



USAID PROGRAM BRIEF

LAND TENURE & PROPERTY RIGHTS

TIMOR-LESTE

OVERVIEW

From 1974 to 1999, Indonesia ruled Timor-Leste with great brutality. Those who resisted were murdered and their property destroyed. Nearly 200,000 Timorese died. Two further crises erupted in 2003 and 2006, the latter motivated by political divisions within the country. People divided between the "east" and "west" killed one another, burned homes, and drove people off their land into makeshift settlements housing an estimated 50,000 internally displaced people.

Timor-Leste gained its independence in 2002 and continues to be a fragile state. Today, its people are building an independent and united future that restores peace and stability. USAID's work in Timor-Leste with land tenure and property rights began in 2002 with support for assessments of land tenure and property rights, community consultations, and legal reforms including the Decree Law on State Leases (2004), the Law on Private Leases (2005), and most recently, the Ministerial Regulation on the Cadastre—the legal basis for the current Project's land claims collection activities. A Land Law Bill is under consideration by Parliament at the time of this brief.

STATUS

In October 2007, USAID funded the Strengthening Property Rights in Timor-Leste (SPRTL) project to assist the Government of Timor-Leste with: 1) land policy, law, and regulations to clarify and strengthen people's rights in land and property; 2) supporting public information awareness to increase people's understanding of their rights and responsibilities under law; 3) strengthening the country's cadastre, land registration, and land administration system to connect rights in law with rights of land and property holders on the ground; and 4) assisting national and regional governments with mediation and reconciliation that reduces conflict over resources and provides people with effective legal protection. These interventions are designed to reduce and resolve disputes, restore stability, and clarify and strengthen land rights to help restore buildings, commerce, infrastructure, and livelihoods lost in the conflict.

Decades of murky property rights, the result of destruction of land records during violence in the 1990s, mass displacement of the population, and poor governance, all combined with political instability, have severely restricted economic development. Without formal property rights, disputes are difficult to resolve, people are reluctant to make investments or improvements in land and property, and farmers devote less time to sustainable land stewardship. As this project moves forward, the expectation is that clear property rights created by legal reform—coupled with increased public awareness, legal enforcement, and a well-formulated national cadastre—will lead to positive and practical outcomes: homes being rebuilt and refurbished, businesses investing, and farmers growing more. Because land rights are one of the trigger points for conflict, clear ownership and policies will go a long way toward resolving disputes, fostering investment, and encouraging economic growth in a country that currently ranks as one of the 10 poorest in the world.

The current USAID SPRTL project (known locally as *Ita Nia Rai* or 'Our Land') is working in closely with the National Directorate of Land, Property, and Cadastral Services (DNTPSC) to develop land-related policy and legislation in addition to registering land ownership claims across the country. In the final quarter of 2009, SPRTL trained DNTPSC staff in data collection procedures and initiated an expansion of data collection activities. In 2010, the Project supported efforts to draft the Land Bill and guide it through the Cabinet and into Parliament (making presentations to Cabinet and a Parliamentary



Beneficiaries of the *Ita Nia Rai* Project proudly acknowledge their participation in the claims process.

Committee). In 2011, the Project will encourage the creation of a formal land market by recording land-related transactions, supporting peaceful dispute mediation practices, broadcasting public information messages supporting themes of peaceful resolution of disputes and gender equity, and by providing institutional support to the DNTPSC to document more than 40,000 land claims.

SUCSESSES

Since 2007, the *Ita Nia Rai* project, with USAID support has:

- Developed and is currently broadcasting an extensive Public Information Awareness campaign explaining data collection processes as well as broadcasting messages explaining such concepts as “freedom to claim,” “peaceful resolution of disputes,” and “gender equity and joint claims by husbands and wives;”
- Provided support for the Ministry of Justice and the Gusmão Administration’s Land Law Working Group to finalize a Land Bill for that was introduced to Parliament in March 2010 and is currently awaiting approval;
- Trained DNTPSC staff and Project staff on data collection procedures;
- Opened 10 field offices across the country and recorded over 36,000 land claims (projected to reach more than 40,000 in 2011);
- Trained local government officials on land-dispute mediation that supports land ownership data collection activities; and
- Facilitated the peaceful resolution of certain types of land-related disputes within project areas.

Claims procedures developed by SPRTL have helped to resolve and minimize disputes at the time property claims are demarcated, adjudicated, and recorded, helping to keep unresolved claims to a minimum. Public information awareness activities have focused on dispute prevention, mitigation and resolution within communities. Despite initial fears that much of the land was in dispute and that the project might stoke unrest, by the end of 2010, only 8% of land parcels in urban areas were subject to ownership dispute (note these statistics apply to a narrow set of disputed ownership claims within the claims collection areas compared with outside areas that were not the target of the claims process. Most disputes are intra-family in nature; the next largest category involves disputes against the State. Hopefully, application of the new Land Law will allow even more disputes to be resolved peacefully.

CHALLENGES

The operating environment is challenging both logistically and politically. Poor communications and road infrastructure has limited community outreach efforts, particularly in the mountainous areas beyond the coast. Delayed government response in adopting the Land Law has considerably slowed land tenure and property rights reform and prevented conversion of land claims into registered land holdings. Institutional weakness within the DNTPSC is a potential limitation of project sustainability. Continuing social instability requires a slow and deliberate approach to project activities to avoid misunderstandings, and nascent government and civil-society organizations require extensive support to develop effective capacity. USAID efforts under *Ita Nia Rai* are limited to resolving land ownership disputes in cases where parties can mutually agree on ownership. The Government of Timor-Leste faces the added challenge of resolving disputes between rights holders under different legal regimes (i.e., holders of Indonesian and Portuguese rights) and ensuring that fair compensation is issued to the parties who are dispossessed. Even with the passage of the Land Law, institutions established by that this legislation will require additional and extensive support for the foreseeable future.

FUTURE

USAID, through the *Ita Nia Rai* Project and subsequent land tenure and property rights programs, will continue to coordinate its efforts with other donors to implement programs that reduce land-related disputes and support economic growth. Immediate priorities will be on institution building, policy and legal reform, expansion of the claims registration process to encompass the whole country, acceleration of disputes resolution, and increasing the capacity of the DNTPSC to assume responsibility for the land claims process.

PUBLIC INFORMATION AND AWARENESS

The *Ita Nia Rai* Project is using video, websites, and other media to inform and educate project beneficiaries and stakeholders. The following websites and links are examples of the program’s public information and awareness efforts:

www.itaniarai.tl the SPRTL website, available in both Tetun and English

<http://www.youtube.com/user/ItaNiaRai> a PSA on initiation of systematic collection of claims to property in the capital of Dili

<http://www.youtube.com/watch?v=Xd1b8NIIxd4> an example of a *Ita Nia Rai* Dispute Mediation Video

<http://www.youtube.com/user/ItaNiaRai#p/u/4/wgubjFslmpo> a video about how the project is addressing gender and land rights

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