

# *Rede ba Rai Submission on Arbitration and Mediation*

## *Introduction – Rede ba Rai and the importance of resolving land conflicts*

Rede ba Rai Timor-Leste is a network of 20 organisations who work on land rights issues in Timor-Leste. As identified by the KSI<sup>1</sup> slogan, **‘without land we have no dignity, without dignity, we have no nation’**, we believe that guaranteeing access to land for all people is a fundamentally important part of protecting not only human rights and economic development but also of protecting our culture and our nation.

Rede ba Rai would like to take this opportunity to express our congratulations to the Minister of Justice on the publication of the draft Land Law, it is a Law that is crucial to many aspects of justice in Timor-Leste. We hope that the following principles and recommendations might help the Minister and the Land Law working group to improve upon the second draft of the Law.

**Rede ba Rai’s vision is a situation where ‘the people of Timor-Leste now and in the future have access to land that is just, appropriate to their needs and guaranteed by law’<sup>2</sup>.**

According to the network’s **working vision** there are four key pre-requisites to achieving this vision;

- Fair distribution of power,
- The creation of fair, independent and expedient mechanisms for the resolution of land disputes etc.
- That legislation and policies need to be designed specifically with the view of protecting land vulnerable groups<sup>3</sup>  
*and most particularly,*
- **That ‘all land processes, administration, legislation and policies in Timor-Leste must reflect the social, cultural, economic and ecological context of Timor-Leste’.**

It has been identified again and again that the lack of clarity over land ownership in Timor-Leste has been a major problem, it has created insecurity and conflict, often prevented the re-integration of **IDP’s, and slowed economic development**. As a result of this, the main policy of the Ministry of Justice and Ita Nia Rai has been the;

***‘determination of property ownership in the Democratic Republic of Timor-Leste’<sup>4</sup>***

Key to this recognition process is the resolution of long-outstanding land disputes. The Ministry and the Ita Nia Rai project have often said that because of the nature of land disputes **‘there is no way any process, any criteria or any land law would please everyone’<sup>5</sup>**, because of this they have focused on laying down a structure or hierarchy of claims that will be recognized by law.

However, exactly because it is so difficult to find solutions to land disputes that will suit everyone and because Timor-Leste is a slowly recovering post-conflict nation where there are many complex layers of disputes and a history of recurrent displacements, Rede ba Rai believes that the laying down of just, effective, expedient and legitimate dispute resolution mechanisms should be at the core of the current land law.

***‘We have been waiting a long time for resolution of our land disputes, now we need to know how.’***  
-Community Leader, Los Palos.

---

<sup>1</sup> Kdadaluk Sumulitik Institutu

<sup>2</sup> Rede ba Rai strategic planning – May 2009

<sup>3</sup> Rede ba Rai have identified a number of vulnerable land groups, some of which have historically lost their access to land or are in a more vulnerable position such as women, future generations, the urban poor, and others who have a particularly strong link to land or are particularly dependent on their land, customary groups, farmers, rural communities.

<sup>4</sup> Article 1 of the current draft Land Law.

<sup>5</sup> Ibere Lopes – **Integrated Regional Information Networks (IRIN)**, ‘Timor-Leste: Settling age-old land disputes, 31 October 2008. Online, UNHCR Refworld. [accessed 5 February 2009]

## Some Guiding Principles for Land Dispute Resolution

The following are some principles for the resolution of land disputes and conflicts which we believe should be guaranteed in the current draft land law.

1. Prevention of both long-term and short term conflict. Land disputes are often violent in nature and if not resolved effectively can lead to escalation of violence. Long standing conflicts in Viqueque and Uatu Lari have often resulted in the outbreak of sporadic violence. In South Sulawesi conflict between the community in Kajang district and Lonsum (a rubber concession company), resulted in violence which left 3 dead and many injured. Worst case scenario, where dispute resolution institutions and land administration processes are not seen as fair and legitimate this can lead to widespread dissent, and violent protest (Kenya 2007, Brazil<sup>6</sup>, Papua New Guinea).

Catholic Land Pastoralist estimates that over 1,100 activists, small farmers, judges, priests and other rural workers have been killed over land issues in Brazil in the past 20 years

Both short term measures that seek to prevent violence as well as fair and appropriate decision making institutions and mechanisms that prevent escalation of violence are crucial parts of the dispute resolution system that is needed for Timor-Leste.

The use of mediation as the core and primary method of land dispute resolution can be very useful in both of these regards. Mediation allows innovative use of pragmatic interim measures such as Non-violence agreements which can help to prevent short term violence. Interim Non-Violence Agreements have been used in Maliana in a case between Lariato and Bibilaro which came to DNTP in December 2002. A non-violence agreement was signed between Tuganatu and Ainuatu on the 7 March 2003 in a community dispute that involved 42 hectares of land.

In the long-term, mediation can generate solutions to land disputes that are more accepted at the local level and by both parties and therefore more sustainable and easier to enforce.

2. Guaranteeing equal access to dispute resolution structures  
There have been many different efforts to guarantee equal access to justice in countries all over the world. We must be able to guarantee to our citizens that they have access to justice that they can afford, that they understand, and that they are equally represented. Decentralizing dispute resolution structures can make them more accessible to local people, cheaper, and less prone to high level corruption. **Oxfam's Land Rights division** specifically advocate for decentralization of land administration as a key part of guaranteeing access and participation.

'The challenge is to create conditions in which individuals or local authorities could resolve most of their disputes without any need to move to higher and more central authorities'<sup>1</sup>

Decentralisation reduces the cost of dispute resolution mechanisms by bringing them closer to communities. Otherwise, as identified by Ibere Lopes, legal advisor to the Ita Nia Rai project, the expense of the court process means that the poor would struggle to defend their land claims if there are no alternatives<sup>7</sup>.

Emphasis on local processes guarantees more local participation, although this must be further guaranteed by preventing seizure of these structures by local elites.

- Supporting and building the capacity of informal mechanisms and local actors is universally seen as a key part of decentralizing dispute resolution structures and guaranteeing access. In Mexico a well balanced system based around local community assemblies (ejido) and a national level agrarian tribunal faltered at the local level because of a lack of support and training for the local level structures.

---

<sup>6</sup> Catholic Land Pastoralist estimates that over 1,100 activists, small farmers, judges, priests and other rural workers have been killed over land issues in Brazil in the past 20 years.

<sup>7</sup> Ibere Lopes – **Integrated Regional Information Networks (IRIN)**, 'Timor-Leste: Settling age-old land disputes, 31 October 2008. Online, UNHCR Refworld. [accessed 5 February 2009]

- Supporting vulnerable or weaker claimants through the legal structure by provision of legal aid, negotiation support and a widespread land rights education campaign is a key part of leveling the playing field and ensuring fair dispute resolution systems. According to AusAID<sup>8</sup> the absence of civil legal aid or a public **solicitor's office in Samoa has resulted in unequal bargaining power in land negotiations and acquisitions, and less than adequate compensation being given to weaker parties.** In Vanuatu Land Summit participants DATE **called for the creation of an official 'Office of the Community Advocate' who would be specifically responsible for supporting communities through land negotiations and cases.**

### 3. Expedient and effective solutions

All over the world nations struggle to establish justice systems that provide efficient, effective and expedient justice. In particular the well known saying that justice too late is no justice at all is very applicable in Timor-Leste where courts are struggling to deal with large numbers of cases. With the commencement of systematic registration of land titles this case load is about to get significantly higher. There is an obvious need to ensure that;

- Land cases do not flood the already struggling court system. According to JSMP there is a severe backlog of civil court cases because of the lack of ability of the courts to deal with even the criminal case load, which has been given priority. Creating structures that are outside of the normal court structure and relieve the pressure on normal courts seems like an obvious solution in this regard although it is necessary to ensure that any such bodies will be highly independent and transparent and that there will be access to appeal.

Encouraging and promoting mediation is again a particularly good way of providing an alternative resolution structure which can reduce the number of parties needing to take their cases to court. Between 2000 and 2006, 972 land disputes were registered with DNTP. 314 of these were resolved through DNTP level mediation, none of the remaining cases made it to the courts, and many are still outstanding to date.

Mediation is more effective at finding sustainable resolutions to disputes, as it allows alternative mechanisms such as selling, leasing, dividing and swapping land. According to research in Maliana<sup>9</sup>, the most common resolution to boundary disputes is to share the land. Internationally South Africa, recognizing the sustainability of mediated disputes has integrated processes that promote local level mediation into their land administration processes.

Particular to Timor are issues relating to the **re-integration of IDP's**. The re-integration of many thousands of people back into their communities and homes has depended on mediation processes. IOM, MSS and UNDP dialogue teams responsible for facilitating these mediations have specifically requested their recognition in the land law.<sup>10</sup>

AusAID echoes this request by stating that a key principle for the development of land policy in the south pacific is **'the inclusion [in policies and legislation] of provisions relating to the legal status and enforceability of mediated agreements'**.

### 4. Independent and fair decision making institutions that minimize corruption

Highly centralized structures can lead to state or private company control of land and land monopolies that exclude communities, and vulnerable groups.

Land administration is highly prone to corruption at both national and local levels. At one end of the structure highly centralized structures (such as the Guatemalan National Land Commission (CONTIERRA) or the Kenyan Ministry of Lands) are very susceptible to high level corruption, political interference, capture of processes by elite groups and investors. On the other hand local and/or informal structures without appropriate checks and balances, appeal processes and education campaigns can increase levels of local corruption and patronage and marginalize vulnerable people or groups within the community.

<sup>8</sup> AusAID – Making Land Work Vol. II

<sup>9</sup> Daniel Fitzpatrick – Making Land Work, Volume II - AusAID

<sup>10</sup> **'The impact of the draft Land Law on IDP's', meeting organized by IOM and MSS.**

*Worries about the highly centralized nature of the Cadastral Commission were mentioned repeatedly by communities during the consultation period.*<sup>11</sup>

Some options for ensuring independent decision making bodies and preventing high level corruption are;

- Decentralization of land administration institutions and processes is widely accepted as a key measure which has many beneficial effects, probably the most significant of these is in preventing elite/state capture and control of land institutions, and high level corruption.

EU policy states that decentralization of all land structures (although with adequate checks and balances) is the best solution<sup>12</sup>.

In 1968 Botswana established District Land Boards of which involved tribal chiefs and local informal decisions. In Samoa the basic unit for land administration and dispute resolution is the village council. In many other countries primary recognition of traditional or community authorities as key actors in dispute resolution recognizes this same value of decentralization.

- Separation of Powers. Judicial or quasi-judicial bodies should not be confused with administrative panels. Judicial bodies should be completely independent and separate from government, land administration departments and other bodies that may have conflicts of interest. Judicial land bodies should have separate and adequate funding and an independent secretariat or administrative secretariat that can investigate and prepare cases in a manner that is completely neutral. If these bodies are not separate there is no real review or opportunity for appeal.
- Transparency. Decisions, decision making processes, rules of evidence and decisions as to the membership of judicial and administrative decision making bodies should be completely transparent. This will involve establishing independent bodies tasked with monitoring cases and decisions, guaranteeing that cases are heard in public, the publication of reports and decisions in languages that people can understand etc. While the implementation of these measures can be left to other laws and regulations the principle should be strongly and clearly laid out in the current law.
- Monitoring. Many states have found the need to create stronger and more independent land investigation and/or monitoring bodies. The recent Vanuatu Land Summit called for the creation of a Land Ombudsman in response to land grabbing and lack of implementation of the Land Law. Samoa created the Land Investigation Commission to investigate land administration and dispute resolution processes (See diagram of the Samoan Land Court structure below).

5. Appropriate checks and balances which guarantee access to justice at the local level, participation, accordance with human rights and minimize on local level corruption and patronage.

The use of decentralization, the recognition of mediation as a central element for dispute resolution and the incorporation of informal and local mechanisms of dispute resolution all rely on the existence of appropriate checks and balances that can guarantee the fairness and equality of local institutions, that they respect basic human rights, allow the participation of all community members, etc. Some mechanisms by which these checks and balances can be established is by;

- Having appropriate avenues for appeal. Having appropriate avenues for appeal is an important part of guaranteeing justice, and monitoring the situation at the local level. If decisions are made at a local level then communities must feel they have a place to turn to when these decisions are not fair, do not respect their human rights or serve the interests of local elites.

In Timor-Leste this must be carefully designed in order to balance the need for appeal against the need for expedient, accessible and affordable justice. **While we need to ensure people's rights, we must also realize that if the courts are not able to deal with land cases they also may not be able to deal with appeals.**

---

<sup>11</sup> See Rede ba Rai Monitoring notes from Los Palos, Suai, Viqueque, Manufahi and Ermera.

<sup>12</sup> EU Commission

In Samoa an interesting structure was established where decisions are made first at a local level (village land courts). Cases can then be appealed to The Land Title Court (an independent court specifically dealing with Land Cases which has the capacity to incorporate and take account of traditional and informal decisions). The Land Title Court has its own appellate division (this ensures that the Land Court is not just an extra layer of bureaucracy – instead of cases going to the land court and then going back into the normal court structure (as is suggested in the Timorese draft law) they remain within a special land court system but yet still have full right of appeal). At the highest level cases can then be brought to the Supreme Court.

Samoan Land Court Structure



- Passing strong laws and supporting regulations which regulate and promote all of these processes and incorporating concepts and principles into other existing or future laws;
- A strong Mediation Law is needed to give appropriate recognition to mediations and to promote the importance of mediation. In Timor for example the current draft law should contain a strong recognition of mediation as a prime method of resolving land disputes, it should place a duty upon the government to recognize prior mediations as well as a duty to incorporate mediation within government resolution and administration strategies.
- Strong, well researched and highly participatory Traditional/Customary/Local Justice Laws should be written which recognize and value the principles and structures of local justice while still allowing monitoring of and appeal from these structures.
- Strong recognition of Community Land, and the passing of a Community Land Law which protects and strengthens community land ownership should also look at strengthening community dispute resolution mechanisms, ensuring full participation and respect for human rights.
- In many states gaps in land administration come from the lack of further detailed regulations, statutory instruments and implementation. Throughout this law there should be requirements for further regulations which will govern and direct administrative decision making bodies, create courts, lay down rules of evidence for land cases etc.
- Some of the other measures mentioned earlier are also essential for putting in place appropriate checks and balances on decentralized land institutions. In particular there is a need for a widespread land rights education campaign, as well as basic support and capacity building to local authorities, traditional leaders and mediators.

## What does our draft Land Law establish?

The following lays out the key articles in the land law in relation to arbitration, mediation and conflict resolution. The right hand side column puts together some commentary on these articles and looks at a few of the possible impacts.

<i>What does the Law say?</i>	<i>Some possible impacts and Recommendations</i>
<p>Art. 31.2 (Disputed Cases): States that <b>'disputed cases will be resolved based upon the system set out in this law'</b></p>	<p>Following the main point that was made at the beginning of this submission rather than just a hierarchy of cases we believe that this law should look more specifically at the actual processes and methods for resolving conflicts. Embedding the primacy of mediation in legislation has been recommended by communities, donors, international law and civil society. We suggest that the Ministry of Justice add a specific article about the 'objective' of resolving disputes which recognizes the key role of mediation in the future and gives legal recognition to past mediations, in particular those which were negotiated as part of IDP re-integration schemes.</p>
<p>Art. 36 – 44 (Compensation and Re-imbursement): Lay out the compensation structure. Compensation will be paid to the claimant who holds a secondary right but does not qualify for ownership.</p>	<p>Compensation in cases where there are two or more valid claims to a property will be lower if the process is underpinned by mediation as opposed to arbitration and administrative allocation of compensation. These decisions will most likely be more conflict sensitive and appropriate.</p>
<p>Art. 51 (Special protection against eviction): Gives MSS the power to make key decisions <b>about whether a house qualifies as a person's home</b> and whether they in reality have no alternative living place.</p>	<p>This decision making process should be open to appeal and judicial review. In general it is our view that the 18 month provision is not an adequate protection against eviction, and thus does not agree with international law on the right to adequate housing and protection against eviction. -All people (family or individual) have a right to adequate alternative housing, and should not be evicted without the provision of adequate housing even after 18 months. -The <b>bar of having an 'alternative' must be set very high</b>, it is not for example an adequate alternative for a family living in Dili to move to alternative land in Liquica, or for example, to consider the existence of extended family who can temporarily put a roof over the heads of those being evicted as an alternative. -All provisions relating to eviction must also be related to providing adequate alternative housing, services, community and livelihoods.</p>
<p>Art. 53 (Special protection against eviction): If MSS has not made a decision within 30 days (even because of lack of capacity or</p>	<p>The law should not allow anyone to lose a right due to an omission or because of lack of administrative capacity on the part of a government.</p>

<p>administrative failure on their part) it is <b>considered that the ‘petitioner’ is not a resident in the family home.</b></p>	<p>Where MSS do not make a decision within 30 days there <b>should be instead a presumption in the petitioner’s favour.</b>  This article should also be widened to apply to all inhabitants, not just the family home, the use of the <b>term ‘family’ as can be seen in many countries</b> can leave the article open to discrimination.</p>
<p>Art. 55 (The recognition and award of title): <b>‘The National Directorate of Land, Property and Cadastral Services shall issue an administrative decision within the scope of the special regime for the determination of the right to ownership of property, under the terms of, and in agreement with, the present law.</b></p>	<p>The importance of mediation to all land disputes, and the success of the DNTPSC mediation processes in Timor, should be given special recognition. Specifically there should be;  -Special legal recognition for previous mediation agreements.  -A legal requirement on parties to attempt to resolve the dispute by mediation before looking to DNTPSC for a decision. This reinforces processes which are already promoted in the Ita Nia Rai data collection process but as per the recommendations of AusAID and Daniel Fitzpatrick – mediation processes should be embedded in legislation and legally enforceable.</p>
<p>Art. 57 (The recognition and award of title):  The process for the recognition of or award of ownership of property starts from the end of the period for the publication of the cadastral map.</p>	
<p>Art. 58 (Preparation of the cases): DNTPSC shall evaluate the cases and analyse their validity.</p>	<p>Given the fact that DNTP are an administrative body there should be a requirement on them to address all <b>cases and not dismiss any for ‘lack of validity’</b>, without providing reasons.</p>
<p>Art. 59.2 In disputed cases DNTPSC shall determine the existence of obligations for compensation and reimbursement, under the terms of this law, and determine their respective amounts.</p>	<p>As it says in the law, there will be a separate compensation law. The processes of allocating compensation, competent bodies to decide amount etc, should be laid out in that legislation.  We suggest at least, that the recognition of mediation as a core part of the recognition and compensation process will not only be more appropriate and sustainable but also significantly more cost effective to the state.  More thought should be given to the fact that ALL people that are losing access to land or property should be getting compensation.  Other issues should look at compensation for those who lost land through administrative corruption. (Daniel Fitzpatrick estimates that 30% of titles issued in the Indonesian era were issued corruptly).  Articles relating to just enrichment should also be inserted in this section of the law. Many of those leaving their lands will have made significant investments in their properties and should receive compensation for that loss.  While the civil code contains articles relating to unjust enrichment we feel that the applicable provisions are</p>

	<p>relevant enough to be laid out specifically in this law. It is unlikely to come to a compensation or arbitrated agreement which does not include compensation relating to investments in the property as possession is the best bargaining chip that the claimant will have.</p>
Cadastral Commission	<p>While the status of the Cadastral Commission has been somewhat clarified in the second draft there are some elements which require thought.</p> <p>Also, the decision that the Cadastral Commission act only as an administrative appeals body has serious knock on implications for what is needed as part of the dispute resolution structure.</p> <ul style="list-style-type: none"> <li>-As mentioned, not enough emphasis is placed on the importance of mediation.</li> <li>-The establishment of an administrative review body does little to relieve pressure on the courts, in fact it has added a further layer of bureaucracy to the system.</li> <li>-The Commission should allow claimants an opportunity to bring their cases in person.</li> <li>-There should be a guarantee that no land can be touched during this process.</li> <li>-There is a distinct need for a higher monitoring or appeals body (see the general recommendations below for further comment.)</li> </ul>
Art. 63 (Objective of the Appeal): The appeal <b>may have as its object the award or recognition of the right to ownership, the existence of obligations for compensation and reimbursement or the amounts to be compensated or reimbursed.</b>	<p>As this is the first step for the claimant to appeal against the decision of DNTPSC we suggest that this appeal consider all aspects of the claim, including the data collection process itself and the evidence submitted.</p> <p>In order to promote access to justice claimants bringing a claim at this stage should be entitled to be present at some form of hearing on their case. (At this stage the claimant has only been involved in the very initial data collection process).</p>
Art 65 (Submission of the appeal): -The appeal is made by application. -The application is sent to DNTPSC who are to pass it on to the Cadastral Commission.	<p>By not allowing an informal hearing or allowing the claimant the opportunity to bring a claim in person we give a stronger position to the more powerful, wealthier and more educated claimants.</p> <p>Appeal by application is a distinct disadvantage to those who are illiterate (50% of the adult population) and also gives defacto priority to claimants who have certificates.</p> <p>The sending of applications for appeal and the preparation of cases by DNTPSC would seem to be a distinct conflict of interest given that a very large portion of the cases that will be made will involve DNTPSC and private state property.</p>
Art. 69 (Time period for the decision): An appeal must be determined within 30 days counting from the date of reception of the process by the Cadastral Commission.	<p>Again, the loss of a right due to an omission on the part of the state, the lack of capacity of the commission or other factors outside the control of the claimant would seem massively unfair. This time limit should not impact on the rights of claimants but instead should have</p>



	implications for the set-up of the commission. We could for example state that once a deadline goes over 30 days, the commission should have to call an emergency meeting to consider the case.
Art. 70 (Object of the appeal decision): The decision of the Cadastral Commission is restricted to reviewing matters of law, and has as its base information regarding each case remitted by the DNTPSC, as well as the documents relating to the appeal submission	The Commission should; -Be able to hear cases based on fact and process  -Hear appeals directly from claimants.
Art. 72 (Composition): The Cadastral Commission will be formed of 2 jurists appointed by the Prime Minister and the Ministry of Justice and 1 technician from DNTPSC	While we understand that from the explanatory notes that the cadastral commission will now be purely administrative, and an internal ministry of justice process, the wording of the law is not as clear. The Commission, or another body that will be envisaged as an independent judicial body should not have members appointed by the Prime Minister and Minister for Justice (separation of powers) but in the same way as other courts, by the president. Similarly technicians from DNTP should not sit on the commission due to the large numbers of cases in which they will have conflict of interest, they should instead be given status as a special expert witness. This method has been used in many countries to give special status to those who are in a position to have specific land knowledge. In South Africa, Vanuatu, Samoa traditional leaders can for example sit as expert witnesses.
Art 72.4 - Establishes a technical secretariat for the Cadastral Commission	
Art. 73.3 The commission should meet weekly, or at the request of the president.	We suggest that this article more explicitly refers to the <b>commission's duty to work through the case load.</b>
Art. 75 Judicial Review to the district court	We feel that having a Cadastral Commission which then appeals back to the district level courts will do nothing to relieve the pressure on the court system. We should instead look at innovative ideas, for example, establishing district or regional level cadastral <b>commissions, or a national level 'roving' land court that can travel around the country.</b>
Art. 78 When the time period for a judicial review has expired, the decision of the Cadastral Commission shall take immediate effect.	

## *Conclusions and General Recommendations*

This draft Land Law seeks to resolve some of the most crucial and sensitive land issues that face Timor-Leste right now however it must be seen by the government, the population, and civil society as a framework law. It lays down some starting points and the basic principles that will guide future land legislation in Timor-Leste. In this regard we ask that the law obliges future legislation and regulations to be designed in a manner that is fully participatory.

With specific regard to arbitration and mediation of land disputes there needs to be a complete re-thinking of the decision making processes laid out in the law, and a move towards processes that;

- Place a strong emphasis on the need for local level mediation processes
- Give a strong recognition to local level dispute resolution processes
- Focus on the decentralization of decision making powers
- Establish a high level, independent body responsible for the monitoring and review of land cases and structures, **such a body could for example be linked the Provedore's office.**
- Create appropriate appeal bodies and processes that provide adequate checks and balances on the local level while relieving some of the pressure **on Timor's court structures,**

More narrowly we call for the

- Clarification of the power of DNTPSC, specifically it should be made clear that DNTPSC does not have the power to deprive someone of their rights. As an administrative body it should not have the power to dismiss cases because of invalidity and should have to respond to all cases. In the interests of justice and equality DNTPSC should allow claimants to make their case in person.
- The explanatory notes refer to the fact that the Cadastral Commission is to be seen as an internal administrative appeal body only. This should be clearly spelt out in the law, as there is still much confusion about the nature of this body.
- Until such time as there is a proper policy regarding the resolution of land disputes and legislation forming independent Land Courts claimants should be allowed to make full appeals on points of fact in the district and national courts.
- The Law should require the Ministry to form a higher, and completely independent body for review and monitoring. This body should have the power to review cases, processes, specific evictions etc, and evaluate them in accordance with International Human Rights and Constitutional standards.
- A guarantee that no rights will be denied because of an omission or lack of capacity on the part of the state or other decision making body.
- Legal recognition to past mediations (in particular those that relate to the re-integration of IDP's)
- A legal duty on the state to increase support to local institutions, informal dispute mediation, general training about land rights and land cases, legal aid etc.

We hope that, given these serious concerns, the government and the Ministry of Justice will engage civil society and other organizations with specific experience working on the area of dispute resolution in a special consultation on arbitration, mediation and resolution processes with a view to finding a more appropriate structure for Timor-Leste. Rede ba Rai would sincerely like to join hands with the working group to examine this issue, and await your invitation.

Many Thanks for your attention, further information and clarifications can be sought from the Rede ba Rai office in Fundasaun Haburas, Rua Celestino da Silva, Farol, Dili. By email at [meabhcryan@gmail.com](mailto:meabhcryan@gmail.com) or by telephone at +670 730 7800.