

The Long Haul: Citizen Participation in Timor-Leste Land Policy



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Introduction

“It is great to see the democratic process in operation like this in the districts” — UNMIT representative. (Rede ba Rai 18/7/2009)

“We have much experience with this type of meeting format, what happens is that we do not get to share our opinions” — Joaniko Jeronimu (Iliomar). (Rede ba Rai 18/7/2009)

The Timorese citizen and the United Nations Mission in Timor-Leste (UNMIT) representative quoted above had attended and were describing the same land law consultation meeting held in Los Palos in July 2009. The disparity in their observations (later cited in a Rede ba Rai press release) highlights one of the key problems surrounding land policy development processes in Timor-Leste. Development practitioners largely see the process of consultation as a beneficial but technical process, an element of policy creation to be carried out where time and resources allow. Citizens and participants in consultation meetings on the other hand see these processes as highly political and in the case of the Los Palos land law consultation of 2009, largely disempowering.

The transitional land law consultation process of 2009 implemented by the Timor-Leste government, with funding and technical support from USAID and the World Bank Justice for the Poor unit, is often hailed as one of the most consultative public policy processes in the short history of the Democratic Republic of Timor-Leste (Ministerio Justisa 2009; Scott 27/9/2011; Srinivas and Keith 2015; UNDP Timor-Leste 2013). This Discussion Paper argues that in reality the process was deeply flawed and ultimately it has not led to the protection of land rights. While the length of the process gave civil society and other

groups time to access the proposed legislation and lobby key individuals, the consultation meetings at the subnational level did not seek the ideas and input of the public at large and in some instances perpetuated misinformation. Consultation meetings were characterised by complex Portuguese legal jargon (Laõ Hamutuk 2009b; Rede ba Rai 12/7/2009, 2009a) and patronising language and behaviour from state officials (Laõ Hamutuk 2009b). Meetings were undocumented and it is unclear to what extent the recommendations of the public were considered in new versions of the draft law. This Discussion Paper documents the consultation process of the 2009 Timor-Leste Transitional Land Law and in the absence of a genuine consultation process examines the methods that civil society and community groups used to shape and influence the land law. As such it seeks to contribute to both debates around the role of citizen participation in complex policy design processes and scholarship on the roles and patterns of civil society interventions in land policy in Timor-Leste.

The first section of the paper briefly summarises some of the current critiques of citizen participation and discusses the potentially negative impacts of participation that is not set within a broader political project (Hickey and Mohan 2005). The second section sets the scene by briefly outlining some of the key challenges in Timor-Leste’s land sector and the various interventions and legislative processes that have been undertaken since independence. The third and final section discusses the consultation processes surrounding the 2009 draft transitional land law and explains civil society involvement in the process and tactics used to influence the outcome of the law.



From 2008 until 2012 the author worked as a legal and advocacy mentor for the Rede ba Rai [Land Network], a Timorese network of more than 20 civil society organisations working on land issues in Timor-Leste. During this time she was intimately involved in commenting and lobbying on the 2009 draft transitional land law and other related policy processes. This article is based in part on her personal observations and involvement in this process.

Consultation and Citizen Power

From its Freirean and Marxist roots the language of ‘citizen participation’ and ‘participatory development’ has now been mainstreamed within development policy (Leal 2007). Participation is generally portrayed as a beneficial and empowering process which brings stakeholders together and helps to build consensus (Chambers 1997; Gillespie 2012; Hirst 1994). Participation results in a range of benefits ranging from better and more acceptable decision making (Heberlein 1976), fuller access to benefits (Wade 1989), and greater levels of legitimacy (Cook 1975). A widely cited, critical typology of participation is put forward by Arnstein who states that,

The idea of citizen participation is a little like eating spinach: no one is against it in principle because it is good for you. Participation of the governed in their government is, in theory, the cornerstone of democracy — a revered idea that is vigorously applauded by virtually everyone. The applause is reduced to polite handclaps, however, when this principle is advocated by the have-not(s). (Arnstein 1969:216)

Arnstein’s influential 1969 article presents a ‘ladder of citizen participation’ which identifies a typology of eight rungs or ascending levels of citizen participation: manipulation and therapy (classified as forms of non-participation); informing, consultation and placation (classified as tokenistic processes); and partnership, delegated power and citizen control (classified as degrees of citizen power). She states that there is ‘a critical difference between going through the empty ritual of participation and having the real power needed

to affect the outcome of the process’ and highlights that citizen ‘participation without redistribution of power is an empty and frustrating process for the powerless’ (Arnstein 1969:216).

More recent critiques of participation point out that it can serve to further disenfranchise marginalised groups, ‘strengthening the exclusion of some while seeking the inclusion of others’ (Ellison 1997) and manufacturing consent for projects and plans that have already been decided (Coelho et al. 2011; Gaventa and Cornwall 2001). A number of theorists interrogate the cooptation of the language of participation by powerful national interests and multilateral institutions such as the World Bank (Gaventa and Cornwall 2001; Leal 2007). Tracing a number of participatory reforms, Hickey and Mohan assert that participatory approaches are most likely to succeed in transforming social, political and economic structures and relations where they are pursued as part of a wider radical political project — aimed at securing citizenship rights and participation for marginal groups — and seek to engage with development as a process of social change rather than a technocratic intervention (Hickey and Mohan 2005:237).

In their article examining citizen participation in Indian urban governance, Coelho et al. find that ‘far from addressing these critiques or building on alternative [emerging practices of participation] ... The ends of people’s empowerment are readily subsumed to the exigencies of governance in a globally competitive milieu’ (Coelho et al. 2011:9).

On the other hand, reaching consensus on complex policy issues is a difficult task. A long history of colonial land appropriation, military occupation, conflict-related displacement and corruption have created a storm of difficult and highly contentious land issues in Timor-Leste. Any viable land policy must achieve a finely tuned balance between the interests of elite groups, the state’s development objectives and the rights of the population at large. This Discussion Paper traces the consultation processes surrounding Timor-Leste’s draft transitional land law. While cognisant of the complexity of land issues in Timor-Leste and the very real difficulties in reaching consensus on such divisive issues, this paper argues that land law consultations in Timor-Leste have been at

best an example of 'tokenistic consultation' and at worst a form of manipulation designed to coopt local groups and provide a veil of participation for government and donor organisations supporting the process.

Balancing Complex Land Issues in Timor-Leste

Land issues in Timor-Leste are unique and highly complex. Post-independence land policy must at once protect customary access to land while ensuring land for state-driven development; it must resolve land disputes while also ensuring housing and access to land for all citizens. The concentration of urban land in the hands of elite groups and families further politicises these decisions. The following section provides a brief historical outline of some of these issues.

Resilient customary social structures that conceive of land not only as an economic resource and a private right but as a source of spiritual and cultural identity provide the means of access to land for the vast majority of the population of Timor-Leste. Under these structures land is managed and distributed by local norms which vary from community to community but are underpinned by the notion of origin (Fitzpatrick et al. 2012; Fox 1980; McWilliam and Traube 2011). The complexity of these structures and the lack of reach of the state means that land access and rights are defined, managed and negotiated at the local level (Fitzpatrick 2002). In contrast, the newly independent state of Timor-Leste has been taking an increasingly top-down approach to land policy. While law-making processes are highly influenced by Lusophone legal traditions, the implementation of land policy by the Directorate of Land, Property and Cadastral Services is carried out by staff mostly educated and trained in Indonesia.

Four hundred and fifty years of Portuguese colonisation and a violent 24-year occupation by the Indonesian military have changed and complicated land tenure arrangements in Timor-Leste. Both the Portuguese and Indonesian states took land from traditional owners by force, and through the cooption of complex local political alliances. By the end of Portuguese colonialism in 1975 land was concentrated in the hands of a

number of key groups including the Portuguese State, the *mestico* (mixed race) elite, Timorese *liurai* (chief or ruler) who had been coopted by the Portuguese, the Catholic Church and Chinese traders (Fitzpatrick 2002:93, 104). It is estimated that between 10 and 30 per cent of the 44,091 titles issued during the Indonesian era were issued corruptly and that a further 30 per cent were issued to Indonesian citizens moving to Timor from other provinces of Indonesia under the *transmigrasi* (transmigration) program (Fitzpatrick 2002:66). The interaction of these two processes with local elites and customary structures is key to understanding contentious post-independence land issues and inequality in Timor-Leste.

The history of the island of Timor has been punctuated by waves of displacement including Portuguese pacification campaigns, the Second World War, land expropriation for Portuguese coffee plantations in the nineteenth century, the brief civil war of 1975 and the Indonesian invasion of 1975. It is estimated that over 300,000 people were displaced in the months after the Indonesian invasion of 1975 (Fitzpatrick 2002:5). In 1999 the Indonesia military and militia groups retreated from Timor-Leste, taking with them all land records and destroying over 70 per cent of built infrastructure (CAVR 2005:27). Over 68,000 homes were destroyed in the capital city alone. Due to the contentious and political nature of land policy decisions and opposition from the Timorese elite to external intervention in the land sector, very little was done to regulate land issues during the UNTAET period (1999–2002) (Goldstone 2004; International Crisis Group 2010). It was in this context and mostly through informal mechanisms that the population began rebuilding homes and communities, resulting in the occupation of land and housing with little or no legal basis.

Beginning in 2003 the FRETILIN government drafted and approved a package of three basic laws regularising basic state land administration functions. The most significant and contentious of these was Law 1/2003 which defines all previously designated Portuguese State Land and all former Indonesian State Land as the property of the Timor-Leste state (irrespective of how it was acquired) and states that all 'abandoned property' should be

administered by the Timor-Leste state. There was almost no consultation on this law while it was being drafted, and its implementation has regularly proven contentious (Da Silva and Furusawa 2014). There have been significant objections on the part of communities in Dili and rural areas who feel that their land was wrongly taken from them by previous state action and that they should be provided with some form of compensation — in particular, where the present government wishes to retain control (ACVTL 2009; Rede ba Rai 2012).¹

Since independence in 2002 significant amounts of donor funding has focused on efforts to formalise and register land and property rights. Three USAID-funded land law projects, costing a total of US\$14.5 million, have prepared research documents and draft legislation and implemented many capacity-building activities. Land sector technical support has focused mainly on the need to strengthen property rights in order to reduce conflict and enable investment (Rede ba Rai 2013; USAID 2008). The third USAID land law project, branded locally as ‘Ita Nia Rai’ (lit. our land), was launched in 2008.

Drafting the 2009 Transitional Land Law

The cornerstone of the USAID Ita Nia Rai program was the drafting and approval of a transitional land law which would regularise land ownership in Timor-Leste. The law (first released in 2008) laid down the basis for first recognition of land ownership in Timor-Leste and the criteria for the resolution of disputed claims. Throughout the land law consultation process many changes were made to the laws as a result of a vast array of diverse interests, including international, national and local civil society lobbying; governments’ concerns around the protection of state land and the need for easy expropriation; and elite land interests. The law was largely drafted by international legal advisers who had unprecedented influence over the framing of certain issues. The laws became the site of contestation over a number of key issues, most notably the power of the state, the protection of the right to housing and the protection of community land. The following section focuses on the processes by which the 2009 Transitional Land Law was drafted. It documents both the role of

external actors and legal advisers in drafting the law and the consultation process implemented by the Government of Timor-Leste. Finally, it examines the changes to articles around two particularly contentious issues, that of the delimitation of state land and the protection of customary land.

The Drafting Process

In early 2008 the Ita Nia Rai program’s legal adviser began drafting a policy document, which was presented to a Ministry of Justice drafting committee in September 2008 (Lopes 2008). In response, civil society advocates argued that these policy options did not reflect Timor-Leste cultural understandings of land, that given the importance and fundamental nature of land in Timor-Leste land laws should be based on a broadly consultative land policy, and that the process of drafting laws and policy was vitally important to resolving land issues in Timor-Leste (Rede ba Rai 10/6/2009).

The policy options were quickly followed by a draft transitional land law, released for public consultation on 12 June 2009 (Ministry of Justice Timor-Leste 2009b). The government originally allowed for a two-and-a-half-month period of public consultation which would end on 31 August. Following significant civil society pressure (Rede ba Rai 10/6/2009), on 1 September the government announced that it would extend this period until 1 November 2009. During the initial consultation phase, district-level meetings were held in all of Timor-Leste’s 13 districts. A new version of the law which included a number of improvements around the issue of customary land was published in September 2009 (Ministry of Justice Timor-Leste 2009a: Chapter 5) and follow-up consultation meetings were held in 26 subdistricts. In November 2009 another version of the law was released and it is at this stage that we see a significant increase in the powers of the state (Article 8 of Version 3).

On 6 April 2010 a package of three laws, including not only the Transitional Land Law, but also a new Expropriation Law and Compensation Fund Law that had not been part of the public consultation process, were presented to parliament, having been approved by the Council of Ministers the previous month.

The package of laws were debated by parliament in 2011 and eventually approved in February 2012. Following significant civil society pressure the laws were then vetoed by President Jose Ramos Horta (Presidencia da Republica 20/3/2012a, 20/3/2012b). Due to the change of government in June 2012, the draft laws had to be reapproved by the Council of Ministers before they could be debated again by parliament. The government took the opportunity to carry out further consultation at the national level, resulting in some changes in the laws which were then reapproved by the Council of Ministers and finally sent back to the national parliament in June 2013² (Ministry of Justice Timor-Leste 2013a, 2013b, 2013c). Since this time there has been little movement and no parliamentary debate on the laws. Due to another change of government early in 2015 the draft laws were withdrawn from the parliamentary agenda. The Secretary of State for Land and Property, Jaime Lopes, confirmed in a public seminar in August 2015 that a revised version of the law had been sent to the Council of Ministers but that it would not be approved until a law regarding administrative boundaries was also finalised (Lopes 21/8/2015).

Community Consultations

The original Ministry of Justice plan for consultation on the Transitional Land Law allowed for comments and submissions on the law within a two-and-a-half-month period. After significant lobbying from civil society groups and opposition leaders (most notably Fernanda Borges from the Partidu Unidade Nasional [National Unity Party]) the ministry agreed that it would hold district-level consultations in each of Timor-Leste's 13 districts. After another campaign around the design of this participatory process further consultations were organised in 26 subdistricts. As a result of the breadth and number of districts covered this process became known as one of the most consultative legislative processes since the independence of Timor-Leste in 2002 (Ministerio Justisa 2009; Scott 27/9/2011; Srinivas and Keith 2015; UNDP Timor-Leste 2013).

Despite this praise the process was in fact severely flawed. Copies of the law (translated

into high-level and complex Tetun) were handed out on the morning of consultation meetings, meaning that community members had little or no time to read the law let alone understand and discuss its implications.³ The consultations were run at the district and subdistrict level and most participants could be categorised as local elites including village leaders, district government staff and local-level non-government organisations (Rede ba Rai 2009a). The participation of women was particularly low in all consultation meetings. The government frequently invoked the concept of *ukun rasik an* (independence), with the land law being construed as both a key piece of legislation that any 'proper' or 'new' nation should have and also a piece of legislation that was needed in order to move on from the legacies of occupation and conflict. Despite this emotive language, more specific questions from communities as to how the law would deal with issues of land taken during the colonial era and Indonesian occupation were frequently glossed over. Presentations on the law were frequently condescending with many community concerns being dismissed as '*beik*' (stupid). The Minister of Justice misrepresented the law on multiple occasions stating that its purpose was to ensure fair distribution of land to all people — an issue which is not covered by the law.⁴ According to Rede ba Rai press releases from that time,

Although the Minister assured participants that the law would re-distribute land in Timor-Leste, and guaranteed that it would give land to those who currently do not have land rights, many community members left the meeting worried and confused as there are no articles in the law that match the ministers [sic] words. (Rede ba Rai 12/7/2009)

The Lautem District consultation (quoted in the introduction to this article) attended by both the Minister for Justice and the United States Ambassador was particularly controversial. At this meeting one village leader began to speak about the past and to tell the story of his village's land. He was quickly interrupted by the moderator who said 'the Minister does not need to hear your stories about land, only substantive suggestions about the law will be accepted' to which the village chief responded

‘in order to understand the situation here you must listen to the past’ (Rede ba Rai 2009a). These types of exchanges point to the true nature of the 2009 land law consultation and highlight that it was at best a fumbled attempt to meet international notions of ‘best practice’ in relation to citizen participation and at worst a form of cooptation and manipulation of local populations.

Contentious Issues within the Transitional Land Law

At the community level some of the most frequently stated concerns expressed during consultations revolved around the power of the state to expropriate land, the definition of state land enshrined within the law, and the recognition of community land and protections against eviction. While communities and civil society groups argued for a more limited definition of state land and stronger protection of community land a number of these issues changed for the worse after consultation processes, suggesting either that government was not listening to citizens or that there were a number of more powerful interests at work. Thus in looking more closely at the process we can hear echoes of Arnstein’s warning that ‘inviting citizens’ opinions, like informing them, can be a legitimate step toward their full participation. But if consulting them is not combined with other modes of participation, this rung of the ladder is still a sham since it offers no assurance that citizen concerns and ideas will be taken into account’ (Arnstein 1969:219).

State Land

The supremacy of state land underpins the Transitional Land Law. While the first version of the law repeals the 2003 definition (that all Portuguese state land and all Indonesian state land would become Timor-Leste state land) and applies the same rules of possession to state and non-state land (with the exception of public domain land, Article 7) the supremacy of state land is entrenched in a number of articles (Article 7, 8, 10, 20 and 46). Paradoxically, after public consultation where the vast majority of participants argued for a narrower definition of state land, we see the 2003 definition of state land creeping back in

(Article 8.5 of Version 3). As well as entrenching rules which would see a large proportion of land recognised as state land, the Transitional Land Law also entrenched processes which would allow the state significant control over decision making. Under the Cadastral process (Articles 55–73) the National Directorate for Land and Property and Cadastral Services (DNTPSC) has authority to both claim land on behalf of the state and make decisions regarding disputes between itself and other claimants. The Administrative Review process establishes a Cadastral Commission made up of three jurists chosen entirely by government (Article 72.1, Version 1). While offering some protection from eviction to those living on state land (Articles 48–51), this protection applies only to the family home. The law puts the burden of proving that affected households meet the criteria for ‘family home’ on the family being evicted. Article 53 states that if the claimant has not heard back from the Ministry of Social Solidarity within 30 days the house is assumed not to be a family residence and the eviction can proceed.

Despite much civil society criticism of these aspects of the law (COHRE 2009; FONGTIL 2009; Laõ Hamutuk 2009a, 2009c, 2009d), the trend in successive versions of the laws has been to both increase the definition of state land and the state’s powers to expropriate land.

Customary Land⁵

Closely linked to the definition of state land is the issue of customary land. Here we are discussing the vast majority of land in Timor-Leste that is owned and managed under customary arrangements. The initial policy options document prepared by the Ita Nia Rai project suggested that the land law establish ‘A legal presumption establishing that custom governs land tenure outside Formalization Areas; and; the recognition of custom as the governing rule outside Formalization Areas as long as they are not contrary to the Constitution or to the law’ (Lopes 2008:19). They hoped that these provisions would ‘reinforce the authority of custom and acknowledge existing mechanisms for granting land use rights’ (Lopes 2008:19). While these articles were presented to communities in a manner that suggested a high level of protection for community

land,⁶ communities and civil society clearly stated on numerous occasions the need for strong protections of customary land (Rede ba Rai 2009a, 2009b). Despite these strong recommendations, the Ministry of Justice decided against the inclusion of a presumption in favour of customary land tenure and instead established a complicated zoning process which offers different layers of protection to different parts of a given community (Articles 24–29, Version 3).

Silver Linings?

Despite the flawed nature of the consultation process it had a number of unexpected and positive consequences for civil society that must be mentioned.

Coalition Building

Initially focusing advocacy efforts on the consultation process itself (rather than a single policy objective) allowed civil society to bring a wide coalition of organisations to the table. Significant momentum was built in the early days of the land law campaign because of this focus on the need to hear community voices. Through various members of the Rede ba Rai [Land Network] and the Timor-Leste NGO Forum (FONGTIL), civil society was able to mobilise a large group of community organisers across the country. Relationships were built by sending monitors out to 12 of the 13 district-level consultations. Momentum was gathered by lively press releases highlighting the problems relating to the consultation process which were written and sent back to Dili after each meeting.⁷ The campaign drew national attention to land issues in Timor-Leste and helped to reinforce the Rede ba Rai.

Buying Time

While the consultation process did not enable the population at large to engage with or comment on land policy, the extension of the process did buy time for civil society groups who fought to carry out their own small-scale consultations, write submissions and lobby key politicians and parliamentarians. More than 15 civil society submissions were eventually submitted to government by the end of the consultation period, examining a wide range of issues including

the rights of coffee farmers, customary land recognition, protection from forced evictions, the power of the state and the impact of the laws on victims of the Indonesian invasion.

The Matadalan ba Rai Project

Civil society consistently urged donor organisations and government to carry out meaningful consultation in order to build consensus on land issues and to progress towards the drafting of a coherent land policy (rather than piecemeal legislation) (Haburas Foundation and Rede ba Rai 2009). After significant unsuccessful lobbying of the Minister for Justice and land sector donors including USAID and the World Bank, civil society actors decided to launch a land consultation process 'of their own'.⁸

Based on our experiences we [civil society] concluded that the Government and International Agencies working in the land sector are unwilling to hold meaningful consultation with communities about land issues and that they have no will to draft a Land Policy which could help to guide our work throughout this sector. It is because of this that we have organised a separate consultation process. (Haburas Foundation 2012:17)

The consultation process run by the Haburas Foundation was initially designed to gather a broad sense of the land problems and issues that communities faced on the ground in order to support civil society advocacy work and submissions on the draft land laws. However, it also played a significant role in informing civil society's own work on land issues and eventually led to the design of a robust land rights project funded by Oxfam International and the European Union.

A basic consultation process was carried out in 36 *suku* (villages) across 7 of Timor-Leste's 13 districts. The consultation process was carried out between April and August 2010 and included a variety of participatory methods to help community groups identify and prioritise key land problems in their respective *suku*. Later, further thematic workshops, interviews and surveys were used to check and add more depth and case study evidence to the data collected during the

preliminary consultation process. A total of 1973 participants were involved. Land issues identified by community groups were distilled into categories. The data shows clearly that the most serious concern for communities is fear of a 'state land grab' (Haburas Foundation 2012:15). Three themes recur throughout the report: the importance of context and the 'social function' of land; the legacy of colonial injustice; and disillusionment with the lack of consultation over land decisions and development processes.

Going Forwards

The Timor-Leste land consultation process is a good example of Arnstein's warning that citizen 'participation without redistribution of power is an empty and frustrating process for the powerless' (1969:216). As Arnstein observes, 'it allows the powerholders to claim that all sides were considered, but makes it possible for only some of those sides to benefit. It maintains the status quo' (ibid.). In a final illustration of this frustration, during the 2012 parliamentary vote on the land laws, members of the public sitting in the public gallery raised red cards demonstrating their dissent while parliamentarians cast their votes in favour of the laws.

Following on from the Presidential Veto of the land laws in 2012, the Timor-Leste government redrafted sections of the land laws which were resubmitted to parliament in 2013. However, despite a government majority in parliament, to date Timor-Leste has no land policy and the Transitional Land Law has not been approved. One explanation for this lack of progress in approving the law could be that key elements within the political elite have realised that the current legislative vacuum allows for unregulated and fast-paced appropriation of land (Cryan 2015b). The recent political shake-up and change in government provides a new opportunity for the unity government to rethink its approach to land issues and make progress in this area. Given the sensitive and contentious nature of land issues in Timor-Leste, a broad-based consultation process that drives towards a cohesive land policy (rather than a single law) should be a priority. Unfortunately, and perhaps in some ways due to the complexity of land

issues outlined in this paper, civil society advocacy on land policy issues has subsided over the past year. If the objective of a cohesive and consultative land policy is to be achieved it will be crucial for this process to be driven not only by government but also by community members, civil society and the public at large who will need to develop a clearer vision of what types of land policies are needed in Timor-Leste.

Author Notes

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Endnotes

- 1 International Human Rights Day in 2010 saw over 2500 people take to the streets to protest against the government's lack of respect for land and housing rights. While participants came from a range of urban communities involved in eviction struggles, by far the largest group were coffee farmers protesting the 'continuation' of state land grabbing which had begun during the Portuguese colonial era.
- 2 Note that the press release of the minutes of the Council of Ministers mentions only the Transitional Land Law and the Compensation Fund Law. It is not clear whether the Expropriation Law was in fact approved by the Council of Ministers.
- 3 Personal observations of consultation meetings in Manatuto, Baucau and Los Palos during the 2009 consultation process.
- 4 Personal observation of the Lautem public consultation meeting, 14 July 2009.
- 5 The terms used in the Transitional Land Law are influenced by the Lusophone legal tradition. The law refers to 'customary claims' by which it does not mean customary land as it is commonly understood in Anglo-academic traditions but rather to refer to long-term peaceful possessors of a plot of land. Chapter 5, which deals with customary land as it is more commonly understood, uses the language of 'community land' and 'community property'.
- 6 Personal observations of consultation meetings in Manatuto, Baucau and Los Palos during the 2009 consultation process.
- 7 For example, the title of the Manatuto District press release read, 'Population 34,000 gets only 59 minutes to speak on draft Land Law'.
- 8 See discussion in Cryan (2015a).

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