



USAID | **TIMOR-LESTE**
FROM THE AMERICAN PEOPLE

YEAR 1 SECOND QUARTERLY REPORT 2008

USAID STRENGTHENING PROPERTY RIGHTS IN
TIMOR-LESTE

APRIL 2008

This publication was produced for review by the United States Agency for International Development. It was prepared by ARD, Inc.

YEAR 1, SECOND QUARTERLY REPORT, 2008

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TIMOR-LESTE

APRIL 2008 (FOR THE QUARTER
ENDING 31 MARCH 2008)

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ACRONYMS AND ABBREVIATIONS

ACDI/VOCA	ACDI/VOCA (and ARD sub-contractor)
ADB	Asia Development Bank
ANU	Australian National University
ARD	ARD Inc
ASF	Advocates Sans Frontiers
AusAID	Australian Agency for International Development
CRS	Catholic Relief Services
DNTPSC	Direccao Nacional de Terras, Propriedades e Servicos Cadastrais (formerly the Direccao Nacional de Terras e Propriedades – DNTP)
LEI	Land Equity International Pty Ltd (and ARD sub-contractor)
MOJ	Ministry of Justice
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
PIA	Public Information Awareness
PSA	Public Service Announcement
STTA	Short Term Technical Assistance
Task 1	Project Task Public Information & Awareness
Task 2	Land Policy, Laws, and Implementing Regulations
Task 3	Support a National Land Commission
Task 4	Land Administration & Information – Land Cadastral, Registration and Titling System
Task 5	Dispute Resolution, Mediation and Reconciliation Mechanisms
UNMIT	United Nations Mission in Timor-Leste
USAID	United States Agency for International Development
World Bank	International Bank for Reconstruction & Development

EXECUTIVE SUMMARY

BACKGROUND

The Project is now happily positioned within the compound of the DNTPSC and working extremely well with its staff and, in particular, its new Director, Mr. Antonio Verdial de Sousa. The Director has implemented an “open door” policy in respect of this Project. He encourages the Project staff to enter his office at any time and without appointment. This is a significant move forward from his first days as Director when he was uncertain of the relationship between this Project and his Office. He has become an enthusiastic supporter of this Project and does not hesitate to speak with us. At his instigation, he has arranged for members of the Project to accompany him and the Minister of Justice to Oecussi to explain the Project to the Government in that District (among other things).

Generally, Project activities are moving forward well despite initial delays brought about by a new Government and a new Director of the DNTPSC. The Project made 2 presentations to the new Minister of Justice and her adviser during Q2. The first dealt with the draft Work Plan (which the Minister supported). The second provided an explanation of proposed cadastral and claims collection activities. These proposals were supported by the Minister (and her advisers). On a more cautious note, the Project has perceived some resistance to Project activities from within the Ministry (not necessarily from the Minister) and this seems to have restricted progress. For example, Public Information Awareness activities in the form of a Parliamentary Briefing and a briefing to Committee A (the Parliamentary Committee responsible for dealing with any land law) were shelved because of “concerns” within the MOJ that it (the Ministry) needed a formal Memorandum of Understanding with USAID before some of these activities could progress. This issue is still outstanding and is, at the time of writing, the subject of continuing negotiations between USAID and the MOJ.

Project Public Information messages have been identified and preparations have now started for their broadcast. Draft legislation has been prepared for the purposes of establishing the legal authority for cadastral survey activities under Task 4 (*Land Administration*). Although a “Stakeholder Advisory Panel” (Task 3) to coordinate project activities and receive feedback from Government stakeholders was *not* approved by the Minister, she has supported the idea of an inter-ministerial network to facilitate policy development and implementation. Land administration activities in the form of a “process” for cadastral activities has been developed and presented to the Minister. She has approved the concept. Conflict prevention and mediation messages, strategic plan and training materials have been drafted (Task5 *Dispute Resolution, Mediation and Reconciliation Mechanisms*). All these activities set the ground work for the undertaking of cadastral activities by the end of Q3 or early in Q4.

The Project is now operating from prefabricated containers (“cubby houses”) while agreed renovations to the Project’s proposed work place (the main building in the DNTPSC compound) are being undertaken. Plans have been drawn and agreed and the Project is now awaiting the necessary Government approvals to commence the renovation work. It is expected that these renovations will be completed around September 2008. This timing will also be consistent with the expected move of DNTPSC to its new offices at Colmera.

Hiring of both international and local staff has continued and a number of staff proposed for Year 2 were brought forward earlier to Year 1; for example, Ibere Lopes (expatriate Land Law Specialist), has had his

time for Year 2 brought forward into Year 1. Hiring of local staff is also progressing. Task 1 has now commenced recruitment for the local Training Coordinator role. The Project anticipates that this post will be filled in April 2008. Task 5 (Dispute Mediation) has also undertaken significant hiring of local staff in preparation for the development and implementation of substantive project activities in the field.

OVERVIEW OF PROJECT BY TASK

In terms of specific Project Tasks in accordance with the approved Work Plan, the following can be said.

Task1: Public Information Awareness

Task 1 (Public Information & Awareness) has worked with the other Project Tasks to develop a Communications Strategy for Year 1. It has also developed the core public information messages needed to lay the ground work for project activities. It is expected that these messages will appear in a PIA campaign starting in April. In particular, during Q2 this Task has:

- Developed a Draft PIA Strategy
- Created the basic Project Messages and themes; namely:
 - All Timorese citizens have the right to private property.
 - Men and women / husbands and wives have equal rights to property
 - Resolve property disputes peacefully. Seek the help of a mediator or community leader to resolve disputes peacefully
 - Respect each other's property, boundaries, and rights to private property (a house and land). (This also shows respect for our ancestors and for the generations to come.)
 - Use resources sustainably and live peacefully in order to protect your land for your children.
- Proposed and developed a Project briefing for the Members of Parliament and Government prepared for presentation by the Director of the DNTPSC (although the presentation has been delayed until Q3).
- Engaged an Artist for the development of "cartoons" outlining Project activities for public display.
- Drafted PSA radio announcements to be recorded by prominent officials;
- Contracted an artist who has designed 14 panel posters illustrating the claims recording process;
- Contracted a writer to write 6 short dramatic radio dramas speaking to Project messages;
- Started reviewing applications for the production of a video on project activities;
- Announced a tender for composing music segments to support PSA announcements;
- Began collection of stakeholders list and contacts;
- Drafted PIA Outreach Plan for districts and aldeias;
- Designed Uniforms (hats, vests, t-shirts) to be worn by Project Staff in the field during project operations;

- Conducted 1 Workshop with Belun (a local NGO partner to ACDI/VOCA) on land and property issues (March)
- Conducted a Journalist Training on Land Issues and Project activities (March 13)

Tasks 2 & 3: Land Policy, Laws and Regulations/Support for National Land Commission

Activities under Task 2 (legislative support) have been generally positive with the MOJ deferring to the Project for the development of most of the necessary legislation. Task 3 (support for a National Land Commission) has been delayed because of the MOJ’s reluctance to establish a stakeholder feedback (or “advisory”) panel to guide project activities. Nevertheless, progress is being made, albeit slower than hoped. In particular, during Q2 this Task has:

- Drafted a Decree for the authorization of Cadastral Activities and presented it to the MOJ.
- Drafted a legal instrument to support the implementation of an inter-ministerial network to assist with Project activities (Task 3)
- Working from existing legislative policy concepts, started drafting a “Transitional Land Law” by which former rights could be prioritized and sorted. This draft will be submitted to the MOJ for feedback in April 2008.
- Prepared a Draft Gender Assessment and Strategy Plan that is being circulated for feedback and comments. It will be finalized in April.
- Given 2 Gender Workshops to Belun on “Land and Gender” (13 March and 26 March)
- Undertaken extensive presentations of the Project to international organizations (UNMIT, World Bank, ASF, NRC, CRS and Oxfam) for the purposes of coordinating efforts
- Liaised with AusAID and the World Bank for the development of complementary project strategies

Task 4: Land Administration

Task 4 has moved forward in developing a draft “process” for land administration activities. It has also undertaken the necessary research so as to start the substantial procurement needed to undertake trialing in the field. Procurement will start in April. In particular, the project has undertaken the following activities.

- The Senior Land Administration Specialist (SLAS) and Land Registration Specialist (LRS) have continued designing the claims and boundary recording and survey system procedures.
- The Information Technology Specialist (ITS) has continued design of the IT systems needed to support project headquarters and mobile offices data processing.
- The SLAS and LRS (Land Registration Specialist) have continued designing the content of courses and work-shops to train project staff in survey procedures for claims recording.
- The SLAS and LRS have continued design of the claims recording systems, work flows and procedures that will be trialed in the two Year 1 pilot tests.
- The proposed technical system for collecting and recording claims has also been outlined in a

presentation to the Minister of Justice

- The LRS has commenced compiling procedure manuals to guide field and office operations when claims data recording commences.
- The Project is currently working with the DNTPSC to select appropriate areas for the two pilot studies in Year 1.
- Work is continuing with the Project Gender Specialist to develop procedures sensitive to important gender issues in the claims recording processes.
- Work is continuing with Task 5 to develop to develop data collection procedures for community facilitators and dispute resolution procedures for field operations.

Task 5: Dispute Resolution, Mediation and Reconciliation

The project has undertaken the following activities under this Task during Q2.

- Three public service announcements (PSAs) were written on responsible ways to settle disputes. These PSAs will be recorded by prominent officials for national broadcast beginning in May;
- Continuing research has been done on alternative dispute resolution (ADR) techniques that have been used in Timor-Leste and elsewhere; and
- Networking with other organizations is continuing, along with meetings with government officials having responsibilities for dispute mediation

ANTICIPATED Q3 ACTIVITIES

Future activities for Q3 are likely to include the following.

Task 1

- Draft Communications Strategy to be finalized in April 2008
- Production of radio announcements containing core Project messages;
- Finalize and produce 14 panel posters;
- Complete dramatic radio scripts carrying core Project messages;
- Select and contract film producer for creation of Task 4 Public Video;
- Complete the stakeholders list; and
- Complete the Outreach Plan for districts and aldeias.

Tasks 2 & 3

- Completion of draft “Transitional” Land Law for presentation to the MOJ for comment
- Joint workshop with ANU on Customary Land Rights Research and implications for Project implementation

- Continuing Project presentations including, in particular, a presentation to IDP Working Groups being coordinated by the Ministry of Social Solidarity (April 2008).
- Development of a “Special Study” in relation to a proposed compensation methodology for disputed land claims based on historical data (Task 3, Work Plan Activity 3.3a, *Special Studies*)
- Facilitation of the Promulgation of a legal instrument creating an Inter-ministerial Network (instead of a Stakeholder Advisory Panel) (Task 3, Work Plan Activity 3.3a, *Establish Stakeholder Advisory Panel*)

Task 4

- Confirm areas for the two pilot studies to trial claims registration.
- Complete planning for mobilization to the field of field offices, and equipment, facilities and staff related to pilot testing of data collection and claims recording.
- Establish a Technical Work Group and establish working procedures with the DNTPCS counterparts.
- Train the Local Land Registration Specialist, the IT Specialist and the Data Specialists and assist them to better understand their responsibilities with the development of land administration systems.
- With Task 4 Specialists and LEI STTA, complete the design and implementation of technical systems, demarcation, survey and claims recording procedures and development of standards and procedure manuals.
- With Task 4 Specialists and LEI STTA, design and implement training courses and work-shops.
- Continue to work with Task 1 to design and implement PIA to support field operations for claims recording.
- Continue to work with Task 5 to develop dispute resolution procedures for field operations.
- Continue to work with the Project Gender Specialist to develop procedures sensitive to important gender issues in the claims recording processes.

Task 5

- Initial draft of training materials on dispute mediation;
- Initial draft of the mediation strategic plan (work plan activity 5.1.a, *Develop dispute resolution processes/techniques*);
- District mediation (work plan activity 5.1.d, *District mediation*) is scheduled to begin in the pilot sites. The schedule will be driven by the initiation of pilot site activity (see Task 4);
- Legal resources list (work plan activity 5.1.e, *Provision for legal resources*) is scheduled for the next quarter, although preliminary work was started in the second quarter;
- Mediation by Suco Councils (work plan activity 5.2.a, *Mediation by Suco Councils*) is scheduled to begin in the pilot sites, pending initiation of pilot activity;
- Disputes register (work plan activity 5.2.b, *Dispute register*) is scheduled to begin 1 June, with pilot site activity; and
- PIA and training (work plan activity 5.3, *PIA & Training*) will continue as an ongoing activity.

TASK 1: PUBLIC INFORMATION AWARENESS (PIA)

TASK OVERVIEW

Task 1 (Public Information & Awareness) activities have received priority during project start-up, because of the need to “condition” the population for the other technical tasks to follow. Consequently, a wide range of PIA initiatives were started in the second quarter, and continue into the third, recognizing that these activities and materials will be needed in advance of the pilots, now being targeted for June. For example, radio announcements were drafted, as well as dramatic radio scripts, posters, initial film development, and other initiatives to advertise and inform the public about aspects of property and land tenure issues.

The PIA tasks are complicated because many of them require considerable lead time for design, development and production. Backing up from the estimated date when specific PIA activities and materials are needed, production demands often require getting a very early start on some activities, such as film production, so that they will be available when needed to support later technical initiatives, especially those related to Task 4 (*Land Administration*).

A further complication relating to Task 1 activities is the timing of various messages. Care must be taken that the PIA messages put out for public consumption are not so far in advance of implementation of the start of claims registration that either people forget important messages, or that expectations are raised that claims registration will occur sooner than will actually be the case. Accordingly, the initial messages that will be broadcast will be general, intended to impart information that will be important to the success of more specific messages that will be put out closer to the start of claims registration. For example, three radio messages have been prepared addressing responsible ways to resolve conflict. These PSA messages, one to be recorded by the President, one by the Prime Minister and one by the Minister of Justice, are brief statements intended to convey three separate aspects of conflict resolution.

Although it is critical to get PIA initiatives under development quickly, there is a somewhat countervailing need to establish a logical PIA plan that provides a sequenced series of initiatives that will support all of the technical activities that will be undertaken, especially during the pilot phase. Towards that end, Task 1 staff has worked with the other Project Tasks to develop a Communications Strategy for Year 1. This strategic plan will be updated annually, to provide an ongoing, dynamic framework for all PIA initiatives throughout the project.

In Q2, Task 1 staff has developed the core public information messages needed to lay the ground work to support the first project activities. It is expected that these messages will appear in a PIA campaign starting in April. In particular, during Q2 these include:

- Developed a Draft PIA Strategy
- Created the basic Project Messages and themes; namely:
 - All Timorese citizens have the right to private property.
 - Men and women / husbands and wives have equal rights to property
 - Resolve property disputes peacefully. Seek the help of a mediator or community leader to resolve disputes peacefully
 - Respect each other’s property, boundaries, and rights to private property (a house and land). (This also shows respect for our ancestors and for the generations to come.)
 - Use resources sustainably and live peacefully in order to protect your land for your children.
- Engaged an Artist for the development of “cartoons” outlining Project activities for public display.
- Drafted PSA radio announcements to be recorded by prominent officials;
- Contracted an artist who has designed 14 panel posters illustrating the claims recording process;
- Contracted a writer to write 6 short dramatic radio dramas speaking to Project messages;
- Started reviewing applications for the production of a video on project activities;
- Announced tender for composing music segments to support PSA announcements;
- Began collection of stakeholders list and contacts:
- Drafted PIA Outreach Plan for districts and aldeias;
- Designed Uniforms (hats, vests, t-shirts) to be worn by Project Staff in the field during project operations;

In addition to the PIA activities noted above, the Task 1 team has initiated other activities that, while not directly associated with the approved project work plan, are seen as complementary to the work plan and will advance the overall project agenda. Some of these include:

- Proposed and developed a Project briefing for the Members of Parliament and Government prepared for presentation by the Director of the DNTPSC (although the presentation has been delayed until Q3).
- Conducted 1 Workshop with Belun (a local NGO partner to ACDI/VOCA) on land and property issues (March)
- Conducted a Journalist Training on Land Issues and Project activities (March 13)

PROBLEMS & SOLUTIONS

A difficult problem, mentioned earlier, relates to the sequencing and timing of PIA initiatives. Since many of these require significant lead time - materials have to be designed and developed, tenders often have to be let, consultants mobilized, etc. - the Task 1 team constantly has to project months ahead for many of their projects. The team might be working on something that will not be used for months, such as a film, at the same time they are working on something that has to be prepared and aired the following week,

such as the radio PSAs. To maintain the schedule requires detailed planning and time management of staff. The solution to this problem has been to craft very detailed work plans and team assignments. The Task 1 staff also constantly monitors PIA needs and requirements of other tasks, so nothing gets forgotten. The preparation of a strategic plan, currently being developed, will help guide this work.

A second problem has been recruiting and hiring staff. Creative people working in media often prefer working on individual projects, rather than working full time as a staff member. This has been a particular problem recruiting a Task Manager, to serve as a counterpart to the expatriate Task Leader. We are recruiting a candidate for Task Manager with significant management experience, in addition to whatever technical media skills he or she might possess. This, we are discovering, is a rare combination. Not surprisingly, the few people who have this combination of skills and interests are usually already employed. Our solution to this problem has been to continue the recruitment process. We will also provide training to more junior staff so that if we do not find an appropriate candidate, we can promote from within.

EVENTS SCHEDULE

The schedule for Q3 includes:

- Draft Communications Strategy to be finalized in (April 2008)
- Production radio announcements containing core Project messages (April/May 2008)
- Finalize and produce 14 panel posters (April/May 2008)
- Complete dramatic radio scripts carrying core Project messages (April 2008)
- Select and contract film producer for creation of Task 4 Public Video (April 2008)
- Complete the stakeholders list (on-going)
- Complete the Outreach Plan for districts and aldeias (April 2008)

TASKS 2 & 3: LAND POLICY, LAWS AND REGULATIONS/SUPPORT FOR NATIONAL LAND COMMISSION

TASK OVERVIEW

In relation to Task 2 and legislative development, earlier Press reports indicated that the GoTL expected to have a “land law” by May 2008. This was always going to be a challenging timeframe and, now, after the publication of the *2008 National Priorities*, it seems that the timeframe for the presentation of the draft law to the Council of Ministers is by December 2008 (source: *2008 National Priorities: Results Oriented Matrix*). To this end, the Advisers to the MOJ Department of Legislation have asked the Project to take the lead in developing the draft legislation for concept discussion. Because of the passage of time, the draft land law from USAID’s Land Law Project in 2005 (*The Juridical Regime for Real Estate Part III*) now requires substantial review. This is primarily due to the fact that the MOJ advisers (without consultation to the DNTPSC – or anyone else, apparently) determined to adopt Portuguese Law in relation to future land transactions under the draft *Civil Code Book III*. Instead, this Project was advised by the MOJ to focus its attention on past land issues and develop a “transitional land law”. A draft, drawing on the concepts developed in the earlier draft *The Juridical Regime for Real Estate Part III* is currently being developed and should be ready for presentation to the DNTP and MOJ for discussion purposes in April. Preparation for the development of a “Land Registration Law” is still being discussed with the MOJ. At this point in time, an Adviser to the MOJ is advocating a “Registration Code” that responds to an institution that is not within the DNTPSC and it remains a discussion point.

Specifically, activities under Tasks 2 and 3 for Q2 have focused to date on:

- *Legislative Drafting Support* (Work Plan Activity 2.3, *Legal drafting*), *Design Compensation and Procedures to Deal with Overlapping Land Claims* (Work Plan Activity 2.3), *Legislative Drafting Strategy* (Work Plan Activity 2.5a). Nevertheless, the Project has, with the agreement of the Minister, developed draft legislation (*Decree Formalizing Procedures for Cadastral Survey*). Further to this, the Project is in the process of finalizing a draft “*Transitional Land Law*”. This draft is based, in part, on concepts developed by the earlier USAID Land Law Program in 2005 (with the support of ARD). The scope has narrowed from that originally proposed by this Project for reasons mentioned below (refer to the comments below under *Problems & Solutions*). The Adviser to the Minister has also asked is this Project can support the development of a *Land Rights Registration Law*. The details of

such legislation need to be finalized because there appear to be differences between fundamental concepts proposed by the Project and those proposed by the Minister's Adviser.

- *Establishment of a Stakeholder Advisory Panel* (Work Plan Activity 3.1a, *Establish a Stakeholder Advisory Panel*). The concept of a Stakeholder Advisory Panel was not accepted by the Minister or her Adviser. As a result, the draft legislation developed by this Project has not progressed (refer to the comments below under *Problems & Solutions*). Nevertheless, the Minister has *agreed* to develop a Decree to establish an Inter-ministerial Network for providing advice to the Project. The Project has already provided the Minister with a draft of necessary concepts to be included in such a decree as well as list of the relevant Ministries to be included.
- *Cross-cutting Issues: Gender Planning* (Work Plan Activity 2.6, *Gender Planning and Plan Implementation*) The Gender Assessment and Strategy Plan is currently in draft form and is being circulated for feedback and comments. We anticipate having all feedback by mid-April with the view to finalize the document by the end of April. Two Workshops on Land and Gender have been presented to our Project Partner, the local NGO, Belun.
- *Donor coordination* (Activity 3.1a). The Project has undertaken extensive presentations of the Project to international organizations (UNMIT, World Bank, ASF, NRC, CRS and Oxfam) for the purposes of coordinating efforts. NGOs and international organizations have shown a keen interest in project activities and have evidenced a willingness to be involved in the future in activities, such as legal advocacy, or where opportunities might otherwise arise. This Project will continue to liaise with (and get feedback from) these organizations over the course of the Project. The Project has also been working with USAID and AusAID to help coordinate the complementary injection of Australian Government funding into the Land Administration process. Additional funding from Australia may provide the ability of this project to expand more quickly than previously anticipated. This is an ongoing process, with a Project Design Team likely to arrive in Timor-Leste towards the end of Q3. The Project has also continued to coordinate with the World Bank in the development of its "Livelihoods Survey". This Project has provided comments to the World Bank on the results of Survey testing and it is now anticipated that the survey will move forward shortly. The results of that study will potentially provide a baseline for community understanding of property law issues in Timor-Leste (given that it was determined at the start of this project, because of security concerns, that the project would *not* undertake such a baseline study).

PROBLEMS & SOLUTIONS

A few important issues arose during Q2. The first related to Task 3. The Minister decided that she would not support the idea of establishing a formal "Stakeholder Advisory Group" or any similar formal group for developing land policy. She apparently wants to control this aspect of policy development herself. She indicated that she does not have the time to meet regularly with the Project to talk about Project activities. Nevertheless, as noted above, the Minister did support the idea of an inter-Ministerial Advisory Network to be developed through an Inter-ministerial Decree with the relevant Ministries. It is hoped that this "Network" could achieve similar goals in terms of policy development and consultation.

Secondly, Task 2's legislation development activities have met some resistance from within the MOJ (but not necessarily the Minister). For example, in consultation with the Department of Legislation, this Project envisaged providing support for the development of a broad Land Law (incorporating transitional land rights issues following on from the principles proposed in the Draft Land Law developed with the support of ARD in 2004). It seems, however, that the MOJ's has decided to draft a "land law" within Book 3 of the Draft *Civil Code*. (This was not discussed with the representatives of the DNTPSC, or anyone else, it seems.) Instead, the MOJ has asked this Project to focus on the "transitional land issues" in a separate law. This narrows the focus of the legislative development work.

Additionally, through a new *Organic Law* (a Decree Law passed in March 2008) land rights registration responsibility was formally taken away from the DNTPSC. This was against the advice of this Project and the Director of the DNTPSC. The Project provided USAID with a copy of the Memorandum provided by the Project to the Minister through the Director of the DNTPSC on this issue. It appears that the MOJ is insistent on having land rights registration within a separate Notary Institution dedicated to registering movable property and other unrelated things (such as births, companies, businesses etc.) In doing this, the Minister's Adviser asked if this Project would be prepared to draft the necessary legislation and also provide capacity building to this new institution in the form of a dedicated expatriate post supporting capacity building activities. While the development of a *Land Rights Registration Law* was within our scope (albeit for the purposes of registration of rights within a DNTPSC) the provision of a dedicated expatriate post for capacity building was not, and was not budgeted. At the time of this Quarterly Report, the issue is still to be resolved.

ACCOMPLISHMENTS

The Director of the DNTPSC, has become an enthusiastic and dedicated advocate of this Project. The working relationship between the Project and the Director is excellent and he encourages Project to meet with him at any time without making an appointment. He has supported project activities and encouraged project personnel to accompany him to government activities. The Project is also actively supporting the Director and presenting him as the Project's liaison with the Minister.

EVENTS SCHEDULE

The following activities are anticipated in Q3.

- Promulgation of legislation authorizing the collection and authentication of cadastral data
- Finalization of draft "Transitional" Land Law for public consultation
- Support for a Land Law workshop with Australian National University
- In the context of Task 1, the Project will finalize the development of PIA & training materials in relation to gender & land and property.
- The Project will conduct a gender-focused workshop for SPRTL technical local staff in the last week of April
- The Gender Specialist will continue to consult with the Secretary of State for the Promotion of Equality (SEPI) and gender NGOs (e.g. Rede-Feto) on how to provide input to the draft Civil Code on matters related to gender & land and property issues
- The Project will also develop a gender policy paper with SEPI
- Workshop on customary law issues supporting the research of ANU and facilitating feedback from the DNTPSC

TASK 4: LAND ADMINISTRATION

TASK OVERVIEW

The activities undertaken under Work Plan Activity 4.1 (*Develop Standards and Technical Requirements*) can be summarized as follows.

- Local applicants were interviewed for the positions of IT Specialist, Land Registration Specialist and Data Specialist (2 Positions). Offers have been made to the selected applicants and it is expected they will commence work in Early April 2008.
- An advertisement has been published in local newspapers for six positions of Data Managers who will be responsible for data processing and related activities of public information awareness and conflict mediation during pilot testing in regional operations.
- Land Equity International (LEI) participation in the project has recently been approved and it is expected that Short Term Technical Advisers (STTA) will be mobilized during April 2008 to assist in completing development of the claims and boundary recording and survey system procedures and standards.
- The SLAS and LRS have continued design of the claims recording systems, work flows and procedures that will be trialed in the two Year 1 pilot tests. The proposed system has been presented to other tasks during project workshops generating discussion and improvement of the proposed design and integration with other task responsibilities.
- The SLAS and LRS have researched available new systems and equipment to support the development and use of advanced digital technology that will allow improved efficiencies to be introduced to data collection and processing.
- The proposed technical system for collecting and recording claims has also been outlined in a presentation to the Minister of Justice.
- The Information Technology Specialist (ITS) has continued design of the IT systems needed to support project headquarters and mobile offices data processing. This has included preliminary design of a Land Claims Information System (LCIS). IT equipment forming the IT system framework has been ordered through a local supplier and delivery is expected in April. Negotiations are continuing with a local supplier regarding further procurements of hardware and software and systems maintenance and support.

Under Work Plan Activity 4.2 (*Systems Training*), the following activities have been undertaken.

- The SLAS and LRS have commenced designing the content of courses and work-shops to train project staff in survey procedures for claims recording.
- The LRS has commenced compiling procedures manuals to guide field and office operations when claims data recording commences.

Under Work Plan Activity 4.3 (*Pilot Testing and System Design*), the following activities have been undertaken.

- The SLAS and LRS have continued design of the claims recording systems, work flows and procedures that will be trialed in the two Year 1 pilot tests.
- The proposed modified design of the Land Claims Recording Offices (field offices) has been adopted and procurement of 7 offices has been completed. Until required for field operations these units are being used as temporary project offices during renovation of the DNTP building which will commence shortly.
- Recruitment and training of community facilitators to collect claims and boundary data in the field is to take place in Q3. Design of the claims recording methodology for community facilitators continues aimed at developing procedures that will support efficient and effective data collecting processes in the field.

Under Work Plan Activity 4.4 (*Claims Recording*), the following activities have been undertaken.

- Work has continued with the Project Gender Specialist to develop procedures sensitive to important gender issues in the claims recording processes.

Under Work Plan Activity 4.5 (*PIA*), the following activities have been undertaken.

- Work has continued with Task 5 to develop dispute resolution procedures for field operations.

PROBLEMS & SOLUTIONS

- A delay in the mobilization of the STTA from LEI has delayed the development of systems, procedures, standards, and operating manuals and in preparation of training courses. Nevertheless, SPRTL Specialists on Task 4 have continued with this work and much has already been prepared. It is now expected LEI will mobilize in April 2008. This may delay some field operation but not the PIA campaign.
- The staffing of field operations may need to be reviewed pending the outcome of initial claims recording activities. The pilot studies will provide an opportunity to further examine the process and overcome any weaknesses.

ACCOMPLISHMENTS

The Minister of Justice expressed interest in getting a better understanding of the technical processes the project has developed for data collection and data recording and a special presentation was made to the Minister and advisers.

EVENTS SCHEDULE

Priority Activities for Task 4 for Q3 are:

- Confirm areas for the two pilot studies to trial claims registration,
- Formation of a Technical Work Group with DNTPSC to assist in monitoring and validating technical developments and work progress.
- Establish working procedures with the DNTPSC Technical Coordinator and counterparts,

- With Task 4 Specialists and LEI STTA, design and implement training courses and workshops,
- Train project staff for Claims Offices and field teams as well as train Belun recruited community facilitators,
- With Task 4 Specialists and LEI STTA, complete the design and implementation of technical systems, survey and claims recording procedures and development of standards and procedure manuals,
- Complete planning for mobilization to the field of field offices, equipment, facilities and staff related to data collection and claims recording.
- Assist Task 1 with preparation/commencement of PIA in preparation for field mobilization,
- Assist Task 5 with development of dispute resolution procedures for field operations.

ASK 5: DISPUTE RESOLUTION, MEDIATION AND RECONCILIATION

TASK OVERVIEW

Among the accomplishments for Task 5 are:

- The Task Manager for Conflict Resolution and Dispute Mediation has been, and still is, a student in peace studies at an Australian university. She has also been a senior assistant to the Minister of Labor and Community Reinsertion, responsible for implementing the ministry's Simu Malu program. She also coordinated humanitarian assistance to the IDPs on behalf of the Ministry of Labor and Community Reinsertion and the Inter-Ministerial Committee for the Restoration of Normalcy. So she has been an important player on the government side in addressing some of the most difficult issues facing Timor-Leste following the civil discord and riots of 2006;
- Two Conflict and dispute Mediation Specialists have been hired, both to start work on the project 7 April. One has extensive experience as a trainer and trainer of trainers, and has been a workshop facilitator and mediator on dispute mediation and conflict resolution initiatives in Timor-Leste and in Aceh, Indonesia. The other specialist is an anthropologist, who has been involved in research on traditional methods of dispute mediation and alternative dispute resolution (ADR) techniques;
- Three public service announcements (PSAs) were written on responsible ways to settle disputes. These PSAs will be recorded by prominent officials for national broadcast beginning in May;
- Continuing research has been done on alternative dispute resolution (ADR) techniques that have been used in Timor-Leste and elsewhere; and
- Networking with other organizations is continuing, along with meetings with government officials having responsibilities for dispute mediation, and/or experience with specific issues such as IDPs.

There are two activities that were planned for the current reporting period and that were deferred to Q3. These are:

- An initial draft of the training materials on dispute mediation. This was deferred until Q3 so that the specialist who will be tasked with developing the training materials can be involved from the beginning; and
- An initial draft of the mediation strategic plan (Work Plan Activity 5.1.a, *Develop dispute resolution processes/techniques*) was scheduled for Q2, but has been postponed until Q3 so the new staff can be fully engaged in its development.

PROBLEMS & SOLUTIONS



As mentioned earlier, there has been some delay in government's approval of the work plan, and identifying counterparts to work with project staff. In response, staff has identified tasks that can proceed independently, so that when approval comes and counterparts are identified, there will be minimal delays initiating work plan activities.

EVENTS SCHEDULE

Events scheduled for Q3 include:

- Initial draft of training materials on dispute mediation;
- Initial draft of the mediation strategic plan (work plan activity 5.1.a, *Develop dispute resolution processes/techniques*);
- Staff training (new Task 5 staff);
- District mediation (Work Plan Activity 5.1.d, *District mediation*) is scheduled to begin in the pilot sites. The schedule will be driven by the initiation of pilot site activity (see Task 4, *Land Administration*);
- Legal resources list (Work Plan Activity 5.1.e, *Provision for legal resources*) is scheduled for the next quarter, although preliminary work was started in the second quarter;
- Mediation by Suco Councils (work plan activity 5.2.a, *Mediation for Suco Councils*) is scheduled to begin in the pilot sites, pending initiation of pilot activity;
- Disputes register (Work Plan Activity 5.2.b, *Disputes Register*) is scheduled to begin 1 June, with pilot site activity; and
- PIA and training (Work Plan Activity 5.3, *PIA & Training*) will continue as an ongoing activity.

ACTIVITY SUMMARY & PMP

		USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project Q2 SUMMARY PERIOD:1 January 2008 to 31 March 2008			
Task/Activity (Reference Work Plan activity nos.)	MOJ/DNTP Counterparts	Activity Status (include issues/problems/results)	Timeframes being met? (Y/N: Revision required? Refer to Timetable on last page)	Actions/Next Steps (including critical dates)	
TASK 1: Public Information Awareness					
Activity 1.1.a Basic Communications Package developed	DNTPSC	Project Factsheets published in English and Tetun Developed core public messages relating to property rights	Y	Ongoing distribution of Fact sheets Transmission mechanisms for core public messages to be designed and implemented (April/May)	
Activity 1.1.b PIA Working Group	Lucas da Costa MOJ, Dept of Citizenship & Human Rights	Partners in GoTL identified but Working Group not yet established	N	Materials development.	
Activity 1.1.c Develop detailed PIA Strategy including media	DNTPSC	PIA Strategy drafted and distributed for comment; national messages developed under the banner “Ita Nia Rai”	Y	PIA Strategy to be finalized by 30 April	
Activity 1.1.e Community Outreach	Lucas da Costa MOJ, Dept of Citizenship & Human Rights/DNTP	Parliamentary Briefing currently being prepared	Y	Finalize Community Outreach Plan (April 2008) Finalize DNTP Presentation and	



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				organize invitations with MOJ for Presentation in April
Activity 1.1.f Feedback Monitoring	NA	Monitoring and Evaluation forms for Trainings and Community Outreach developed and trailed	Y	Develop feedback mechanisms for national PIA campaigns.
Activity 1.1.i Media Monitoring	NA	Ongoing.	Y	On-going
Activity 1.2a National Staff/Partner Training	Belun	2 workshops on 3 March for ‘Ita Nia Rai’ partner BELUN on: 1) Introduction to Land and Property 2) Introduction to Gender & Land and Property	Y	Follow-up workshops with Belun 25 March
Activity 1.2c Media Training		1 training held with journalist trainees at ICFJ, 13 March.	Y	Open house for larger audience of journalists and journalism clubs. Press packages to be distributed at public events.
TASK 2: Land Policy, Laws, and Implementing Regulations				
Activity 2.1.b Develop Comprehensive Legal Strategy Plan	Dept of Legislation	CLSP being finalized	Y	This will be finalized in April
Activity 2.3 Provide	MOJ Dept of	• Proposal to MoJ on 13 March	Y	• Minister to approve legal instrument



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Legislative Drafting Support	Legislation (DOL)	requesting development of Technical Procedures for Cadastral Survey <ul style="list-style-type: none"> Memorandum of Policy Options for <i>Transitional Land Law</i> discussed. Project to assist in development of Transitional Land Law Draft 		authorizing Technical Procedures <ul style="list-style-type: none"> Draft Transitional Land Law for internal discussion purposes with DOL 30 March
TASK 3: Support for Land Institution				
3.1.a Establish Stakeholder Advisory Panel (SAP)	DNTP	Proposal to MoJ on 13 March requesting establishment of the SAP (or similar stakeholder body). The SAP concept was rejected by the Minister but she has suggested the development of an inter-ministerial network with whom this project can work. Likely member have been suggested to the MOJ along with a draft legal instrument to form the network.	Y	Minister to agree the draft and have the legal instrument agreed by the Council of Ministers
3.1.b Donor/Project Coordination	DNTP	Project Briefings to ASF, UNMIT Human Rights Section, CRS, Oxfam In put provided to AusAID consultants for the development of	Y (On-going)	On-going Briefings. Preparation for Quarterly Briefings to International and Local NGOs By 30 June 2008



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		<p>AusAID funded project coordination and support</p> <p>Feedback to “World Bank Livelihoods Survey” (for purposes of establishing a baseline of public’s legal knowledge viz. land rights)</p>		
TASK 4: Land Administration				
Activity 4.1: Develop Standards and Technical Requirements	DNTP	<ul style="list-style-type: none"> • Local staff interviewed for positions of Land Registration Specialist, IT Specialist and Data Specialist. Recruitment in progress. • IT Technical Systems designed and procurement commenced; order placed with local IT Company. • Design of standards and technical systems and procedures for claims process proceeding. • Some delays to this activity have resulted from non-availability of sub-contractor technical specialists. 	Y (on-going)	<ul style="list-style-type: none"> • Design of technical systems and procedures will continue with input from technical sub-contractors due in Dili April (provided by LEI Int’l). • Technical systems and procedures to be completed for pilot testing mobilization in May 2008 and commencement of field operations in late Q3, early Q4.
Activity 4.2: Systems Training	DNTP	<ul style="list-style-type: none"> • Design of training courses and training material in progress to train claims process staff. • Existing procedures examined and 	Y (on-going)	<ul style="list-style-type: none"> • Training courses and training material to be finalized and courses arranged during April 2008 • Project staff and community facilitators



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		reviewed and procedures manuals for office and field operations are being prepared.		to be recruited for field operations and to be trained in claims process systems and procedures prior to mobilization around June 2008 .
Activity 4.3: Pilot Testing and System Implementation, refinement	DNTP	<ul style="list-style-type: none"> • Procedures for collecting claims data in Year 1 pilot tests have been designed and are being documented. • Mobile offices to be used as data collection centers in Districts have been purchased and set up at Dili office, DNTP, as temporary offices, during office reconstruction. • Equipment for field operations identified for procurement. • PIA programs and material for pilot testing being designed and prepared. • Procedures for mediating and resolving disputes being designed and prepared. • Proposed selection criteria have been identified and documented to guide selection of pilot test areas. Two Districts/areas suitable for pilot testing are still to be selected. 	Y (on-going)	<ul style="list-style-type: none"> • Pilot testing of systems and procedures to be finalized for commencement of field operations around June/July 2008 • Pilot test areas to be selected and agreed by stakeholders (June 2008) • Project information to be presented to communities concerned (in accordance with claims process) • Mobile offices and staff to be mobilized to, and setup at selected sites in May/June 2008. • Pilot testing systems/equipment/procedures to be implemented and tested; field operations to commence in June/July 2008.



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Task/Activity (Reference Work Plan activity nos.)	MOJ/DNTP Counterparts	Activity Status (include issues/problems/results)	Timeframes being met? (Y/N: Revision required? Refer to Timetable on last page)	Actions/Next Steps (including critical dates)
Activity 4.4: Claims recording		<ul style="list-style-type: none"> • Gender neutral claims recording system being developed including collection of claims data on a gender disaggregated basis. • Processes being developed for updating claims data to record changes. • Dili Project Office design in progress; includes provision of Center for claims data processing, recording and to prepare claims for public display and for registration/titling. 	Y (on-going)	<ul style="list-style-type: none"> • Claims recording process to be tested during Year 1 pilot tests commencing with PIA in June/July 2008 • Updating of claims data for changes that occur during process is essential and updating procedures will be tested during pilot tests, commencing June/July 2008. • Central claims data processing systems and procedures in Dili will be in place for pilot test data collection to commence in June/July 2008.
Activity 4.5: Public Information and Awareness		<ul style="list-style-type: none"> • National, District and Local PIA programs being developed by Task 1 to support preparation for field operations, claims recording, public display and finalization for registration and titling. 	Y (on-going)	<ul style="list-style-type: none"> • PIA programs and material to be finalized and implemented to support pilot testing. (refer to Task 1 Activities above)
TASK 5: Conflict Prevention, Mitigation, Mediation & Reconciliation				
5.1a Develop dispute resolution processes/techniques	DNTP		Y	Process to be finalized for implementation with Task 4 land claims pilots
5.1b Land Conflict dispute	Belun, DNTP		NA	<ul style="list-style-type: none"> • Complete a dispute mediation plan.



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Task/Activity (Reference Work Plan activity nos.)	MOJ/DNTP Counterparts	Activity Status (include issues/problems/results)	Timeframes being met? (Y/N: Revision required? Refer to Timetable on last page)	Actions/Next Steps (including critical dates)
mediation Plan				
5.1.c Targeted conflict assessments and individual area strategic plans	Belun		NA	<ul style="list-style-type: none"> The schedule will be driven by the initiation of pilot site activity (see Task 4) June/July;
5.1.d District mediation			NA	<ul style="list-style-type: none"> The schedule will be driven by the initiation of pilot site activity (see Task 4) June/July;
5.1.e Provision for legal resources	Belun	Preliminary work started on compilation of list of legal resources	NA	<ul style="list-style-type: none"> List to be completed in Q3
5.2.a Mediation by Suco Councils	Belun	NA	NA	<ul style="list-style-type: none"> The schedule will be driven by the initiation of pilot site activity (see Task 4) June/July;
5.2b Disputes Register		NA	NA	<ul style="list-style-type: none"> The schedule will be driven by the initiation of pilot site activity (see Task 4) June/July;
5.3a National PIA and Conflict Mediation Workshop				<ul style="list-style-type: none"> This is a Q4 Activity
5.3b District Level Workshops		NA	NA	<ul style="list-style-type: none"> This is a Q4 Activity

TIMELINE

USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project													
Q2 ACTIVITIES (in yellow)													
	Q1			Q2			Q3			Q4			
	Oct	Nov	Dec	Jan 08	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Status
TASK 1 Public Information Awareness													TASK 1
1.1.a Basic External Communications Package													
1.1.b PIA Working Group													
1.1.c Develop PIA strategy including Media Plan													
1.1.c Media content													
1.1.d Information packages developed and field-tested													
1.1.e Community Outreach													
1.1.f Feedback monitoring													
1.1.g Communication Strategy Guide													
1.1.h Long term PIA strategy													
1.1.g Media Monitoring													
Activity 1.2 Training													
1.1.a National staff/partner training													
1.1.b District staff training													
1.1.c Cross-district workshops													
TASK 2: Land Policy, Laws, and Implementing Regulations													TASK 2
Activity 2.1 Develop a													

USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project													
Q2 ACTIVITIES (in yellow)													
	Q1			Q2			Q3			Q4			Status
	Oct	Nov	Dec	Jan 08	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	
Comprehensive Legal Strategy Plan (CLSP)													
2.1.a Public forums													
2.1.b Develop CLSP Plan													
Activity 2.2: Strengthen Capacity Building and Training													
2.2.a Workshops on general land law and legal drafting													
2.2.b Policy and legal thematic workshops													
Activity 2.3: Provide Legislative Drafting Support													
2.3.a Draft legislative sequencing													
2.3.b Legal drafting													
2.3.c Draft Legislation amendments													
Legislative passage													NA
Activity 2.4: Design Compensation and Procedures to Deal with Overlapping Land Claims													
2.4.a Land reforms													NA
2.4.b Adjudication procedures													
2.5 Public Information Messages													
2.6, Gender Planning and Plan Implementation													
TASK 3: SUPPORT NATIONAL LAND COMMISSION													TASK 3
Activity													

USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project Q2 ACTIVITIES (in yellow)													
	Q1			Q2			Q3			Q4			Status
	Oct	Nov	Dec	Jan 08	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	
3.1: Establishment of Stakeholder Advisory Panel (SAP)													
3.1.a Establish Stakeholder Advisory Panel (SAP)													
3.1.b Donor/Project Coordination													
Activity 3.2: NLC Support and Operation													
General Support to the NLC													
Activity 3.3: Mechanisms to Inform Implementation													
3.3.a Special Studies													
TASK 4 LAND ADMINISTRATION													TASK 4
Activity 4.1: Develop Standards and Technical Requirements													
4.1.a Technical Work Group													
4.1.b Land recording and survey system procedures													
4.1.c Technical standards													
4.1.d Technical hardware design													
Activity 4.2: Systems Training													
4.2.a Mini courses													
4.2.b Procedures manuals													
4.2.c Systems training													
Activity 4.3: Pilot Testing and System Design													
4.3 a System design													

USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project													
Q2 ACTIVITIES (in yellow)													
	Q1			Q2			Q3			Q4			Status
	Oct	Nov	Dec	Jan 08	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	
4.3.b Establish Mobile units for pilot testing													
4.3 c Recruit Community Facilitators													
4.3.d Pilot testing of PIA field procedures													
4.3.e Demarcation in the field; claims identification													
4.3.f Mediate disputes													
4.3.g Production plans defining demarcation areas													
Activity 4.4: Claims Recording													
4.4.a Claims recording													
4.4.b Coordination of the pilot test													
Activity 4.5 Public Information and Awareness													
4.5.a National campaign													
4.5.b District campaign													
4.5.c Local campaign													
TASK 5 Dispute Resolution, Mediation and Reconciliation Mechanisms													TASK 5
Activity 5.1 Map and Mediate Land Conflict Flash points													
5.1a Develop dispute resolution processes/techniques													
5.1.b Land Conflict and dispute mediation plan													
5.1.c Targeted conflict assessments and individual mediation strategic													

USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project Q2 ACTIVITIES (in yellow)													
	Q1			Q2			Q3			Q4			Status
	Oct	Nov	Dec	Jan 08	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	
workplans													
5.1.d District mediation													
5.1.e Provision for legal resources													
Activity 5.2: Claims Recording and Dispute Mediation													
5.2.a Mediation by Suco Councils													
5.2.b Dispute register													
Activity 5.3: PIA and Training													
5.3.a National PIA and Conflict Mediation Workshop													
5.3.b District level workshops													

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