>
<td>-10.9%</td>
<td>-26.0%</td>
</tr>
<tr>
<td>RDTL National Accounts (2014)</td>
<td>Jun-16</td>
<td>10.6%</td>
<td>1.9%</td>
<td>-12.8%</td>
<td>-27.8%</td>
</tr>
<tr>
<td>IMF Article IV Consultation (2015)</td>
<td>May-16</td>
<td></td>
<td>5.3%</td>
<td>-13.9%</td>
<td>-15.8%</td>
</tr>
<tr>
<td>RDTL National Accounts (2013)</td>
<td>Jun-15</td>
<td>12.6%</td>
<td>5.2%</td>
<td>-13.9%</td>
<td></td>
</tr>
<tr>
<td>IMF Article IV Consultation (2014)</td>
<td>Oct-14</td>
<td>7.9%</td>
<td></td>
<td>-10.4%</td>
<td>-10.2%</td>
</tr>
<tr>
<td>IMF Article IV Report (2013)</td>
<td>Dec-13</td>
<td>7.3%</td>
<td>5.7%</td>
<td>-3.2%</td>
<td>-6.9%</td>
</tr>
</tbody>
</table>

Total GDP per capita has fallen since 2012, as the population is growing more rapidly than the economy.

The non-oil, non-state GDP per capita is stagnant.

Sectoral contributions to 'non-oil' per capita GDP

Current prices, 2015 dollars
Businesses don’t invest in themselves. How businesses spent the money they received in 2015

3. Unrealistic dreams

Current plans for development will not sustainably improve people’s lives.

They rely on Greater Sunrise gas, which is limited and may never come to TL’s land or treasury.
The Strategic Development Plan

- Issued July 2011, hopes to make TL an Upper Middle Income Country by 2030.
- A vision and dream, not a realistic plan.
- Focuses on physical infrastructure, not sustainable development.
- Will require loans and spending beyond TL’s means
- Promised reviews are not being done.

Tasi Mane petroleum infrastructure project

- In 2010, TL began the South Coast Petroleum Corridor.
- During 2011-2016, TL already spent $286 million on it.
- Total project costs could be $15 billion (more if Timor-Leste pays for the refinery, pipeline or LNG plant).
- The 2017 budget allocates $65m in 2017 and $1.62 billion in 2018-2021, but leaves out the biggest items.
- The largest contract in TL history was signed in 2015: $719 million to build the Suai Supply Base. It was ruled invalid.
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**Tasi Mane project will include:**

- **Suai:** Supply base area, Industrial estates, Nova Suai, Suai Airport, Crocodile farm
- **Betano:** Refinery and Petrochemical complex, Petroleum city (Nova Betano), pipeline from Suai
- **Beaçu:** LNG Plant complex, Nova Beaçu, Nova Viqueque, Viqueque airport.
- **Highway** from Suai to Beaçu

The Tasi Mane Project includes the Suai supply base, Betano refinery, Beaçu LNG plant, 156-km highway, onshore and offshore pipelines, 2 airports and 2 seaports.
The project is stalled because Timor-Leste and the companies do not agree on how it should be developed.

Woodside and its partners Shell, ConocoPhillips and Osaka Gas believe a floating LNG plant in the sea is the most profitable.

Timor-Leste wants a pipeline from Sunrise to Beacu, to get more tax revenues and anchor the Tasi Mane project.

Under contracts and treaties, the companies can choose the path, but both governments need to approve it.

TL could have withdrawn from most of CMATS at any time before a development plan is approved.

Because of Australian spying, TL successfully pressured Australia to invalidate all of CMATS in January 2017.
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Problems with the Tasi Mane project

- It makes TL more dependent on the oil and gas sector.
- Dubious concepts and planning; it is unlikely to provide a reasonable return on investment.
- It neglects sustainable development (agriculture, tourism, small industries etc.), exemplifying the obsession with oil.
- Nearly all the billions spent will go to foreign companies, providing hardly any local jobs or subcontracts.
- It will create social conflict, take up land, displace people, worsen health and degrade and endanger the environment.
- Cost projections leave out most expenditures, including nearly all of the highway, LNG plant and refinery.
- What if Sunrise gas doesn’t come to Timor-Leste?

The Government has made many unrealistic promises to local communities about profit-sharing, jobs and other benefits.

Special Market Zone in Oecusse

- In 2014-17, ZEESM got $544 million with no accountability.
- What are Oecusse’s competitive advantages?
- Can ZEESM justify a $4 billion investment?

Who benefits: residents of Oecusse or political ex-opposition?
Overbuilding ports and airports

- International agencies and companies enable Timor-Leste to build much larger ports and airports than realistic traffic projections require.

- How will the country pay for a $6 billion annual trade deficit after the oil is gone?

Timor-Leste is going deeper into debt.

- Laws in 2009 opened the door to foreign loans.

- In 2012, Timor-Leste signed contracts to borrow $107 million from Japan and from the ADB.

- In 2013, TL signed for $90m more from ADB and World Bank. In 2015, TL signed for $12m more from ADB. In December 2015, TL borrowed $50m from China’s Ex-Im bank. In March 2016, TL signed for another $76m from the ADB. In April 2017, TL signed for $35m more from the World Bank.

- During 2016-2021, TL hopes to borrow about $1.3 billion:

<table>
<thead>
<tr>
<th>Year</th>
<th>Loan</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$50m</td>
</tr>
<tr>
<td>2017</td>
<td>$102m</td>
</tr>
<tr>
<td>2018</td>
<td>$223m</td>
</tr>
<tr>
<td>2019</td>
<td>$399m</td>
</tr>
<tr>
<td>2020</td>
<td>$300m</td>
</tr>
<tr>
<td>2021</td>
<td>$200m</td>
</tr>
<tr>
<td>Total</td>
<td>$1.27bn</td>
</tr>
</tbody>
</table>
Most loans will pay for roads.

Projects to be financed with borrowed money, 2012-2016

Loans will have to be paid back.

Annual loan repayments (million USD)

Graph by La'o Hamutuk based on 2017 state budget, information from lenders, and LUS sustainability model. October 2016
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4. Impunity and accountability

Impunity for past crimes undermines future stability, security and rule of law.

Important to consider

• Implementing the SDP will require billions of dollars in loans, probably at commercial rates.

• Even at concessional rates, repaying a loan will permanently reduce money in the Petroleum Fund. The yen loan makes us hostage to a strong dollar.

• TL’s oil and gas reserves are limited, non-renewable, and 98% depleted already.

• TL will have to make loan repayments before spending money on people’s needs or developing other sectors.

• Our children and grandchildren will inherit the debt after the oil wells have run dry.
Impunity and accountability for crimes against humanity

- 1975-1999: Indonesian invasion and occupation killed about 180,000 people in a systematic and planned policy executed throughout Timor-Leste.

- The US, UK and Australia and others armed, trained and provided diplomatic cover for the Suharto military dictatorship until the 1990s.

- 2000: Indonesian Commission on Human Rights Abuses in TL (KPP HAM) reported on 1999 crimes and recommended an international mechanism.

- 2001-2004: UN-supported Serious Crimes Unit indicted 391 people for 1999 crimes. All Indonesian and most Timorese indictees live free in Indonesia.

- 2001-2005: TL’s Commission for Reception, Truth and Reconciliation (CAVR) researched history and encouraged reconciliation among Timorese. Its extensive report made 200 recommendations, including that if other processes fail, the UN should create an international tribunal.

Impunity continues to this day

- 2005: UN Commission of Experts (COE) reviewed legal processes to date and recommended creating an international mechanism.

- 2005: TL and Indonesian governments created the Commission of Truth and Friendship (CTF) using diplomacy to avoid individual accountability.

- 2014: Prabowo, former commander of Kopassus, ran for President of Indonesia, losing to Jokowi.

- 2016: Jokowi appointed ex-general Wiranto as Coordinating Minister for Political, Legal and Security Affairs.

Until today, not one legitimate process in Indonesia or Timor-Leste has held major criminals accountable.
Indonesia’s occupation included many massacres.

Above: 1983 massacre in Krasas, Viqueque
Right: Commemorating the 10th anniversary of the 1999 Suai Church massacre. Indicted ringleader Maternus Bere was illegally freed due to Indonesian pressure on TL’s leaders.

UN Serious Crimes Unit Special Panel

The UN-supported Serious Crimes Unit indicted 391 people for 1999 crimes, tried 87 Timorese and convicted 84.

All Indonesian indictees and most Timorese are living free in Indonesia, and efforts to prosecute were blocked by political interference.
2004: President Xanana Gusmão and indicted ex-General Wiranto

The Serious Crimes Unit issued an arrest warrant for former Indonesian military chief Wiranto for Crimes Against Humanity weeks before this photo was taken in Bali.

Wiranto later ran twice for President of Indonesia.

Human rights groups against Wiranto’s cabinet appointment

Indonesia: Gen. Wiranto’s appointment shows contempt for human rights

AMNESTY INTERNATIONAL

HUMAN RIGHTS WATCH
Ongoing impunity creates insecurity.

• Today, all the main perpetrators of crimes against humanity during the Indonesian occupation are free in Indonesia, including everyone responsible for the 99% of occupation-related killings committed between 1975 and 1998.

• They are all protected by the Indonesian government, and many hold high Indonesian political and military positions.

• This ongoing impunity greatly threatens peace, security, democracy, rule of law and moral values in both Timor-Leste and Indonesia.
UN Special Rapporteur on Extreme Poverty

“Ending impunity is an essential prerequisite to ensuring stability, peace and sustainability. The Special Rapporteur encourages the State to take measures to ensure that post-conflict justice and reconciliation is prioritized and that a legal framework is put in place to ensure that those responsible for serious crimes during the conflict are called to account for their deeds, and the victims of those crimes are able to access reparations. She also reminds the Government of Indonesia, the United Nations and the international community of the role they must play in ensuring that the perpetrators of crimes during the Indonesian occupation are brought to justice.”

June 2012 report to Human Rights Council

What happens next?

• Today, neither Indonesia, Timor-Leste nor the international community has the political will to bring these criminals to justice.

• The Commission of Experts report has never been discussed in the Security Council.

• UNMIT left Timor-Leste at the end of 2012, having failed to achieve justice.

• Recent executive interference in the court system further weakens the rule of law.

• UN policy and global consensus says that there can never be impunity for crimes against humanity. Chega!

A luta continua. We continue to demand that people who violate the law be held accountable for their crimes.
Land is the base of our socio-cultural lives.

Recent developments could increase injustice and conflict.

Traditional land system before Portuguese colonization and Indonesian occupation

Land functions
- Determines our origin and identity
- Place occupied by our ancestors' spirits
- Socio-cultural functions linked to tradition and cosmos
- Collective economic function

Access to land
- Inheritance
- Traditional system allowing right to collective use
- Property right allowed after occupying land for a long time

Land management
- Traditional collective management system at the family and village levels (Tara Bandu).
Consequences of colonization and occupation

Introduction of a new coercive system
- Forced displacement
- Transmigration
- Taxes
- Certificates
- Corruption and stealing

Changes in land functions

Land as a strategic tool to
- Reinforce power and domination
- Support Portuguese and Indonesian economy
- Increase people’s dependency and vulnerability

Land as a commodity without soul

Privatization: communities lose rights to individuals.
Desertification: monocrop agriculture depletes soil.

Land registration in Portuguese and Indonesian times

- 200,000 parcels already registered.
- 2,843 land titles issued by Portuguese.
- 34,965 land titles issued by Indonesians including 30% through corruption.

This system transferred land ownership from Timorese families and communities to more than 100,000 non-Timorese private owners.
Land law elaboration

In 2009, the Ministry of Justice, with the support of USAID, implemented the cadastre and registration system and created the Special Regime for Determination of Ownership of Immovable Property, Expropriation Law and Real Estate Finance Fund Law.

These laws were developed with limited community participation. Parliament passed them in 2012, but President Ramos-Horta vetoed them. Revised versions were finally enacted this year.

Land law concept

Establishment of a formal, basic land tenure system to address:
- needs of the modern urban sector
- formal land transactions
- registration.

It must also respect traditional land and customs.
Who will benefit from these land laws?

• The State.
  Land “owned” by Portuguese and Indonesian administrations automatically becomes Timor-Leste state property without considering how the occupiers got it.

• People who got certificates during Portuguese and Indonesian times.

• Rich and powerful people.
  People with a lot of land and money can pay taxes and exert disproportionate influence.

Likely consequences of the implementation of the Land Laws

Social, cultural and economic impacts:

• Land will become a commodity with no spiritual value.

• Degradation of our cultural system which is based on collective values.

• Land concentration in the hands of rich and powerful people.

• Increasing cases of eviction.

• Poor people will lose their land.

• Less land available for agriculture and production.

• Emergence of slums, landlessness and homelessness.
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Thank you.
You will find more and updated information at

La’o Hamutuk’s website
http://www.laohamutuk.org

La’o Hamutuk’s blog
http://laohamutuk.blogspot.com/