

TIMOR-LESTE LAND MANAGEMENT:

A long way to go, but we have started

Pedro de Sousa Xavier

Director Nacional de Terras e Propriedades Timor-Leste

**Expert Group Meeting on Secure Land
Tenure: 'New Legal Frameworks and Tools in Asia and
Pacific'**

UNESCAP, Bangkok-Thailand, 8-9 December 2005

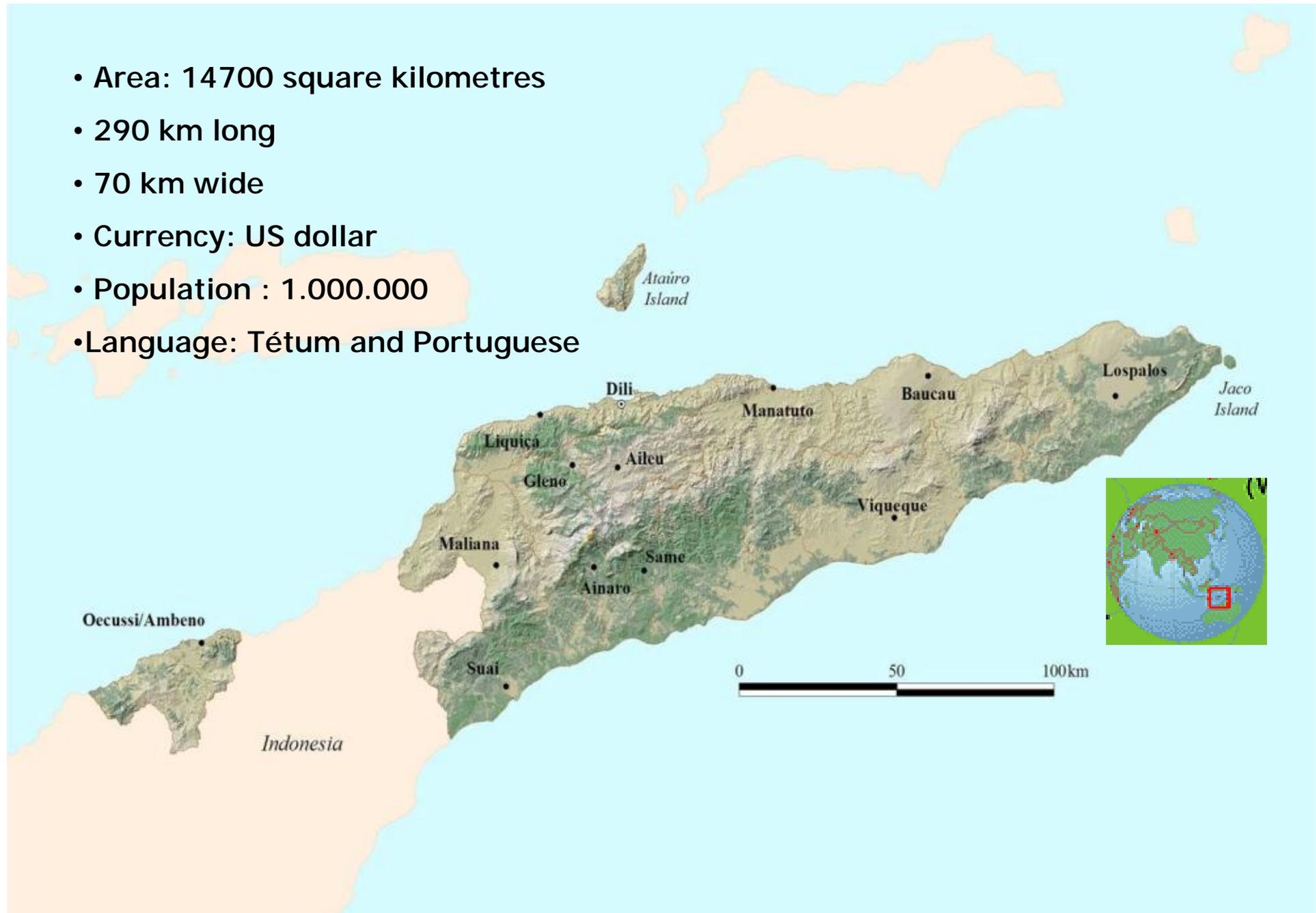


DIRECÇÃO NACIONAL DE TERRAS E PROPRIEDADES

DNTP



- Area: 14700 square kilometres
- 290 km long
- 70 km wide
- Currency: US dollar
- Population : 1.000.000
- Language: Tétum and Portuguese



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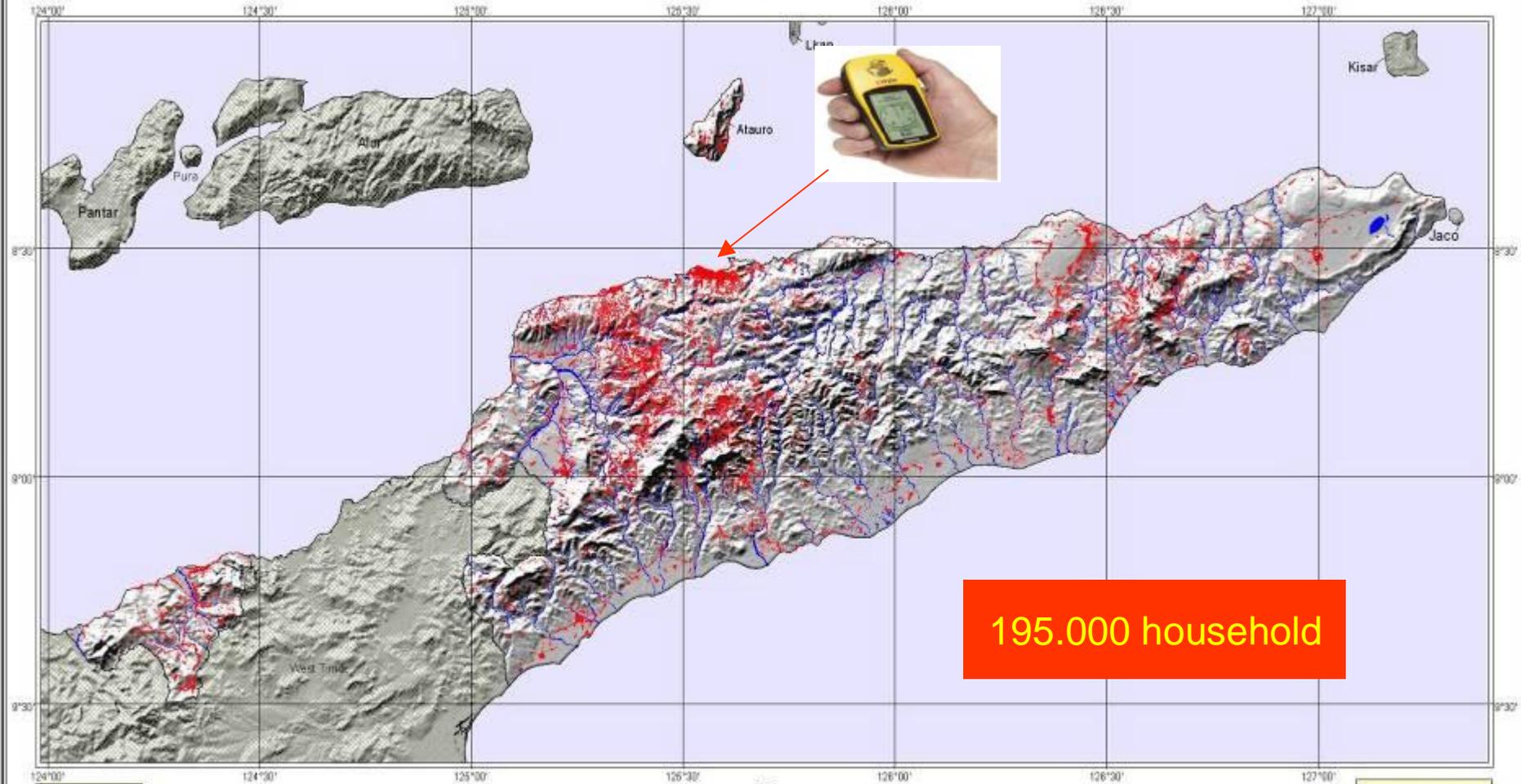


Direcção Nacional de Estatística



United Nations Population Fund

Timor-Leste Household Distribution Map



195.000 household

Household Locations based on 2004 Census GPS positions

Shaded relief obtained from Space Shuttle X/SAR Interferometric Data



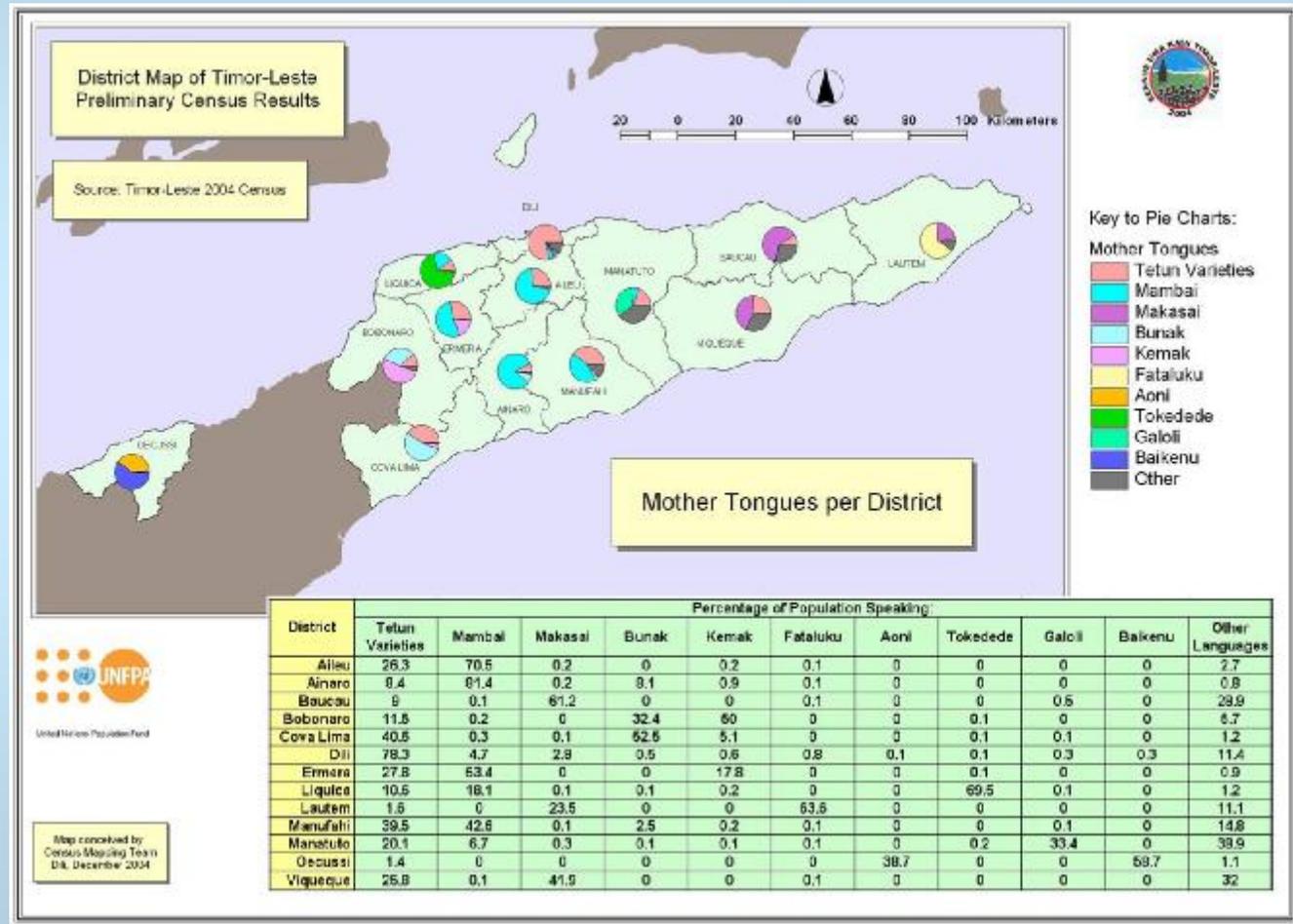
Scale 1 : 1,000,000



Map Coordinates: Geographic
Map Datum: WGS 84

Map Produced by Census Mapping Team:
Wes Langewiesche, Alípio Mónico, César Welles
D4, October 2004

About 33 dialects



Traditional houses



Welcome Traditional ceremonies





EAST TIMOR HISTORY

- F** Portuguese traders occupying East Timor in the 1600's ;
- F** First East Timorese political parties formed in 1974 ;
- F** 28th November 1975 - East Timor independence proclaimed;
- F** 7th December 1975 - Indonesia invaded East Timor;
- F** July 1976 – Indonesia declared East Timor to be the 27th Indonesian province;
- F** 30th August 1999 – popular consultative process (independence or autonomy): almost 80% of East Timor decided for Independence;
- F** September 1999 - Indonesian military and sponsored militia groups undertook a retaliation campaign
- F** November 1999 – Australian-led multinational force to restore the peace and security in the country;
- F** 30th August 2001 – first free elections;
- F** 20th May 2002 – Independence restored;



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BRIEF LAND HISTORY

F Until 1900 the traditional kings ruled the land in East Timor;

F Portuguese issued land titles, known as “Alvará”;

F All transfers of “native tenure” to be approved by the Portuguese Governor;

F Indonesia established 2 processes: transmigration and translocation;

F Portuguese titles issued: 3,000;

F Indonesian titles issued: 47,000;



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LAND AND PROPERTY LAWS IN EAST TIMOR

F The National Directorate of Land and Property (Direcção Nacional de Terras e Propriedades - DNTP) created under Ministry for Justice;

F existing property titles in the public archives were mostly destroyed during the September 1999 violence;

F destruction of private property also saw the loss of many private documents;

F need to generate a property system;



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LAND AND PROPERTY LAWS IN EAST TIMOR (CONT.)

F East Timorese government has promulgated three diplomas:

- Law 1/2003, 10 March, “Juridical Regime of Immovable Property – Part I: Ownership of Immovable Property”;
- Decree-law 19/2004, 29 December, “Juridical Regime of Immovable Property- Official Allocation and Lease of State Property”;
- Law 12/2005, 2 September, “Juridical Regime of Immovable Property– Part II: Leases between Private Parties”;

F Section 54, from Constitution: “Only national citizens have the right of private ownership of property (i.e. land)”;



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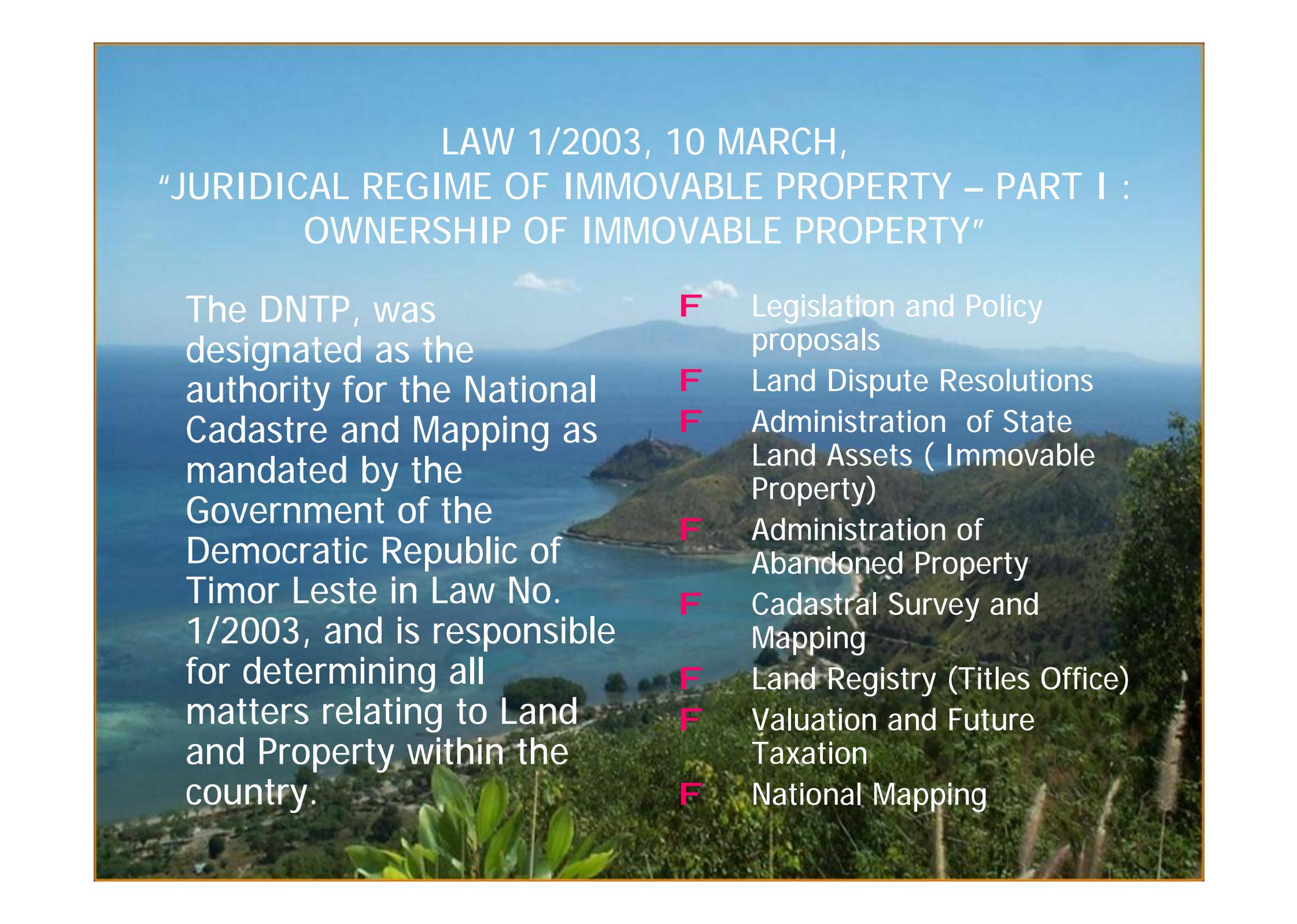
LAW 1/2003, FROM 10 MARCH

- Law 1/2003) establishes three important elements:
 1. Definition of 'State' property;
 2. Definition of 'Abandoned' property, which is private property, but it able to be administered by the State, and;
 3. The timeframe for recording the land claims.



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LAW 1/2003, 10 MARCH,
"JURIDICAL REGIME OF IMMOVABLE PROPERTY – PART I :
OWNERSHIP OF IMMOVABLE PROPERTY"

The DNTP, was designated as the authority for the National Cadastre and Mapping as mandated by the Government of the Democratic Republic of Timor Leste in Law No. 1/2003, and is responsible for determining all matters relating to Land and Property within the country.

- F Legislation and Policy proposals
- F Land Dispute Resolutions
- F Administration of State Land Assets (Immovable Property)
- F Administration of Abandoned Property
- F Cadastral Survey and Mapping
- F Land Registry (Titles Office)
- F Valuation and Future Taxation
- F National Mapping



DECREE-LAW 19/2004, FROM 29 DECEMBER

F Defines the conditions in which the State real assets (or under State Administration) could be allocated to other governmental departments, or be leased to private citizens or entities;

LAW 12/2005, FROM 2 SEPTEMBER

F States the minimum conditions of lease agreements of private property between individuals;



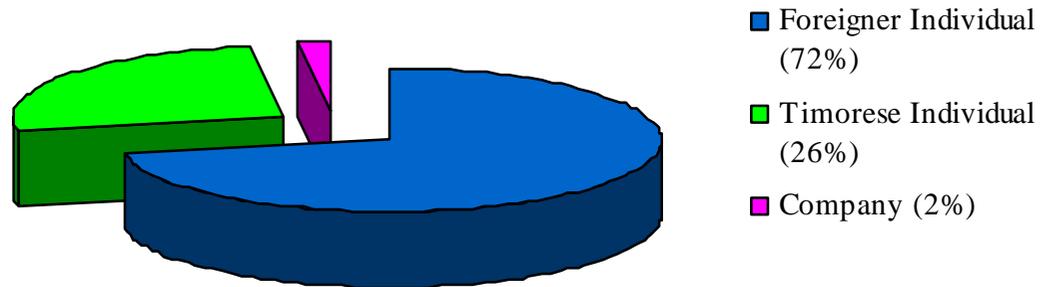
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LAND CLAIMS

- F** period of collection was open for all citizens (national and foreigners);
- F** resulted 5781 claims being lodged in East Timor;
- F** 6548 claims lodged in Indonesia;

Claims by Claimant



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NORMAL LEASE AGREEMENTS

- About 400 lease agreements celebrated at the present moment
render US\$ 1.8 million per year;

SPECIAL LEASE AGREEMENTS

F About 6000 ‘illegal’ occupants submitted applications to DNTP for regularization of illegal occupation;

F Need of creating a process simpler and faster than normal contracts;



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SPECIAL LEASE AGREEMENTS

CONDITIONS:

- F** Residential Use;
- F** National citizen;
- F** Property occupancy since 2000;
- F** Developed property (there is no special lease agreement on vacant land);
- F** Automatic Monthly rent of US\$ 10 (ten American dollars);
- F** 1 (one) year lease agreement, with automatically renewal for more one year.



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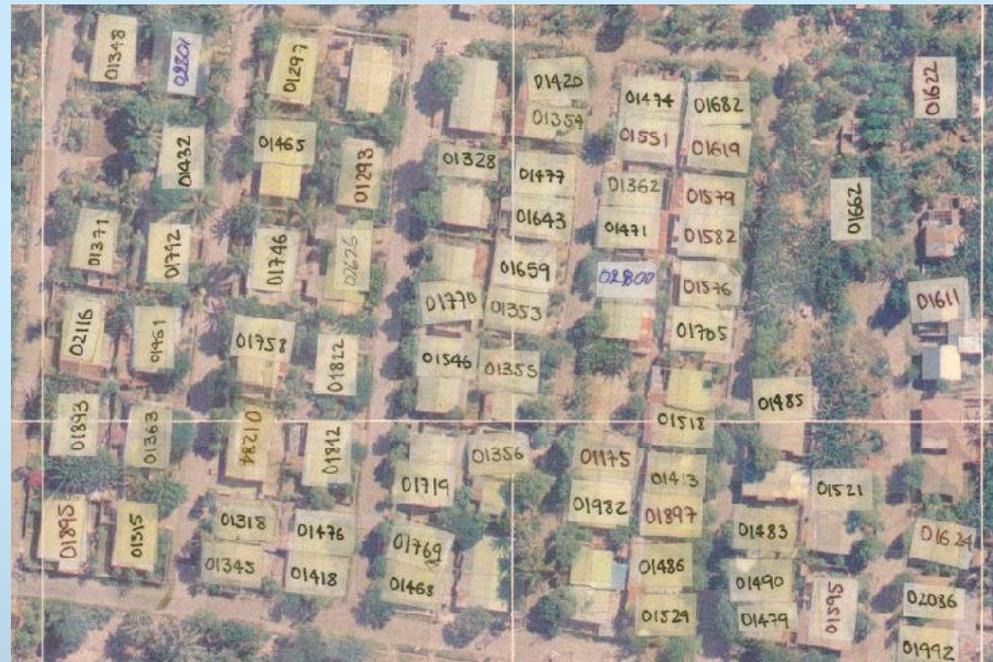




SPECIAL LEASE AGREEMENTS - PROCESS

F Application form filling in DNTP;

F Location in 1: 1000 scale Orthophotomaps;



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SPECIAL LEASE AGREEMENTS - PROCESS

F Data base entering;

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE
Ministério da Justiça
 Direcção Nacional de Terras e Propriedades
 Avenida Bispo de Melóiros, Balide, Dili, Tel. 3339067

CONTRATO ESPECIAL DE ARRENDAMENTO

Numero do Contrato: 00001

Arrendatário(s):
 Nome do Arrendatário(s):
 Telefone: Cartão de Registo:
 Nome do Contacto:
 Endereço do Contacto:

Localização da Propriedade Arrendada:
 Nome do Distrito: Dili Nome de Sub-Distrito: Domleixo
 Nome de Suco: Comoro Nome de Aldeia: Malmanok
 Pua/Avenida:
 Nome do Edifício:
 Tipo de Bem/Areável: Predio + Terro Área de Propriedade:
 Fimidade da Propriedade: Titular Privado do Fimite Aluno No:
 Outophoto Existing: Outophoto Mapping:

Detalhes do Contrato:
 Uso/Autorizad: Residencial Tempo de Duração: 1 / Ano
 Pagamento Mensal: \$10,00 Data do Começo: 16/Nov/2005
 Data do Conclusão: 15/Nov/2006 Data do Contrato: 16/Nov/2005
 Representante dos Estados: Pedro de Sousa Xavier
 Cargo: Director Nacional

Buttons:

This is designed for Rental Applications Processing Pilot Project conducted by ARD, Inc. as part of USAID - East Timor Land Law Study

Registo: 14 de 276.1 de 276.1

F Automatic Print of the contract;

F Signed by applicant plus director



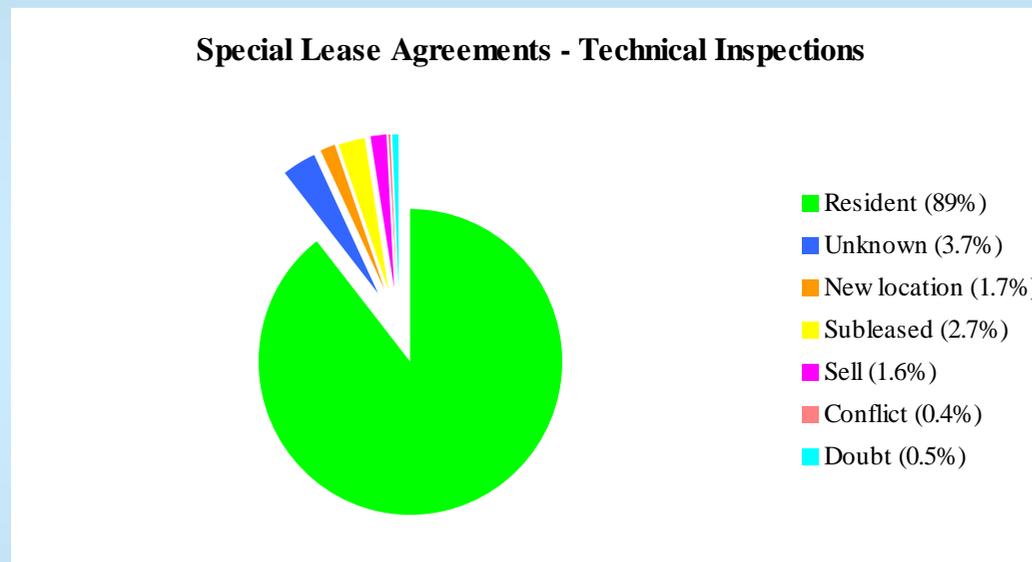
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SPECIAL LEASE AGREEMENTS – TECHNICAL INSPECTIONS

F Verifying residential occupancy;



F Time in the celebration of lease agreements is reduced from 4 months to only 1 day;

F Simple, without need of substantial resources or staff;

F 2700 contracts in 15 months, US\$ 87000!!!



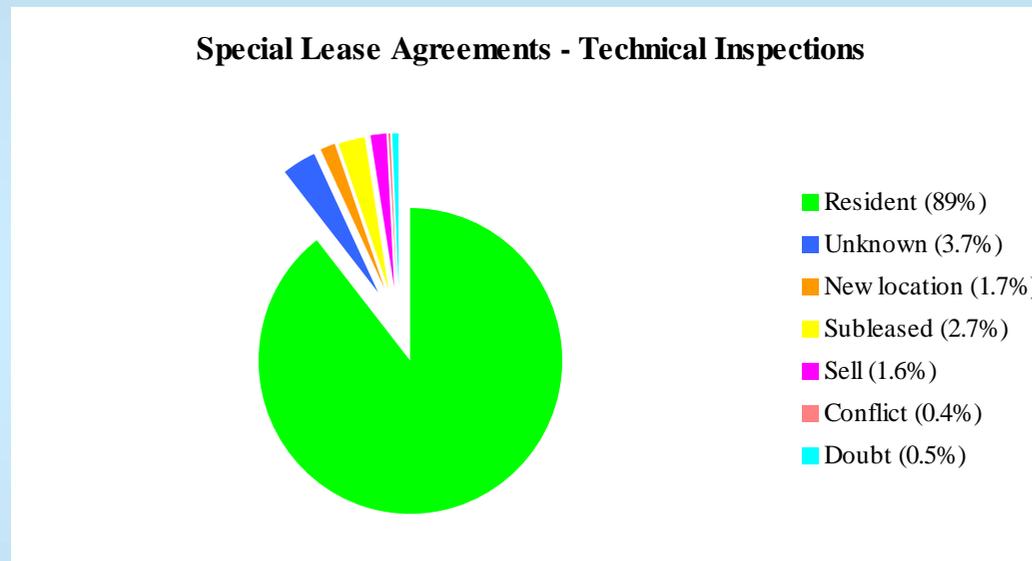
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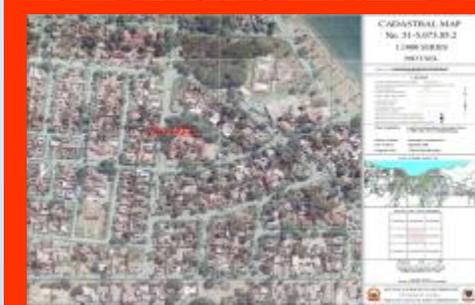
FUTURE

F How to return private property in Timor-leste?

F First step: promulgation of the Law which will decide how, when and what titles will be returned.

F The cadastre and the registration together form the property system;

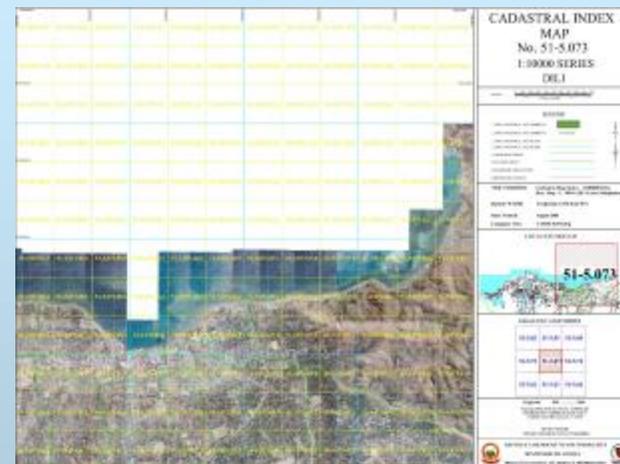
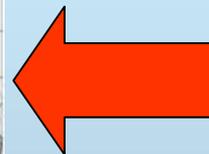
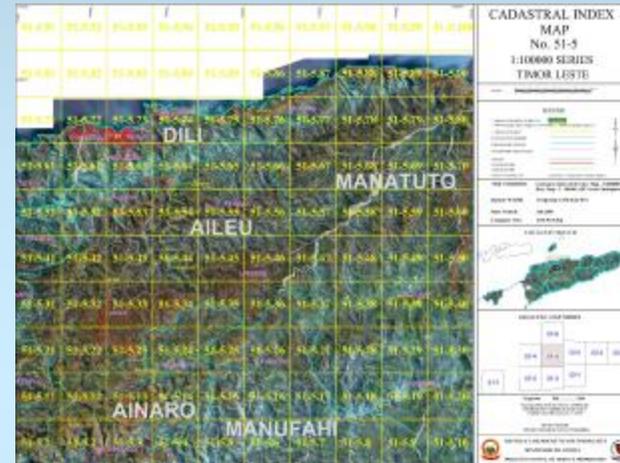
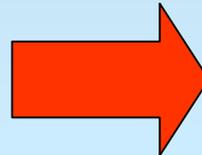
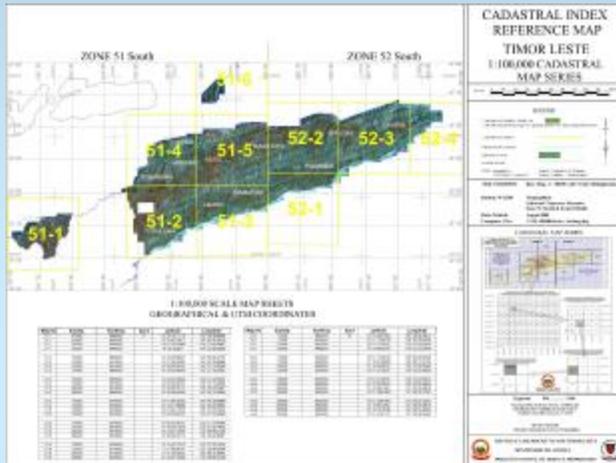
F Use of Ortophotomap for Cadastre, with public display – process public and transparent;



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The Timor-Leste Cadastral System (Land parcels identification)



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LEARNED LESSONS

F Information already gathered – knowlegde about the dimension;

F Lack of staff, ressources;

F Lack of budget;

F Lack of power in districts;

but...

... do it once, do it right.....



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