

**FINAL EVALUATION**

**Land Rights Project**

**Period: September 2018 to December 2021**

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# INTRODUCTION

## 1.1 Contextual and Project Overview

People’s access to land, including customary land, is central to people’s livelihoods, identity, culture and community cohesion. However, while in principle supportive of people’s land rights, the Timor-Leste Government, international partners and private companies have pursued a development course that has impacted on people’s rights to their land, with communities being evicted to make way for infrastructural projects around the country. These have included various large-scale ‘mega’ projects, such as extractive industry development in the South Coast and Covalima, the ZEESM and large-scale development of an international airport, hotels and others in Oecusse, and airport extension, large hotel, road extensions and other mega projects in Dili. Community members have also been negatively impacted by smaller infrastructural projects such as road expansion in Ermera and other municipalities, and various commercial enterprises such as marble mining in Manatuto. These and other projects around the country have caused many community members to lose their homes and productive agricultural land, losing access to their livelihoods and business opportunities, as well as necessary services such as schools, health centres and markets.

In this context, lobbying for legislation that will protect people’s land rights has been a key priority for Timorese civil society. Timor-Leste’s history of colonisation and occupation means it has a complicated land law history, with different land tenure and state land administrations during the Portuguese colonial period and Indonesian occupation, and various legal and policy initiatives by the elected Government of Timor-Leste which were state-centric and did not adequately protect people’s land rights.[[1]](#footnote-1) Since independence, civil society has played a key role in advocating for laws to better protect individual and communal land rights, and to put Timor-Leste in compliance with its international obligations. Due in no small part to these advocacy efforts, in 2017 the President of the Republic approved a package of three laws: (i) Law No. 13/2017 on the Special Regime for the Definition and Ownership of Land[[2]](#footnote-2) (the Land Law); (ii) Law No. 8/2017 on Land Expropriation for Public Utility[[3]](#footnote-3) (the Expropriation Law); and (iii) Law No. 6/2017 Basic Law on Land Use Planning[[4]](#footnote-4) (the Land Use Planning Law).

While passage of these three laws was a great success for civil society including Oxfam in Timor-Leste (OiTL) and Rede ba Rai (RbR), many gaps remain. There are 18 complementary laws that still need to be created and passed in order for these laws to become fully operational, including laws to protect customary land institutions, institutionalisation of the State National Cadastral (SNC) system, establishment of an independent Land and Property Commission, and various other mechanisms. These 18 complementary laws are highly technical.

However, while these complementary laws are highly technical and require strong technical and advisory support, a major issue for both government and civil society has been the overall reduction in donor funding since the passing of the three laws in 2017. Within government, there is now a significant loss of institutional knowledge on the key issues compared to 2017 and before.[[5]](#footnote-5) This, combined with limited understanding and limited political will within Government of the need to respect people’s legal rights when seeking to evict people from their land, means there are many gaps in the implementation of the law.

In this context, OiTL and partners RbR and Jurista Advokasia (JA) worked on various fronts: doing community outreach on the land laws so that people understand their rights, lobbying decision-makers for improved policies and legislation, influencing via the media to gain public support, supporting community groups in mediation proceedings or taking their cases to court, and various other activities.

## 1.2 Project Overview

OiTL’s Land and Inclusive Development Project, later renamed the Land Rights Project, works with individual partner organisations and networks, and external consultancy group Tahan, to support households affected by evictions due to development of large-scale infrastructural projects, and to advocate and influence the government and other stakeholders to clarify and protect communities’ rights to land. The stated outcomes for the Land Rights Project are as follows:

1. Poor and vulnerable women and men have improved ability and confidence to understand and claim their rights to monitor and influence development processes in relation to large-scale government programs;
2. Civil Society Organisations (CSOs) have increased engagement with relevant government agencies and officials in Oecusse, Covalima and at the national level in relation to large-scale government programs, and individual and communal land;
3. Government and the private sector use inclusive processes to develop laws and policies, and in the implementation of their laws and policies;
4. To effectively manage partnerships with local NGOs following Oxfam’s partnership principles adding value to the relationship for effective program implementation.

There have been numerous challenges to the project during the evaluation period 2018-2021. In 2019, the OiTL country program transformed to a new influencing model and available funding was significantly reduced from almost AU$600,000 per year in 2018 to approximately AU$200,000 for the years 2019-2021. To manage the cut in funding, implementing partners were reduced from seven funded partners in 2018 in Dili, Suai and Oecusse, to only two partners – the land network RbR, and legal aid organisation JA. The project was renamed the ‘Land Rights Project’ and support for communities in Suai and Oecusse was reduced. The project’s focus was reframed to influencing government policies, legislation, systems and planning, continuing to support selected households in their eviction cases as an important part of this advocacy strategy. As outlined in this report, the recent changes in funding in particular have had significant impact on the implementation of the project from 2018-2021.

External constraints have also impacted the project. In 2020, the Government of Timor-Leste failed to pass their budget resulting in a political stalemate, with state expenditure reverting to a “duodecimal” system[[6]](#footnote-6), affecting much of the government’s work. In March 2020, a State of Emergency was declared in Timor-Leste, with lockdown and movement restrictions imposed at various times over the past two years to control the spread of COVID-19, as well as catastrophic floods in April 2021, which impacted on project activities. These various constraints meant that some project activities were cancelled because partners were unable to travel or gather together, and the project was reoriented to conduct its work online. OiTL and RbR’s capacity to meet with and influence government and other key stakeholders during this time was also negatively impacted.

## 1.3 Evaluation Overview

With the development of the Oxfam in Timor-Leste Country Strategy (2021-2025), and the establishment of a new Women and Land project, funded by the New Zealand Government, that runs alongside the Land Rights Project, this evaluation was conducted to provide recommendations on future steps for the program, with an aim to support decision-making and work in the following key areas:

* possible continuation of funding for at least the next two years (2022-2024);
* increasing understanding and integration with the Women and Land project; and
* engaging in the influencing process, particularly the government public policy environment.

An important constraint to this evaluation is that project indicators were not updated following the changes that took place in 2018-19, resulting in a misalignment of indicators with the Land Rights Project’s renewed strategy from 2019 onwards. The reason for not updating at that time was to wait for the Women and Land project to begin, in order to properly integrate indicators between the Land Rights Project and the Women and Land Project. Where possible, the evaluation team have attempted to capture both community work and influencing work, and indicated where fieldwork was unable to capture both elements. The following key evaluation questions were developed by OiTL in consultation with RbR:

1. Is there evidence that poor and vulnerable men and women have increased confidence and/or understanding of the development process, rights, laws, policies and programs that affect their lives due to the project? If yes, please outline examples of this evidence. If no, why has this not been achieved?
2. Is there evidence that target communities (women, men, people with disability) are aware ofthe availability of legal or mediation support groups for their land cases due to the project? If yes, what is the evidence of this? If no, why has this not been achieved?
3. Is there evidence that Oxfam and partners are feeding back information on the program to communities? If yes, please outline? If no, why has this not been achieved?
4. Is there evidence that government bodies are providing opportunities for inclusive consultations on policies, laws and processes influenced by the project? If yes, what is the evidence of this? If no, why has this not been achieved?
5. Is there evidence of changes in government policy, practice/process and budget allocations in support of the program goals? If yes, please outline? If no, why has this not been achieved?
6. To what extent has the project supported Civil Society Organisations to have increased engagement with relevant government agencies and officials in Oecusse, Covalima and at the national level in relation to large-scale government programs, and individual and communal land?
7. What has been the impact and challenges in project partners providing legal assistance to support vulnerable affected communities in project areas? What are key recommendations in relation to this for the next phase of the project?
8. To what extent have partnerships been effectively managed with local NGOs following Oxfam’s partnership principles adding value to the relationship for effective program implementation?
9. How well are CSO (members and networks) coordinating and working together on identified priority issues?
10. How have gender and persons with disabilities’ participation and perspective been incorporated into the project? What specific recommendations must be taken to account in the next project design and the parallel Women and Land project?
11. In the next phase of the project, what are key recommendations, particularly in relation to changing context, project implementation to date, partners and Oxfam’s capacity, Oxfam’s new country strategy and current organisational structure?

The evaluation team comprised Dr. Deborah Cummins and Sra. Leonisia (Tecla) da Silva. The evaluation was conducted from February to May 2022. The evaluation team spoke with a variety of respondents, in order to gather a broad spectrum of stakeholder insights, perceptions, achievements and lessons. Overall, the team spoke with a total of 32 civil society, government and community stakeholders. Respondents included a total of 26 men and six women. This included 1 one person with a disability. A list of evaluation respondents is provided in Annex A of this report.

## 1.4 Geographic Scope

As noted above, the project’s geographic scope of work has shifted during this evaluation period 2018-2021, reducing the intense focus in Covalima and Oecusse to work on, and strategically respond to, community land rights cases regardless of their geographic location in the country. To reflect this change and on guidance from OiTL and RbR, four case study sites were selected: Oecusse, Suai, Ermera and Dili. These case study sites were chosen to give a broad understanding of the needs and perspectives of community members in places where there has been or will be large-scale state development building (Oecusse, Suai and Dili), as well as one where there are ongoing land disputes, but to date no mega-projects (Ermera).

**Suai, Covalima**

While there have been no evictions resulting from large-scale development in the period 2018-2021, there are ongoing disputes and issues from previous evictions that have not yet been settled. In 2017-18, a total of 72 households were displaced from their residential and farm land to build a new airport, the Suai Supply Base, and a 30km highway connecting Suai and Beaco. Compensation offered by state authorities was insufficient to restore households to their prior position, but the limited bargaining power of community members with state authorities meant that 67 households accepted the compensation and their cases are now closed. Five households are continuing to hold firm, contesting the compensation that they received as inadequate.

Funding for local partners in Covalima ceased in 2018, at the beginning of this evaluation period. Previously, the project supported the land defender group ‘Asosiasaun Rede Covalima’ (ARC) through various activities, including giving mediation training to help them deal with land conflicts, providing civic education for community members so they could understand their legal rights to compensation, and facilitating meetings and dialogues with state-owned national oil company Timor Gap and affected community members. Project activities have continued since then, for example lodging letters of concern and organising meetings with community members who would be affected by proposed oil and gas drilling in Suai Loro by Australian company Timor Resource. Members of RbR continue to raise these cases of concern via advocacy and media engagement in Dili, in an effort to influence land policy and practice at the national level. Despite local opposition, exploration and testing are continuing to take place.

**Oecusse-Ambeno**

While there have been no evictions resulting from large-scale development in the Special Administrative Region of Oecusse-Ambeno (RAEOA) in the period 2018-2021, there are ongoing disputes and issues from previous evictions that have not yet been settled, including many households that were evicted from their houses and farmland to make space for the Centro Eletricidade, Oecusse clean water supply, airport construction, 5-star hotel and residence for RAEOA authorities.

Community members were provided with replacement housing rather than monetary compensation by the Regional Authority of RAEOA, but the new housing was inadequate to restore community members to their previous position, and did not include compensation for loss of productive farming land and established trees. The limited bargaining power of community members against state authorities meant that even with project support, most households accepted the compensation and their cases are now closed. Affected community members complain that while the 5-star hotel is still non-functional, they are prohibited from using the land to farm. Project partners have conducted various activities, including facilitating consultation meetings between affected community members and government officials, holding community dialogues to educate people on the land title regime and their rights to compensation, reporting cases of concern to the regional land defender group *Rede Voluntario ba Rai iha Oecusse*, RbR and OiTL, providing training to local leaders to mediate land disputes, and where necessary providing legal support for select cases by conducting mapping and preparing evidence to submit cases to court. Members of RbR continue to provide support, working at both regional and national levels.

**Ermera**

Government development projects in Ermera have been smaller than mega projects in Oecusse-Ambeno and Covalima. However, there have been some road expansion projects that had a significant impact on people’s land rights. In addition, Ermera Municipality has a long history of land conflict and a very high number of land disputes currently, particularly over coffee producing farmland. OiTL partner RbR and UNAER have provided civic education for community members and also given mediation training to local leaders in mediating land conflicts.

**Dili**

The capital city, Dili, is the site of various present and upcoming eviction cases, and is also the centre for the project’s advocacy work with government and other key stakeholders. Important eviction cases during 2018-2021, including forthcoming cases, include:

* Attempted eviction of 11 households from Caicoli for building for the National Police of Timor-Leste (PNTL), with the judge deciding in favour of the community and ordering PNTL to remove their construction equipment from the land. This case resulted in significant media coverage, raising RbR’s visibility and leading to a significant increase in the number of land rights cases being brought to them. While a great signal of success, this overall increase in cases is also a complex issue to manage, given limited project resources.
* Plans to build a university city approximately one hour from Dili in Aileu, potentially impacting the livelihoods of 31 households. Project partners successfully advocated for a delay in the eviction process, to allow for communities to be properly consulted. This was a major win for the project.
* Eviction of the fine arts residential school Arte Moris to provide housing for veterans in 2021. While partners were unsuccessful in stopping the eviction, the case received significant national media attention.
* A planned 5-star hotel ‘Pelican Paradise’ in Tasi Tolu, Dili, which would result in the eviction of over 12,000 people. The government claims the land is owned by the state, but this is being contested by the church and local community who claim it as ancestral land.
* A planned extension of Dili airport, which will result in loss of land and houses for 184 households, and impact sites of cultural importance.[[7]](#footnote-7) While the government plans to financially compensate affected households, project partners have learned from experience in Suai and Oecusse, and are concerned that the compensation will be inadequate to restore affected households to their previous situation.
* Announced relocation of people living in high-risk disaster areas, following the severe April 2021 floods, with a planned housing development in a new area ‘Bairro Foun’. Details of this plan are unclear, and partners have been advocating to ensure affected households are not detrimentally affected by this initiative.
* Various extensions of roads and drainage systems, resulting in numerous evictions.

Project partners have supported affected communities in Dili in their eviction cases in a variety of ways, brokering meetings with government and the President, supporting them to appear in the media, and also providing legal support in their cases. In addition to responding to work on evictions, project partners have carried our various activities intended to influence the development and implementation of land laws and policies, to educate people on community rights under the Land Law, and to advocate for the interests of households facing eviction.

# EVALUATION RESULTS

This section presents the evaluation results for the Land Rights Project, according to each key evaluation question.

## 2.1 Increased community confidence and understanding of the development process and their rights

*Evaluation question 1: is there evidence that poor and vulnerable men and women have increased confidence and/or understanding of the development process, rights, laws, policies and programs that affect their lives due to the project? If yes, please outline examples of this evidence. If no, why has this not been achieved?*

Evaluation results indicate that the Land Rights Project has been very successful in raising community members’ awareness of their land rights, evidenced by the increasing number of support requests from households facing eviction. While in theory, government authorities are responsible for socialising the 2017 package of three laws (Land Law, Expropriation Law, and Land Use Law) so that people understand their rights, this has not taken place. As such, the project has been a central source of information for community members, successfully supporting poor and vulnerable men and women to have increased confidence and understanding of the development process, rights, laws, policies and programs that affect their lives. However, while this is a clear indication of success, it is a complicated issue for project partners to manage, as the increasing number of support requests in land rights cases outstrips the limited funding available under the project to support these requests.

Civil society and government respondents explained that despite the fact that the package of three land laws were promulgated in 2017, the government has still not socialised these laws around the country to help community members understand their land rights. As respondents explained, this is due to a combination of insufficient budget allocation and lack of political will to carry out such socialisation.[[8]](#footnote-8) While in theory the Ministry of Justice and the National Directorate for Land, Properties and Cadastral Service (DNTPSC) under the Ministry of Justice in providing land rights information should be responsible for socialising the 2017 laws and educating people on their rights, in practice these responsibilities have fallen almost exclusively on RbR membership.[[9]](#footnote-9)

During the evaluation period 2018-2021, the project has facilitated various civic education sessions, held community dialogues to facilitate negotiations between state agencies and communities affected by large-scale development projects. Civic education sessions and community dialogues have been facilitated for communities in Dili, Ermera, Covalima, Oecusse, Manatuto, Baucau and Liquisa. The project has also directly supported various households facing eviction in their compensation claims and legal cases. Some high-profile eviction cases that received national media coverage also had a strong impact, with many community members watching the coverage and later requesting project support for their own cases.

Across the different case study sites, respondents agreed that the civic education and community dialogue sessions provided via the project were both necessary and important. In Ermera, RbR member UNAER explained that they are commonly asked by communities to provide information sessions and help mediate land disputes. This is despite opposition from municipal government officials, who criticise UNAER and accuse them of ‘stirring up trouble’ in communities.[[10]](#footnote-10)

Similarly, in Oecusse, various representatives explained that as a result of information sessions, community dialogues with government officials, and mediation and legal support, households across seven affected suku made compensation claims – indicating their confidence in claiming their rights.[[11]](#footnote-11)

In Dili, project partners have supported some high-profile cases. In 2019, project partners supported community members in Caicoli to take their case to court, resulting in a landmark court decision in favour of the affected households. As one of the affected community members who faced eviction in Caicoli explained, without RbR support they would never have taken their case to court.[[12]](#footnote-12) Also during this evaluation period, RbR members in Dili successfully lobbied for postponement of a proposed University City in Aileu, to ensure affected households were properly consulted. Another high-profile case was the eviction of art group Arte Moris in 2020: while this eviction went ahead, the case received wide media coverage, with one TVE press conference about the eviction watched live in 23,000 households – the highest ratings TVE has ever achieved.[[13]](#footnote-13) The combined result of these cases has been significantly increased visibility for the project, and greater understanding and confidence of community members of their rights when facing eviction to make way for government development projects. However as noted previously, this increased visibility – while indicating project success in informing community members about their land rights – has also been complicated to manage, with community requests for project support in their cases far outstripping available resources.

In preparation for upcoming cases, Dili project partners have conducted community dialogues in preparation for possible eviction for various forthcoming projects. These include a planned 5-star hotel ‘Pelican Paradise’ in Tasi Tolu which will result in the eviction of over 12,000 people, a planned extension of Dili international airport, the proposed relocation of people living in high-risk disaster areas to a new ‘Bairro Foun’ following the severe April 2021 floods, and supported various other eviction cases resulting from road extensions and new drainage systems, with positive results for community understanding and confidence.

In Suai, however, results were mixed. While project partners facilitated various meetings with Timor Gap to discuss community members’ rights to land, and many community members have an increased awareness and confidence because of project activities, respondents also explained that there are some sectors of the community who do not appear to be aware, and who have not sought support under the project.[[14]](#footnote-14)

While the project has clearly been successful in increasing community confidence and understanding, the increasing number of support requests in land rights cases is far outstripping the limited funding available under the project to support these requests.

Recognising this problem, OiTL has attempted to influence donors such as FAO, DFAT and the EU to invest in land-related issues.[[15]](#footnote-15) However, while there have been some small gains such as influencing DFAT-funded TOMAK to use some of their discretionary research funding to do research on women’s access to agricultural land, this has not resulted in a shift in development partner priorities.[[16]](#footnote-16) Given this funding environment, it is likely that OiTL needs to continue partnering with less traditional funding partners such as their current funding partner Glider Foundation, and also being creative in how to package land issues into projects working on gender, rural livelihoods, agroforestry, climate change and rural development. Importantly, the new five-year Women and Land project has put aside funding for business development for land rights work. This investment in seeking new funding is appropriate and important given this current situation.

**Recommendation 1:** OiTL continues to invest resources into business development, using the opportunity provided by the Women and Land project to seek increased funding support from non-traditional and traditional development partners.

## 2.2 Target communities’ awareness of legal or mediation support groups

*Evaluation question 2: is there evidence that target communities (women, men, people with a disability) are aware of**the availability of legal or mediation support groups for their land cases due to the project? If yes, what is the evidence of this? If no, why has this not been achieved?*

Evaluation results indicate that the project has been successful in supporting community awareness of, and collaboration with, community land defender groups (where they exist), and with RbR. However, this work has been hampered by limited resources available under the project: legal aid partners do not have sufficient funding to accompany existing cases that have been pending for up to five years in Suai and Oecusse, and are unable to meet the high level of demand for new cases. Results also indicate lower levels of engagement and awareness of some sectors of the community in Suai, and of women and persons with disability overall. The Women and Land project referred to above is designed to fill this gap of engagement with women and persons with disability.

RbR members have effectively worked via land defender groups where they are still active, and with other community groups where they are no longer active, to provide mediation, legal and advocacy support for households facing eviction, facilitating mediation over various land disputes when they have the capacity and are requested to do so by community leaders.[[17]](#footnote-17) This has been supported by mediation training supported by OiTL and provided by RbR members and allies. Where possible, these interventions are carried out in collaboration with village-based land defender groups that were established in select communities by Timorese NGO Haburas and Madalan ba Rai 10 years ago. However, this is not always possible: these land defender groups were only ever established in select communities, under a completely different project, and only a handful of these groups are still active and linked with RbR’s national land network.[[18]](#footnote-18)

The project has achieved high visibility for RbR’s work on community land rights across the country. RbR receives regular requests for support from across the country. In Manatuto, a community requested support because exploratory marble mining had been undertaken on their land without consent.[[19]](#footnote-19) In Ermera, community members requested support in a large land dispute over communal property in Railaco, and another in Maidiu.[[20]](#footnote-20) The increasing number of cases being handled by RbR is a clear indication of community members’ awareness of legal support: in 2015 there were 40 cases, increasing to 82 cases in 2019. By the end of 2021, RbR had 120 active and unresolved cases in their database.

While the project has achieved good outreach, respondents noted there are still affected households who do not seek support from RbR and land defender groups (where they exist), and may not be aware of their existence.[[21]](#footnote-21) In Suai, some sectors of the community appear to not be aware of, or confident in, claiming their rights. In addition, across all four case study sites, respondents explained that while women and persons with disabilities may be aware of activities conducted together with land defender groups (where they exist), they rarely engage directly with the project and instead leave this to the (generally older, male) heads of affected households (see section 2.10 for more detail.) This is in line with customary practices in relation to land use and land rights across most parts of the country. The new Women and Land project is an important success emerging from this project, and is specifically designed to fill this gap identified by partners in this project.

The challenges referred to above are exacerbated by the limited capacity in the Public Defenders Office to providing necessary legal aid,[[22]](#footnote-22) which leaves legal aid provider JA and other RbR members in a difficult position: while the project has been able to support community members in lodging their claims, there is insufficient resources to do the necessary but time-consuming legal follow-up for cases that are pending.[[23]](#footnote-23) This is exacerbated in Suai where OiTL has partnered only with the ARC, who do not have the support of a local legal aid provider in giving technical legal support.[[24]](#footnote-24) Recognising this issue, RbR members made various recommendations on how to manage situations where RbR is unable to actively accompany a case, during a Reflection Workshop held in Dare in 2019 (Dare Reflection Workshop, discussed in Section 2.8 of this report.) Recommendations included: looking for ways to encourage community members to bring their own cases to court, considering training for paralegals to provide some level of support, and creating and distributing information and referral pamphlets to community members.[[25]](#footnote-25)

A total of 47 recommendations came out of the Dare Reflection Workshop. These are all highly legitimate and relevant to RbR’s casework, as they emerged from deep reflection and collaborative decision-making among all Workshop participants. In their role as funding sources as well as RbR member, it is appropriate that OiTL continues to monitor and revisit these recommendations, to support RbR in implementing them going forward.

**Recommendation 2:** OiTL continues to support follow-up and implementation of the 47 recommendations from the Dare Reflection Workshop.

## 2.3 Oxfam and partners feeding information back to communities

*Evaluation question 3: is there evidence that Oxfam and partners are feeding back information on the program to communities? If yes, please outline? If no, why has this not been achieved?*

Evaluation results from all case study sites indicate that OiTL and partners have effectively fed information on their land rights work back to communities.

OiTL and partners have used a variety of channels to do this, working closely with communities facing eviction, providing information to local organisations, land defender groups and community members on people’s rights under the law, collaborating with the media for national coverage, and carrying out various other outreach activities. Project partners RbR and JA have also supported various community groups in their eviction cases, brokering meetings between community members facing eviction and senior state officials and the media, and providing information and support as needed.

As noted in previous sections, respondents all agreed that these project activities fill a major gap that the Ministry of Justice, DNTPSC and the Public Defenders Office to date have not been able to fill.

## 2.4 Government bodies doing inclusive consultations

*Evaluation question 4: is there evidence that government bodies are providing opportunities for inclusive consultations on policies, laws and processes influenced by the project? If yes, what is the evidence of this? If no, why has this not been achieved?*

Evaluation results indicate that influencing work undertaken by OiTL and RbR has resulted in some important shifts to some government bodies engaging in inclusive consultations on policies, laws and processes influenced by the project. However, this continues to be an uphill battle, with limited political will to meaningfully consult with households facing eviction, particularly in relation to mega-projects involving significant amounts of money, and the government’s continued approach of trying to push through laws and policies with limited public consultation.

While the Expropriation Law sets out some important provisions intended to protect people’s rights to land justice, including the need to meaningfully consult with affected households, and the need to give adequate compensation for expropriated land, the reality is that in many cases this law has not been followed by state agencies. Interview results indicate that it has been common for state agencies to attempt to bypass their legal obligations under this law by either (i) claiming land is state (rather than community) land and arbitrarily removing people from that land to make way for infrastructural development, or (ii) recognising people’s ownership over their land but failing to pay adequate compensation when they evict them, so people are unable to access equivalent land and housing and are driven deeper into poverty.

As many respondents emphasised, pushing government bodies to respectfully engage with communities in cases of eviction is difficult, slow, and sometimes dangerous work in situations where armed police are also involved.[[26]](#footnote-26) Use of police in forcing evictions is a recognised problem: as one government respondent explained, the police need to better understand community land rights and avoid being violent or intimidating when engaging with households facing eviction.[[27]](#footnote-27)

While project partners have actively sought to facilitate dialogues with government officials at different times, there have been numerous instances where their efforts have been blocked or ignored. For example in Suai, respondents explained that state-owned company Timor Gap conducted two meetings with community members in 2020, but did not give community members the opportunity to speak about their real concerns.[[28]](#footnote-28) In Dili, RbR members advocated that evictions should not take place during the States of Emergency due to flooding and COVID-19, but government bodies continued to expropriate land and force evictions during these times.[[29]](#footnote-29) In Ermera, DNTPSC has failed to conduct civic education on people’s land rights or assist in mediating land disputes, and is also obstructive when RbR member UNAER carries out this work at the request of local leaders.[[30]](#footnote-30) As one legal aid provider explained, these problems come from a lack of political will combined with poor understanding of their obligations under the Expropriation Law, and are exacerbated by limited coordination between municipal officials and the Ministry of Justice, whose role it is to conduct civic education.[[31]](#footnote-31)

Despite these challenges, there appears to have been some progress. Respondents in Oecusse noted improved engagement by government officials during community dialogues in 2019, which involved the Ministry of Justice, local NGOs, local leaders, land defender groups and representatives from evicted households. These dialogues, facilitated by local NGOs, resulted in settlement of various outstanding disputes.[[32]](#footnote-32) Perhaps more significantly, some high-profile cases, including the landmark evictions case win in Caicoli, have signalled that state officials are required to follow the law. The government’s postponing of a proposed University City in Aileu to allow time for community consultation is an important win, indicating the government’s willingness to negotiate when coordinated advocacy is conducted by OiTL and partners.

In addition to evictions cases, the Ministry of Justice has attempted to push through various land laws and policies without public consultation, which OiTL and RbR have successfully advocated against. In 2020, the Ministry of Justice registered the draft law on Community Land and Community Protection Zones (one of 18 complementary laws) for approval by the Council of Ministers without opening up to public consultation, which RbR and OiTL only discovered through informal channels. In response, they successfully advocated that the draft law be postponed to allow consultation with all the different cultural groups around the country, to ensure resultant legislation meets their diverse needs.[[33]](#footnote-33) The government also attempted to push through other complementary laws without consultation, including technical legislation converting registration to title, and the Land and Property Commission law, with similar results.[[34]](#footnote-34)

While difficult, it is important that this work to monitor and influence state bodies to conduct inclusive consultations be continued. Given the many pieces of subsidiary legislation that are necessary to complement the three laws passed in 2017, RbR and OiTL’s influencing and legal monitoring role will be extremely important in coming years, as will creation of participatory and community-centred land administration and consultation processes to ensure the legislation reflects community needs.

**Recommendation 3:** OiTL and partners continue to focus on participatory and community-centred land administration and consultation processes, as a central part of the project.

## 2.5 Changes in government policy, practice and budgets for program goals

*Evaluation question 5: is there evidence of changes in government policy, practice/process and budget allocations in support of the program goals. If yes, please outline? If no, why has this not been achieved?*

Evaluation results indicate that the project has achieved some important focussed changes and laid the foundation for other potential influencing. This has been achieved through formal and informal advocacy and influencing by OiTL and RbR members, and a major piece of participatory research on the national cadastral system. However, the reduction in development partner funding and support for land rights work is a major obstacle for both civil society and the government in carrying out good, technical advisory work on people-centred land administration that is appropriate to the Timor-Leste context.

During the evaluation period, project partners have worked to influence changes in government laws, policies, practices/processes, and budget allocations, advocating with senior government decision-makers, members of parliament and other stakeholders on various issues, including passing necessary subordinate legislation to support the implementation of the 2017 package of land laws. Recognising the need to manage limited resources, RbR and OiTL have chosen to focus most of their advocacy efforts on two laws that are most important for community land rights:

the *Regime das Zonas de Proteccao Comunitarias e dos Bens Imoveis Comunitarios*, (Community Protection Zones Law) which was drafted in 2020 and submitted to the Council of Ministers, but stalled in response to pressure from project partners for more consultation and improvement;[[35]](#footnote-35) and

the complementary law on Evictions (Evictions Law) which at the time of writing this report (August 2022) has not been finalised or made available for inputs from civil society and other stakeholders.

Both laws are pending and OiTL and RbR are monitoring for when the Government releases new draft legislation. With the draft Community Protection Zones Law being successfully postponed in 2020, OiTL and RbR have been preparing their position on key issues, working with consultancy Tahan to develop more sustained recommendations that focus on the need for customary land regulations to deeply match the local context, and the need for careful piloting of any new regulations and mechanisms.[[36]](#footnote-36)

OiTL and RbR has also successfully engaged with the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) and the United Nations Special Rapporteur on the Rights of Indigenous Peoples to increase pressure on the government to comply with the land laws and their international obligations (discussed in section 2.6). RbR’s recent admission to the International Land Coalition (ILC) to work towards people-centred land governance may also provide a new platform for such influencing.

At the subnational level, it appears that government practices in carrying out evictions also may be changing to allow more community consultation. In particular, the decision to postpone evictions in the Aileu University City case is an important indication that state agencies are willing to negotiate when pressed to do so.

A major achievement during this evaluation period was a piece of participatory research on the national cadastral system (SNC), which was conducted by RbR and supported by Tahan, following a decolonising research methodology. Key findings from the research were that elements of the SNC process did not follow the 2017 package of land laws, there was insufficient consultation and socialisation mechanisms for land registration, the process negatively impacted on women’s rights to land and were not inclusive of persons with disabilities, and the overall SNC process threatened customary land rights.[[37]](#footnote-37) On the basis of this research, partners submitted complaints to PDHJ and the Anti-Corruption Commission, asking that they investigate the SNC process. Partners also advocated with members of parliament to push for a fully-funded external review of the land registration process.

The research received a lot of high-level attention, with Fretilin raising the SNC process as an issue of concern during budget discussions and other parliamentary debates, and issuing three separate public statements asking the Attorney General to undertake an independent audit of the procurement process and the company responsible for land registration.[[38]](#footnote-38) As a result of this and other pressure, the government suspended the SNC and stated their intention to establish a new department for land registration. However, while the SNC process is suspended, there has been no shift in budget allocations to the Ministry of Justice for the technical work or consultations required to create a new system. While the Ministry of Justice asked OiTL to support to help them improve their land registration system, OiTL was unable to assist because this is work best supported by development partners via technical advisors.[[39]](#footnote-39) There are currently no clear details of what a new land registration system would look like, or what this would mean for already-registered land claims under the SNC.[[40]](#footnote-40)

This research was a clear win for the project, leveraging RbR’s strong track record in using research for advocacy multiple times in the past. Respondents explained that the participatory, decolonising methodology was important, as it ensured that RbR members owned the research, had an excellent grasp of the issues, and could engage with these issues across multiple forums.[[41]](#footnote-41) However, the research process was also expensive and time-consuming, requiring significant support from Tahan. Reflecting on the limited resources that are now available for land rights work, various respondents suggested moving their advocacy strategy so it reaches beyond this intensive research, to focus more on short think-pieces such as case studies that can surface and leverage RbR’s grassroots successes, and strategic relationship management for advocacy.[[42]](#footnote-42) One respondent also suggested that short videos be created to capture and re-use community local stories.[[43]](#footnote-43) Importantly, the new Women and Land project will also invest in an improved MEL system, to support the type of reflections which might also be leveraged into advocacy and influencing.[[44]](#footnote-44)

There is also opportunity to improve how research is used for longer-term engagement. While the project supported production of two high-quality Policy Briefs – one on Expropriation, and one on Relocation of Disaster-Affected People following the 2021 floods – some respondents noted that these publications were not then leveraged for long-term engagement on the issues, beyond initial meetings following publication.[[45]](#footnote-45)

A complicating factor for this project is the government’s reduced internal capacity to understand and engage with key issues, given the many changes in government over the past few years.[[46]](#footnote-46) As noted previously, there are 18 complimentary laws that need to be produced; four have already been written and presented to the President of the Republic for promulgation, 14 are yet to be developed. These 18 complementary laws are highly technical, and respondents explained there is significant loss of institutional memory in the government on the salient issues, debates, and various iterations of the complementary laws that are still in draft form.[[47]](#footnote-47) Development partner support on land issues has also reduced significantly since the passing of the land law package in 2017, and inter-ministerial and cross-sectoral dialogue that was previously funded by development partners such as USAID has all but disappeared, reducing government capacity to develop policy and legislation that effectively connects with other sectors, such as forestry, the environment and agriculture. This diminishing capacity and reduced donor interest make OiTL and RbR’s work both complicated because of reduced resources, and vital because of their unique position in advocating for a land administration system that is people-centred, and that will work in the Timor-Leste context.

**Recommendation 4 (linked with Recommendation 7):** OiTL and RbR reconsider their research strategy to manage limited resources. This may include conducting short think-pieces and case studies to surface and leverage RbR’s grassroots successes and community needs, creating short videos to capture and re-use community stories, and using the new Women and Land project’s MEL processes to gather stories and reflections to leverage into advocacy and influencing.

**Recommendation 5:** OiTL and RbR reflect on how to leverage new research and publications into longer-term engagement and advocacy. This may also include revisiting and/or refreshing ‘old’ research where issues and recommendations are still relevant.

## 

## 2.6 Project has supported CSOs to engage with government at municipal and national levels

*Evaluation question 6: to what extent has the project support Civil Society Organisations to have increased engagement with relevant government agencies and officials in Oecusse, Covalima and at the national level in relation to large scale government programs, and individual and communal land?*

Evaluation results indicate that the project has been very successful in supporting CSOs to have increased engagement with government agencies and officials in Oecusse, Covalima and at national level.

Municipal CSO respondents in Oecusse and Covalima explained that they often cannot access municipal decision-makers, including the Municipal Authority and RAEOA, the Ministry of Justice, DNTPSC, and various other decision-makers. As such, they appreciate when OiTL and RbR broker meetings to help them gain access. Respondents noted OiTL and RbR’s deep engagement with many senior government officials,[[48]](#footnote-48) with one person explaining that OiTL and RbR were able to broker a meeting between the President of RAEOA and affected communities within only three days.[[49]](#footnote-49)

In addition to assisting access at municipal/regional level, respondents appreciatively noted RbR and OiTL’s interventions at national and international level, successfully linking national and international stakeholders with affected community members, and using this to put further pressure on municipal state officials.[[50]](#footnote-50) In 2019, project partners brokered meetings between the United Nations Special Rapporteur on the Rights of Indigenous Peoples and community leaders, *lia-na’in* and civil society representatives in Suai. The Special Rapporteur’s resulting report to the government noted the many evictions that had taken place, requesting an external review of the SNC land registration process and its impact on customary land. In addition in early 2022, while outside this evaluation period, OiTL presented a series of recommendations to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) on the issues faced by women in seeking land justice, which CEDAW also reflected in their report to the government.

In Dili, OiTL and RbR members have engaged regularly with the Ministry of Public Works, the Ministry of Planning and Territorial Management, Ministry of Justice, Human Rights Provedore, the Anti-Corruption Commission, Members of Parliament and other stakeholders, to discuss how various upcoming projects might be carried out in line with the law of Timor-Leste and international obligations to protect communities’ rights to adequate housing. These projects include the planned Dili airport extension, 5-star resort ‘Pelican Paradise’ in Tasi Tolu, and as yet unclear relocation plans for people living in disaster zoned areas to temporary ‘green bairros’ where people could live for a few years.[[51]](#footnote-51) While the land for Dili airport extension and Pelican Paradise has been identified already, it is unclear whether and how the ‘green bairros’ plan will go ahead, as it does not yet have a long-term vision or a clear budget for relocation activities.

Various respondents noted that while land rights work is difficult and slow, these combined interventions put ongoing pressure on state officials at every level, helping to ensure community land rights issues stay in the political discourse. In particular, the brokering role taken by OiTL and RbR is an important point of difference for the Land Rights project, differentiating them from other more technical legislative and policy work that might be undertaken by other stakeholders by promoting a people-centred approach to land administration. It is necessary and important that OiTL and RbR continue to engage with municipal, national and international decision-makers by linking them with affected households and exposing them to the lived reality of community members by brokering meetings, gathering grassroots case studies and information on evictions to use in national and international interventions, and using media and other communications strategies to keep putting pressure on decision-makers.

**Recommendation 6:** OiTL and RbR continue to broker meetings between municipal/national/international stakeholders and affected households, thereby exposing decision-makers to the lived reality of community members.

**Recommendation 7 (linked with Recommendation 4):** OiTL and RbR sharpen the project’s communications strategy to gather and share community stories, and strategically link these case studies with other materials explaining the basic principles of people-centred land administration for various audiences.

## 2.7 Impact and challenges in project partners giving legal assistance

*Evaluation question 7: what has been the impact and challenges in project partners providing legal assistance to support vulnerable affected communities in project areas? What are key recommendations in relation to this for the next phase of the project?*

Evaluation results indicate that legal assistance provided by project partners has had significant positive direct impact for vulnerable households who were supported in their legal claims. This casework has also achieved national impact because of the high profile that some cases achieved. However limited funding for legal aid and accompanying cases remains a key challenge for project partners giving legal assistance.[[52]](#footnote-52)

Many respondents noted that the legal aid given under the Land Rights Project is critically important, as it is often the only legal support avenue for community members facing eviction. While in theory the Public Defender’s office should be providing this support, respondents explained that it currently does not do this, leaving vulnerable affected communities with limited understanding or ability to claim their legal rights. Private lawyers cost money that many households facing eviction don’t have. This puts the project’s primary legal aid provider JA in a challenging position. While they are constantly receiving support requests from households facing eviction, they do not have the financial or human capacity to fill this demand.[[53]](#footnote-53) As a result, and despite their best efforts, there are various compensation claims that are still pending, some from as early as 2017.[[54]](#footnote-54) Recommendations from the Dare Reflection Workshop on how to support cases where partners are unable to provide active support are highly relevant for these situations, and should continue to be revisited by OiTL.

Despite these challenges, there have been some important wins during this evaluation period. In 2019 an important case was won by households facing eviction in Caicoli (Dili) to build a new police station for the National Police of Timor-Leste (PNTL) headquarters, with PNTL claiming the land to be state land and therefore not subject to the law governing expropriation. With legal support from JA, and support from other members of RbR, 31 households facing eviction were able to produce documentation demonstrating their ownership since Portuguese times. PNTL’s claim to their land was overturned, and the court ordered them to remove their construction equipment from the property. This is a landmark case – the first time in Timor-Leste where a court has overturned a state claim to property in favour of community members – and sets an important precedent that government agencies will be held subject to the law.[[55]](#footnote-55) Following this success, RbR received many requests for support from community members all around the country.[[56]](#footnote-56)

Another important win was the government postponing a proposed University City in Aileu Municipality. This development was to be built on prime agricultural land that is farmed by many families in the area, and is held under customary tenure. The government attempted to evict community members, using the local police to enforce these evictions. Project partners met with the PM, members of Parliament and Ministry of Justice, and succeeded in postponing the construction to ensure consultation with affected households, as required by law.[[57]](#footnote-57) The support provided by JA was central to this win.

These and other high-profile cases, such as the eviction of Arte Moris in Dili, have gained significant media attention and raised project partners’ profile across the country. RbR and OiTL have successfully used these cases in their broader advocacy work – for example, influencing the President of the Republic to issue a Facebook post publicly requesting that all ministries follow the Land Law.[[58]](#footnote-58) However, the result of these successes has been increasing requests from community members, but without sufficient donor funding to support this increasing demand. This has put even more pressure on the project’s only directly funded legal aid partner JA, whose funding for legal services was significantly reduced by OiTL following overall funding cuts in 2018.

This situation reflects a general mismatch between community need, and diminished donor appetite for supporting land rights work generally, and evictions casework in particular. Evaluation results indicate a clear case for providing legal support in eviction cases, with value to be gained at (a minimum) three levels: (i) responding to vulnerable community members’ need for legal support, (ii) as public interest/social action litigation, pushing for change via the legal system (as shown in the Caicoli and Aileu cases), and (iii) providing vital data on community evictions to inform broader national and international influencing work, and promote people-centred land administration. However, it is difficult to find donors who are willing to fund this type of work, who are wary of the potential impact on their relationship with the government. As such, it is both necessary and important that OiTL continue to invest in business development (as they have done via the Women in Land project), and creatively seek funding from non-traditional development partners who are either directly or peripherally interested in land rights work.

**Recommendation 8 (linked with Recommendation 1):** In the event that OiTL are unable to secure increased funding using the opportunity afforded through the Women and Land project, agree with partners how to implement stronger selection criteria to choose cases for active support.

## 2.8 CSO members and networks are coordinating on priority issues

*Evaluation question 8: how well are CSO (members and networks) coordinating and working together on identified priority issues?*

Project partners have well-established relationships to support effective coordination. OiTL first formally partnered with RbR and JA in 2015, and also supported some specific RbR projects before that time. In addition, various OiTL staff have long, well-established professional relationships with members of RbR and JA that predate formal partnership with OiTL. Evaluation results indicate that these long-established relationships between OiTL and CSO members and networks are a major strength of the project, which partners have been able to draw on when collectively identifying priority issues, and coordinating and working together to address them. Evaluation results indicated some important successes during this evaluation period, including the Dare Reflection Workshop, as well as opportunities to improve.

To improve coordination on evictions casework, RbR convened a workshop of 22 people from 12 member organisations (Dare Reflection Workshop) to come together for three days in 2019 to reflect on their evictions casework, and to identify opportunities to streamline and improve how they work together. A total of 47 recommendations for improvement came out of this workshop. These recommendations were prioritised according to their level of importance and level of difficulty to help guide members and secretariat in identifying where to focus their attention. These recommendations are all highly relevant.

RbR has a lean secretariat that facilitates and coordinates its 24 member organisations, each of which have their own focus. The network is divided into three inter-connecting groups: the law and politics group, the education and mobilisation group, and the casework group, with the intention that each member organisation undertakes land work according to their organisational focus, supporting each other as a broader movement. RbR priorities are intended to be collectively decided through various fora: regular coordination meetings, annual members’ meetings, meetings of the Ekipa Tau Matan (oversight committee), and other meetings convened for specific planning and reflection purposes.

An important recommendation that emerged from the Dare Reflection Workshop relates to how work is distributed between the RbR secretariat and members. While RbR is structured with a lean secretariat, with the idea that work be distributed among network members and the secretariat providing basic coordination, the current reality is that most of the casework is centralised onto the secretariat and more active members.[[59]](#footnote-59) There was general agreement among workshop participants that the workload needs to be more evenly distributed across the network membership. However, this is complicated to address. Before 2017, different member organisations had core funding and dedicated staff to work on land rights issue.[[60]](#footnote-60) However, since 2017 the available funding has shrunk, leaving CSO members unable to dedicate significant time to land rights work. RbR is therefore in the challenging position that while the secretariat has become stronger over the years, network members have not been able to work together in the same way to achieve good collective impact. Redistributing casework from the secretariat to the members would likely require a combination of (i) seeking more funding to support members in accompanying cases, (ii) communicating and coordinating more closely with members to encourage them to ease the burden that is currently on the RbR secretariat, and (iii) if more funding is not found, becoming more selective on which cases are accompanied.

Another set of recommendations that were identified as extremely important in the Dare Reflection Workshop included analysing and deciding which cases registered in the database should be actively supported, and which should simply be monitored, to more effectively coordinate the casework. While RbR has had a case management system since 2016, this was often not followed. In 2019, OiTL supported RbR via Tahan to create a simple, user-friendly database that would help RbR systematically gather evictions information, and categorise cases based on whether RbR is actively supporting or monitoring a case. This has met with some success, with RbR beginning to analyse and recategorise cases to clearly identify those that should be actively supported and those that should be monitored.[[61]](#footnote-61) This database also has the potential to provide ongoing data on issues faced by different sectors of the community, as a central element to the project’s focus on people-centred land administration. However, while the database was recognised as extremely important during the Dare Reflection Workshop, this work was defunded in 2021 and Tahan has been providing database support pro bono since this time. Given its importance in both case management and its potential in providing important data, it is recommended that OiTL revisit their funding support for this work.

Respondents also noted opportunity to improve internal efficiencies within and between RbR and OiTL. A key recommendation from the Dare Reflection Workshop was to revive RbR’s regular meetings, which had become less regular over the years. In addition, on OiTL’s side, respondents noted opportunity to improve how OiTL staff coordinate between the Land Rights Project, Women and Land Project and other associated projects such as Hadalan and climate justice. As one respondent put it, “there is meeting upon meeting upon meeting, with people being pulled from one meeting into the next, and not knowing how to tag-team effectively.”[[62]](#footnote-62) As this respondent went on to describe, this puts pressure on people’s time, occupying them with busy-work that reduces their ability to engage strategically, resulting in missed opportunities for partners to effectively complement each other’s advocacy work.

There were also concerns that RbR’s and JA’s focus on evictions casework means they have limited time to work on these legal and policy issues. Some respondents were of the opinion that RbR and JA should be less ‘reactive’ in attending to cases that arise, only supporting select cases that have potential national impact (generally mega-projects that are affecting a lot of people and are likely to set a precedent) in order to free up more resources for higher-level strategic influencing/policy analysis work.[[63]](#footnote-63) By contrast, other respondents explained that this misrepresented the potential value of casework as a form of public interest/social action litigation. As demonstrated by the Caicoli and Aileu University cases during this evaluation period, public interest/social action litigation can be a highly effective strategy in forcing change to state behaviour with impact that can reach far beyond that individual case.

The squeeze on people’s time within both OiTL and partners has meant that inevitably some strategic work is not followed up. As noted in section 2.5, OiTL, RbR and JA are monitoring the government’s creation of subsidiary legislation to support the 2017 package of three land laws, with special focus on two complementary laws: the Community Protection Zones Law, and the Evictions Law. Some respondents have expressed concern that RbR members are not yet sufficiently coordinated in their perspectives on key issues if the government attempts to push new laws through quickly.

Another area of work that has received insufficient attention is an area of potential significance: exploring how to use the Asia Development Bank’s (ADB) safeguarding mechanisms to advocate for the rights of some 1,200 people who will be displaced by the planned Dili airport extension. Because the ADB is partially funding the airport extension, OiTL did some background research and discovered the ADB were not following their own safeguarding guidelines. They requested a meeting with ADB representatives in 2020, but this was deflected onto the government and not properly followed up.[[64]](#footnote-64) By the end of this evaluation period (late 2021), this meeting had still not taken place. As one respondent described, this was a significant missed opportunity as it would potentially position partners to influence the ADB and at the same time preparing them for similar safeguarding advocacy with other multilateral and bilateral donors in the future. This is an important area of strategic action which may yield new funding opportunities, so is worth the investment of time and money.

While there are certainly areas of work that can be made more efficient, central to many of these issues is the question how to manage competing demands with extremely limited resources. As RbR’s profile is increasing across the country, they are fielding more requests for support on evictions cases, and receiving opportunities to engage in other fora such as the ILC. However, this increased engagement with international fora carries the risk of stretching their resources even further, and there is not yet a clear strategy on how to leverage this international engagement into national influencing. While these are important indicators for success, they put further squeeze on limited resources, and there is need to consider how to focus and leverage their achievements for maximum impact.[[65]](#footnote-65) To build on the partnership’s strengths, these discussions need to be undertaken collaboratively with OiTL, RbR and JA (discussed in section 2.9.)

**Recommendation 9:** OiTL consider renewing funding for database support.

**Recommendation 10:** OiTL improve and streamline staff members’ internal coordination and engagement between related projects (Land Rights Project, Women and Land Project, Hadalan and Climate Justice) to relieve overall pressures on staff time.

**Recommendation 11:** OiTL and partners invest sufficient time to follow up and advocate on ADB’s safeguarding policies to protect affected community members, as a test case to pressuring international funders to comply with their internal policies and potentially opening up new funding opportunities.

**Recommendation 12:** OiTL and partners embrace opportunities provided by international forums such as ILC, but with an awareness of limited project resources and with a clear strategy for leveraging the work into national influencing.

## 2.9 Partnerships effectively managed by local NGOs under OiTL partnership principles

*Evaluation question 9: to what extent have partnerships been effectively managed with local NGOs following Oxfam’s partnership principles adding value to the relationship for effective program implementation?*

OiTL funds two partners under this project: land network RbR and legal aid provider JA (also a member of RbR). There are various local and national NGOs among RbR’s membership, and OiTL is also a RbR member. Many respondents agreed that one of the most important contributions of the project is simply that OiTL continues to resource civil society’s land rights work, as without this support RbR would not be functioning.[[66]](#footnote-66)

OiTL’s partnership approach with RbR and JA is guided by various principles including collaboration and mutual respect, and decisions are made collaboratively between the partners. The partnership with RbR is complicated by the fact that it is a network and not a single organisation, meaning that RbR priorities need to be collectively decided by network members (with OiTL and JA included as members.) OiTL’s dual role as both funding source and network member carries some unique challenges.

In general, respondents agreed that the project was managed following OiTL’s partnership principles of collaboration, fairness, mutual respect, creativity, community focus and being participatory. Some commented positively on OiTL’s collaborative and respectful engagement.[[67]](#footnote-67) Others explained that with OiTL staff’s long history of working with civil society and government on land rights, they have a deep understanding of the complexity of land issues in Timor-Leste, and a thorough grasp of the most important relationships to effectively advocate on these issues.[[68]](#footnote-68)

However, there were also some concerns. Respondents noted that the principle of fairness was not fully satisfied, as they need to improve how they work with, and advocate for, women and persons with disabilities (see section 2.10 for more detail.) Some noted that collaboration and being participatory were not fulfilled: while RbR’s secretariat has become stronger over the years they have still struggled with some internal management tasks, and there is room to improve how they adapt to the current political and development partner landscape. This was discussed during the Dare Reflection Workshop, with key recommendations produced to address these concerns that should continue to be followed up by OiTL as a funder and RbR member. Others explained that despite OiTL’s efforts to create a partnership approach that is based on mutual respect and collaboration, there is a need to improve OiTL’s internal capacity and understanding of partners’ strategic objectives and abilities, and ability to work with partners in linking these with OiTL objectives.

There were also differences of opinion in relation to the partnership principle of community focus. As noted in the previous section, an important issue between OiTL, RbR and JA is how to use limited resources and finding the right balance of casework, policy and legal influencing and other initiatives. Given limited resources, there is internal pressure within OiTL to become more selective and strategic in the cases that are supported, with the Country Director for OiTL explaining that they have endeavoured to be transparent and inclusive with partners about their focus on national influencing in their Country Strategy 2021-2025.[[69]](#footnote-69) However, questions around casework go to the heart of RbR’s and JA’s organisational identities, where there is strong focus on supporting community members facing evictions. As noted in the previous section, it is important to recognise the strategic potential of evictions casework as public interest/social action litigation which, combined with systematic use of evidence from the database, can be used to strengthen OiTL and partners’ position as experts on people-centred land administration. In addition, while there are certainly opportunities to streamline processes and improve coordination which will free up some resources, the bigger issue is how to (re)stimulate donor interest in land rights work – particularly given the level of technical expertise that will be required in upcoming years to engage with forthcoming subsidiary legislation.

These are all important issues for partners to explore, and it is important that OiTL, RbR and JA take a strengths-based approach, building on existing strengths within each organisation. In accordance with OiTL partnership principles, decisions in how to work together need to be decided collaboratively, with OiTL as both funder and RbR member having an important voice in this decision-making. Just as OiTL is currently the only funding source for civil society land rights work, RbR is currently the only Timorese civil society entity that is specifically focused on land rights in the country. Reflecting OiTL’s partnership principles of collaboration and mutual respect, robust discussion between partners on how to use available resources should be welcomed, as it reflects the depth of relationship between OiTL, JA and RbR which goes beyond a traditional donor-recipient relationship. It is important to manage these discussions and power dynamics carefully, to preserve the strength of relationships that currently exist between OiTL, JA and RbR.

**Recommendation 13:** OiTL and partners continue to discuss the balance between different types of influencing to ensure partners’ time is available for policy and legal interventions, recognising the strategic potential of evictions casework and database work to strengthen their position as experts on people-centred land administration.

**Recommendation 14:** Taking a strengths-based approach to the partnership, improve OiTL’s internal capacity and understanding of partners’ strategic objectives and abilities, and ability to work with partners in linking these up with OiTL objectives.

**Recommendation 15:** Taking a strengths-based approach to the partnership, improve OiTL’s capacity to report on, describe, and link RbR and JA grassroots successes with OiTL objectives and the higher-level priorities of donors who are interested in people-centred land administration.

## 2.10 Participation and inclusion of women and persons with disabilities

*Evaluation question 10: how have gender and persons with disabilities’ participation and perspective been incorporated into the project? What specific recommendations must be taken to account in the next project design and the parallel Women and Land project?*

Evaluation results indicate that while partners and allies have a strong desire to promote women and persons with disabilities’ active participation, there have not been the strategies in place to meet this. Recognising this issue, project partners OiTL, RbR and JA have collaborated to start the new five-year Women and Land project, to focus specifically on inclusion of more marginalised sectors, including women and persons with disabilities.

In general, evaluation results indicate that project partners have successfully incorporated gender and persons with disabilities’ participation and perspectives at national level. The collaboration and design of the Women and Land project is itself a major success, indicating RbR members’ change in thinking on the importance of gender and disability in land work. In addition, there have been other strong successes in the Land Rights project at the national, policy level that project partners can build on and leverage. Women and disability rights NGOs Fokupers, ADTL and RHTO are also members of RbR. Various RbR respondents appreciated OiTL’s role in brokering this link with disability organisations. In addition, the RHTO representative explained that his experience in the network has been very positive, with other members being responsive to his inputs and doing their best to ensure persons with disabilities are properly consulted in policy work, budget submissions and other interventions.[[70]](#footnote-70)

During this evaluation period, there have been some important successes incorporating women’s perspectives and participation in advocating for land justice. The SNC research included a strong gender lens, showing that only 1-2% of land registrations were from women, leaving women extremely vulnerable to claims on land in the future. The SNC research was deliberately intersectional in bringing together the experiences of women and persons with disabilities, and was the first time that a Persons with Disability lens had been brought to land work in Timor-Leste, providing clear examples of exclusion that RbR members can now draw on in their advocacy for persons with disabilities.[[71]](#footnote-71) Disability rights organisation RHTO played an active role in the research process, and there was a specific focus on persons with disabilities’ perspectives in the SNC report and policy briefs. Various respondents explained that RHTO’s active involvement in RbR and the SNC research has now normalised including disability-related issues in the land rights movement.[[72]](#footnote-72) The SNC research led to RbR successfully influencing for changes to the government’s draft legislation on the land registration process, to better facilitate women in registering their land, and highlighting the particular issues faced by persons with disabilities. This advocacy win was extremely important in influencing for improved land justice for women.

In addition to the SNC research and associated advocacy, OiTL was the only civil society organisation in Timor-Leste to present a series of recommendations to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW). CEDAW incorporated these recommendations in their report, including it in the ‘List of Issues’ that are prepared in advance of each country’s CEDAW session. The Government of Timor-Leste now has a period of 6 months to respond to these issues. This successful engagement with CEDAW gives partners a new platform that they can leverage, and more firmly fixes women’s access to land in the women’s rights discourse in Timor-Leste, which traditionally has tended to focus more on issues around political voice, gender-based violence and women’s economic empowerment.

An important issue for OiTL and RbR is how to effectively advocate for women’s equal rights to own land under the Land Law, while also being sensitive to local realities and the fact that the Land Law recognises and protects customary land tenure. Across matrilineal and patrilineal cultural groups, it is common practice for older male members of the family to be given control over land, who are then (in theory) responsible for representing their families’ land interests. Women’s reliance on their relationship with male family members for their own access to, and use of, land renders some women particularly vulnerable – for example, women who are unmarried, or widows, or who for other reasons, including living with domestic violence, cannot rely on this relationship for protection.

The design of the Women and Land project which came about due to work undertaken in this project is based on the key idea that patriarchal norms need to be better understood and engaged with across state-based and customary governance spaces. This holds the potential to deepen work in relation to women and land by avoiding the tendency to be reductive in relation to women’s rights under customary governance and law. Recognising that approximately 90% of rural land in Timor-Leste is still managed according to local norms and customs,[[73]](#footnote-73) this represents an important opportunity to contribute to government policy, particularly since the legislative body *Diretor Nacional da Assessoria Jurídica e Legislação* (DNAJL) has openly recognised it does not have capacity to ensure that the forthcoming subsidiary laws are gender sensitive, requesting civil society support and input. There is opportunity for OiTL and partners to change the public discourse in this important area, by using a people-centred land administration lens which recognises both women’s land rights and customary law and governance as central to people’s wellbeing.

While successful at the national level, evaluation results indicate mixed results at the community level, with some improvement and ongoing opportunity to improve. As noted in previous sections of this report, community members are often marginalised from decision-making on issues that affect them, with state bodies claiming their land without following legal requirements and/or being presented with inadequate compensation packages. These issues are compounded for marginalised groups within the community, who are often also vulnerable to wrongful eviction by other community members, and disproportionately impacted by state evictions due to their increased vulnerability. For example, there have been cases of eviction by state bodies where compensation was given to male registered landholders, but this was not passed to women who were then left homeless.

Across all case study sites, respondents explained that the number of women and persons with disabilities attending community meetings and dialogues are still much fewer in number compared to male participants without a disability. Community representatives who speak at meetings with state officials and to the media tend to be older, male community leaders.[[74]](#footnote-74) In Ermera, respondents explained that while they have tried to represent and include women and persons with disabilities, only a few tend to participate and are often less visible in project activities, with women attending meetings and preparing food for community events, but rarely speaking.[[75]](#footnote-75) In Suai, respondents explained they had not seen any real participation of women in the project activities, despite the fact that they have often been disproportionately affected by evictions.[[76]](#footnote-76) In Oecusse, however, respondents noted real improvement in the levels of involvement by women and persons with disabilities in their activities, with any one activity often now involving more than 10 women—a significant improvement from previously.[[77]](#footnote-77) It appears that this success is mainly due to the work done by NGOs MANEO and RHTO, who are also OiTL partners and members of RbR.

Respondents noted many interlocking reasons for the generally lower levels of participation among women and persons with disabilities at the local and subnational level. Women’s ability to manage their childcare responsibilities alongside attending meetings was a major issue.[[78]](#footnote-78) Particularly for more remote areas, challenges in accessing transport to attend meetings or other events was a major impediment for women and persons with disabilities.[[79]](#footnote-79) In addition, navigating social norms, with women and persons with disabilities being discouraged by family or neighbours to attend, and if they do attend being less likely to speak in an open meeting was noted as a major challenge.[[80]](#footnote-80)

While women and persons with disabilities’ increased vulnerability is known, key stakeholders do not yet have a good understanding of the specific issues that they face in relation to evictions. One respondent noted there is an important opportunity for the project to use RbR’s database to track disaggregated data on evictions of women and persons with disability, to help identify these specific issues. This would potentially help partners to improve their support for women and persons with disabilities, and would also provide an evidence base to support partners’ various interventions at the national level. However, as noted in the previous section, OiTL is currently not funding database work, and this approach to collecting disaggregated data would be even more resource-intensive. While the database is set up for disaggregation against gender, disability and age, the physical collection of this information in large-scale evictions would be significantly more labour intensive as it would require the administration of household surveys, rather than the current approach of gathering overall data on population numbers from community stakeholders and leaders.

Going forward, there are important opportunities for the Land Rights project to make an impact in this area, working in an integrated fashion with the Women and Land project. There is a clear desire among partners and OiTL to improve the project’s outreach and work more effectively with women and persons with disability, evidenced by their collaboration in the design of the Women and Land project. [[81]](#footnote-81) In addition, the positive impact of Oecusse local partners in encouraging women and persons with disabilities is encouraging. There is significant opportunity to build on and leverage synergies between the Land Rights project, the Women and Land project, and various activities carried out by local OiTL partners and RbR members by clearly integrating the two projects’ MEL frameworks and planning processes, as well as their evictions case management and policy interventions on evictions cases.

**Recommendation 16:** Continue to leverage and share the project’s success with CEDAW for national and international influencing. This may also open new funding opportunities.

**Recommendation 17:** Clearly integrate the Land Rights project and Women and Land project to allow separate reporting but complementary implementation in MEL frameworks and indicators, planning processes, case management, policy interventions, and communications and research strategies. Regularly revisit implementation to ensure ongoing integration.

**Recommendation 18:** If funding can be secured for database work and household surveys of select communities facing eviction, consider collecting and disaggregating data on gender and disability as test research to gather information on women and persons with disabilities’ diverse situations and needs, to position partners as experts on people-centred land administration.

**Recommendation 19:** Building on success of local partners in Oecusse, look for ways to support local partners and local RbR members to mobilise and organise women and persons with disabilities at the local level. Share strategies between local RbR members to encourage broad learning.

**Recommendation 20:** Using a people-centred land administration lens together with existing data and research, work with RbR to reframe and provide new messaging for people to use when describing women’s land rights and customary governance and law. If necessary, conduct new (quick) research with a communications focus to help with reframing.

# KEY RECOMMENDATIONS

Following is a list of recommendations for this evaluation:

**Recommendation 1:** OiTL continue to invest resources into business development, using the opportunity provided by the Women and Land project to seek increased funding support from non-traditional and traditional development partners.

**Recommendation 2:** OiTL continue to support follow-up and implementation of the 47 recommendations from the Dare Reflection Workshop

**Recommendation 3:** OiTL and partners continue their influencing focus on participatory and community-centred land administration and consultation processes, as a central part of the project.

**Recommendation 4 (linked with Recommendation 7):** OiTL and RbR reconsider their research strategy to manage limited resources. This may include conducting short think-pieces and case studies to surface and leverage RbR’s grassroots successes and community needs, creating short videos to capture and re-use community stories, and using the new Women and Land project’s MEL processes to gather stories and reflections to leverage into advocacy and influencing.

**Recommendation 5:** OiTL and RbR reflect on how to leverage new research and publications into longer-term engagement and advocacy. This may also include revisiting and/or refreshing ‘old’ research where issues and recommendations are still relevant.

**Recommendation 6:** OiTL and RbR continue to broker meetings between municipal/national/international stakeholders and affected households, thereby exposing decision-makers to the lived reality of community members.

**Recommendation 7 (linked with Recommendation 4):** OiTL and RbR sharpen the project’s communications strategy to gather and share community stories, and strategically link these case studies with other materials explaining the basic principles of people-centred land administration for various audiences.

**Recommendation 8 (linked with Recommendation 1):** In the event that OiTL are unable to secure increased funding using the opportunity afforded through the Women and Land project, discuss with partners how to implement stronger selection criteria to choose which cases should be actively supported.

**Recommendation 9:** OiTL consider renewing funding for database support.

**Recommendation 10:** OiTL improve and streamline staff members’ internal coordination and engagement between related projects (Land Rights Project, Women and Land Project, Hadalan and Climate Justice) to relieve overall pressures on staff time.

**Recommendation 11:** OiTL and partners invest sufficient time to follow up and advocate on ADB’s safeguarding policies to protect affected community members, as a test case to pressuring international funders to comply with their internal policies and potentially opening up new funding opportunities.

**Recommendation 12:** OiTL and partners embrace opportunities provided by international forums such as ILC, but with an awareness of limited project resources and with a clear strategy for leveraging the work into national influencing.

**Recommendation 13:** OiTL and partners continue to discuss the balance between different types of influencing to ensure partners’ time is available for policy and legal interventions, recognising the strategic potential of evictions casework and database work to strengthen their position as experts on people-centred land administration.

**Recommendation 14:** Taking a strengths-based approach to the partnership, improve OiTL’s internal capacity and understanding of partners’ strategic objectives and abilities, and ability to work with partners in linking these up with OiTL objectives.

**Recommendation 15:** Taking a strengths-based approach to the partnership, improve OiTL’s capacity to report on, describe, and link RbR and JA grassroots successes with OiTL objectives and the higher-level priorities of donors who are interested in people-centred land administration.

**Recommendation 16:** Continue to leverage and share the project’s success with CEDAW for national and international influencing. This may also open new funding opportunities.

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**Recommendation 19:** Building on success of local partners in Oecusse, look for ways to support local partners and local RbR members to mobilise and organise women and persons with disabilities at the local level. Share strategies between local RbR members to encourage broad learning.

**Recommendation 20:** Using a people-centred land administration lens together with existing data and research, work with RbR to reframe and provide new messaging for people to use when describing women’s land rights and customary governance and law. If necessary, conduct new (quick) research with a communications focus to help with reframing.

# ANNEX A: LIST OF RESPONDENTS

|  |  |  |
| --- | --- | --- |
| **NAME** | **POSITION AND ORGANISATION** | **DATE** |
| Sr. Alberto Martins Guterres | Vice President UNAER | 03/03/22 |
| Sr. Carlos Sarmento | President UNAER | 03/03/22 |
| Sr. Angelino da Conceicao | Community Member (Railaco, Ermera) | 04/03/22 |
| Sr. Jenito Santana, | Commissioner for UNAER and Kadalak Sulimutu Institute | 02/03/22 |
| Sr. Eduardo Freitas | Focal Point for Affected Communities (RAEOA Airport), housed in Ministry of Agriculture | 15/03/22 |
| Sr. Januario Gusmão | RbR Community Mobiliser | 14/03/22 |
| Sr. Martinho dos Santos Carmo Neno | Director FFSO | 16/03/22 |
| Sra. Ramila da Costa | Director MANEO | 14/03/22 |
| Dr. Olivio Barros Afonso | Lawyer, JA | 28/03/22 |
| Sra. Ines Martins | Women and Land Advisor, OiTL | 9/05/22 |
| Sr. Hortencio Pedro Vieira | General Coordinator, RbR | 10/05/22 |
| Sr. Junior da Costa de Araujo | Program Coordinator for Open the Books, RHTO | 10/05/22 |
| Sr. Rogerio Marçal | Community Member, Caicoli | 11/05/22 |
| Sra. Meabh Cryan | Director, Tahan Consulting | 5/5/22 |
| Sra. Annie Sloman | Associate Country Director (Program Director), OiTL | 29/4/22 |
| Sr. Fausto Belo Ximenes | Country Director, OiTL | 12/5/22 |
| Sr. Lucio Savio | Program Manager, OiTL | 10/6/22 |
| Sra. Lewti Hunghanfoo | Team Leader, TOMAK | 23/5/22 |
| Sr. Honorio Aurelianos Magalhaes | Chief of Department, DNAJL | 9/8/22 |
| Focus Group Discussion | Community members in Suku Camanasa, Covalima | 30/03/22 |
| Focus Group Discussion | Board Members & Secretariat of Asosiasaun Rede Covalima (ARC) | 30/03/22 |

1. Bernardo Almeida, International Journal of Transitional Justice, Volume 15, Issue 1, March 2021, Pages 128–147, <https://doi.org/10.1093/ijtj/ijaa030>. Published: 05 April 2021. Last accessed 1 August 2022. [↑](#footnote-ref-1)
2. Accessible at : <http://www.mj.gov.tl/jornal/public/docs/2017/traducao/TRADUSAUN_REJIME_ESPESIAL_BA_DEFINISAUN_TITULARIDADE_BEIN_IMOVEL_Lei_NO_13_2017_2.pdf> [↑](#footnote-ref-2)
3. Accessible at <http://www.mj.gov.tl/jornal/public/docs/2017/traducao/Tradusaun_expropriasaun_Biling_Lei_N_8_2017.pdf> [↑](#footnote-ref-3)
4. Accessible at <http://www.mj.gov.tl/jornal/public/docs/2017/traducao/Traducao_LEI_No_6_2017_Bases_do_ordenamento_territorial.pdf>. [↑](#footnote-ref-4)
5. Interview Respondent #10, 9 May 2022 [↑](#footnote-ref-5)
6. Leach M. (2020) In Timor-Leste, ‘Failed Budget Sparks a Political Crisis’ in *The Interpreter*. Available at https://www.lowyinstitute.org/the-interpreter/timor-leste-failed-budget-sparks-political-crisis [↑](#footnote-ref-6)
7. Oxfam Australia Annual Progress Report (2020) *Land Rights Project*, p. 4 [↑](#footnote-ref-7)
8. Interview Respondent #11, 10 May 2022; Interview Respondent #1, 3 March 2022; Interview Respondent #25, 9 August 2022 [↑](#footnote-ref-8)
9. Interview Respondent #16, 5 May 2022; Interview Respondent #25, 9 August 2022 [↑](#footnote-ref-9)
10. Interview Respondent #2, 3 March 2022; Interview Respondent #1, 3 March 2022 [↑](#footnote-ref-10)
11. Interview Respondent #8, 14 March 2022; Interview Respondent #5, 15 March 2022; Interview Respondent #6, 14 March 2022; Interview Respondent #7, 16 March 2022 [↑](#footnote-ref-11)
12. Interview Respondent #18, 11 May 2022 [↑](#footnote-ref-12)
13. Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-13)
14. Focus Group Discussion #2, 30 March 2022 [↑](#footnote-ref-14)
15. Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-15)
16. Interview Respondent #15, 29 April 2022; Interview Respondent #18, 23 May 2022 [↑](#footnote-ref-16)
17. Interview Respondent #7, 16 March 2022; Interview Respondent #8, 14 March 2022; Interview Respondent #6, 14 March 2022 [↑](#footnote-ref-17)
18. Interview Respondent #16, 5 May 2022 [↑](#footnote-ref-18)
19. Oxfam Australia Annual Progress Report (2020) *Land Rights Project*, p. 4 [↑](#footnote-ref-19)
20. Interview Respondent #4, 2 March 2022 [↑](#footnote-ref-20)
21. Focus Group Discussion #2, 30 March 2022 [↑](#footnote-ref-21)
22. Interview Respondent #16, 5 May 2022; Interview Respondent #25, 9 August 2022 [↑](#footnote-ref-22)
23. Interview Respondent #16, 5 May 2022; Interview Respondent #25, 9 August 2022 [↑](#footnote-ref-23)
24. Focus Group Discussion #2, 30 March 2022; Interview Respondent #17, 10 June 2022 [↑](#footnote-ref-24)
25. Rede ba Rai (2020) *Relatoriu Refleisaun Servisu Kasu,* Dare 25-27 Novembru 2019. Dili [↑](#footnote-ref-25)
26. Interview Respondent #10, 9 May 2022; Interview Respondent #16, 5 May 2022; Interview Respondent #17, 10 June 2022 [↑](#footnote-ref-26)
27. Interview Respondent #25, 9 August 2022 [↑](#footnote-ref-27)
28. Focus Group Discussion #2, 30 March 2022; Interview Respondent #11, 10 May 2022 [↑](#footnote-ref-28)
29. Interview Respondent #10, 9 May 2022 [↑](#footnote-ref-29)
30. Interview Respondent #1, 3 March 2022; Interview Respondent #2, 3 March 2022; Interview Respondent #3, 4 March 2022 [↑](#footnote-ref-30)
31. Interview Respondent #, 28 March 2022 [↑](#footnote-ref-31)
32. Interview Respondent #8, 14 March 2022; Interview Respondent #7, 16 March 2022; Interview Respondent #6, 14 March 2022; Interview Respondent #5, 15 March 2022 [↑](#footnote-ref-32)
33. Interview Respondent #15, 29 April 2022; Interview Respondent #16, 12 May 2022 [↑](#footnote-ref-33)
34. Interview Respondent #16, 5 May 2022 [↑](#footnote-ref-34)
35. This pressure culminated in an Open Letter written by OiTL on behalf of RbR on 10 December 2020, which was submitted to the Council of Ministers and resulted in the process being delayed to allow for more consultation. [↑](#footnote-ref-35)
36. Interview Respondent #16, 5 May 2022 [↑](#footnote-ref-36)
37. RbR (2019) *Land Registration in Timor-Leste: Impact Analysis of the National Cadastral System.* RbR: Dili [↑](#footnote-ref-37)
38. Interview Respondent #10, 9 May 2022; Interview Respondent #11, 10 May 2022 [↑](#footnote-ref-38)
39. Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-39)
40. Interview Respondent #10, 9 May 2022 [↑](#footnote-ref-40)
41. Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-41)
42. Interview Respondent #15, 29 April 2022; Interview Respondent #17, 10 June 2022; Interview Respondent #14, 29 April 2022; Interview Respondent #16, 5 May 2022 [↑](#footnote-ref-42)
43. Interview Respondent #16, 5 May 2022 [↑](#footnote-ref-43)
44. Interview Respondent #14, 29 April 2022; Interview Respondent #16, 5 May 2022; Interview Respondent #17, 10 June 2022 [↑](#footnote-ref-44)
45. Interview Respondent #4, 2 March 2022; Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-45)
46. Interview Respondent #25, 9 August 2022; Interview Respondent #16, 5 May 2022; Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-46)
47. Interview Respondent #16, 5 May 2022; Interview Respondent #25, 9 August 2022; Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-47)
48. Interview Respondent #4, 2 March 2022; Interview Respondent #8, 14 March 2022; Interview Respondent #7, 16 March 2022 [↑](#footnote-ref-48)
49. Interview Respondent #5, 15 March 2022 [↑](#footnote-ref-49)
50. Focus Group Discussion #2, 30 March 2022; Interview Respondent #1, 3 March 2022 [↑](#footnote-ref-50)
51. Interview Respondent #10, 9 May 2022 [↑](#footnote-ref-51)
52. Interview Respondent #11, 10 May 2022; Interview Respondent #16, 5 May 2022; Interview Respondent #6, 14 March 2022; Interview Respondent #4, 2 March 2022 [↑](#footnote-ref-52)
53. Interview Respondent #, 28 March 2022; Interview Respondent #8, 14 March 2022; Interview Respondent #15, 29 April 2022; Interview Respondent #14, 5 May 2022 [↑](#footnote-ref-53)
54. Interview Respondent #8, 14 March 2022; Interview Respondent #5, 15 March 2022; Interview Respondent #2, 3 March 2022; Interview Respondent #11, 10 May 2022; Interview Respondent #14, 5 May 2022; Interview Respondent #, 28 March 2022; Interview Respondent #8, 14 March 2022; Interview Respondent #7, 16 March 2022 [↑](#footnote-ref-54)
55. Interview Respondent #4, 2 March 2022; Interview Respondent #5, 15 March 2022; Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-55)
56. Interview Respondent #14, 5 May 2022 [↑](#footnote-ref-56)
57. Interview Respondent #11, 10 May 2022 [↑](#footnote-ref-57)
58. Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-58)
59. Interview Respondent #14, 5 May 2022; Interview Respondent #17, 10 June 2022; Interview Respondent #11, 10 May 2022 [↑](#footnote-ref-59)
60. Interview Respondent #14, 5 May 2022 [↑](#footnote-ref-60)
61. Interview Respondent #11, 10 May 2022; Interview Respondent #17, 10 June 2022 [↑](#footnote-ref-61)
62. Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-62)
63. Interview Respondent #15, 29 April 2022, Interview Respondent #16, 12 May 2022, Interview Respondent #10, 9 May 2022 [↑](#footnote-ref-63)
64. Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-64)
65. Interview Respondent #15, 29 April 2022; Interview Respondent #14, 5 May 2022 [↑](#footnote-ref-65)
66. Interview Respondent #15, 29 April 2022; Interview Respondent #14, 5 May 2022 [↑](#footnote-ref-66)
67. Interview Respondent #7, 16 March 2022; Interview Respondent #2, 3 March 2022; Focus Group Discussion #1, 30 March 2022; Interview Respondent #1, 3 March 2022 [↑](#footnote-ref-67)
68. Interview Respondent #4, 2 March 2022; Interview Respondent #5, 15 March 2022; Interview Respondent #6, 14 March 2022; Interview Respondent #14, 5 May 2022; Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-68)
69. Interview Respondent #15, 29 April 2022 [↑](#footnote-ref-69)
70. Interview Respondent #12, 10 May 2022 [↑](#footnote-ref-70)
71. Interview Respondent #16, 12 May 2022 [↑](#footnote-ref-71)
72. Interview Respondent #4, 2 March 2022; Interview Respondent #7, 16 March 2022; Interview Respondent #5, 15 March 2022 [↑](#footnote-ref-72)
73. Nixon 2005 ‘Non-customary Primary Industry Land Survey: Landholdings and Management Considerations’ USAID/ARD Inc. [↑](#footnote-ref-73)
74. Interview Respondent #15, 29 April 2022; Interview Respondent #6, 14 March 2022; Interview Respondent #17, 10 June 2022; Interview Respondent #10, 9 May 2022; Interview Respondent #4, 2 March 2022; Interview Respondent #14, 5 May 2022 [↑](#footnote-ref-74)
75. Interview Respondent #2, 3 March 2022 [↑](#footnote-ref-75)
76. Focus Group Discussion #1, 30 March 2022; Focus Group Discussion #2, 30 March 2022; Interview Respondent #4, 2 March 2022 [↑](#footnote-ref-76)
77. Interview Respondent #8, 14 March 2022; Interview Respondent #7, 16 March 2022; Interview Respondent #6, 14 March 2022; Interview Respondent #5, 15 March 2022 [↑](#footnote-ref-77)
78. Interview Respondent #4, 2 March 2022 [↑](#footnote-ref-78)
79. Interview Respondent #4, 2 March 2022, Interview Respondent #14, 5 May 2022, Interview Respondent #17, 10 June 2022, Interview Respondent #10, 9 May 2022 [↑](#footnote-ref-79)
80. Interview Respondent #7, 16 March 2022; Interview Respondent #4, 2 March 2022; Focus Group Discussion #1, 30 March 2022; Focus Group Discussion #2, 30 March 2022 [↑](#footnote-ref-80)
81. Interview Respondent #15, 29 April 2022; Interview Respondent #14, 5 May 2022; Interview Respondent #10, 9 May 2022; Interview Respondent #17, 10 June 2022; Focus Group Discussion #1, 30 March 2022; Interview Respondent #4, 2 March 2022 [↑](#footnote-ref-81)