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# NON-CUSTOMARY PRIMARY INDUSTRY LAND SURVEY

## LANDHOLDINGS AND MANAGEMENT



**JUNE 2005**

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Rice farming in Oecusse, May 2005 (author).

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CONSIDERATIONS

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## **DISCLAIMER**

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# ACRONYMS, ABBREVIATIONS AND GLOSSARY

## Acronyms and Abbreviations

AusAID	Australian Agency for International Development
AVR	<i>Associação Veteranos da Resistência</i> (Association of Veterans of the Resistance)
DNTP	<i>Direcção Nacional de Terras e Propriedades</i> (Directorate of Land and Property)
CNIC	<i>Centro Nacional Investigação Científica</i> (National Research Centre)
CCT	<i>Cooperativa Café Timor</i> (Timor Coffee Collective)
FALINTIL	<i>Forças Armadas de Libertação Nacional de Timor-Leste</i> (Armed Forces of National Liberation of East Timor)
GIS	Geographic Information System
GPS	Global Positioning System
LLP	Land Law Program
LLPII	Land Law Program, Phase II
MAFF	Ministry of Agriculture, Forestry and Fisheries
NCBA	National Cooperative Business Association
NTT	<i>Nusa Tenggara Timur</i> (Indonesian Province of East Nusa Tenggara).
OISCA	Organization for Industrial, Spiritual and Cultural Advancement
PUSKUD	Pusat Koperasi Unit Desa Timor Timur (East Timor Village Cooperative Centre)
RDTL	<i>República Democrática Timor-Leste</i> (Democratic Republic of Timor-Leste)
TNI	<i>Tentara Nasional Indonesia</i> (Indonesian Military)
UNTAET	United Nations Transitional Administration in East Timor
UNTL	<i>Universidade Nacional Timor Lorosa'e</i> (National University)
USAID	United States Agency for International Development

## **Glossary**

<i>ABRI Masuk Desa</i>	Indonesian military development program, meaning ‘Military Enters Village’ <sup>1</sup>
<i>Chefe Aldeia</i>	Hamlet Chief
<i>Chefe Suco</i>	Village Chief
<i>Katuas</i>	Elders
<i>Rumah Sangat Sederhana</i>	Very Economical Housing
<i>Tana adat</i>	Culturally/spiritually significant land

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<sup>1</sup> Projects included the areas of health, nutrition, agriculture and infrastructure.

# PREFACE

The East Timor Land Law Program (LLP) is a USAID-funded activity of the Ministry of Justice-Directorate of Land and Property (DNTP). The first phase of LLP, as a working partnership between DNTP, the National University of Timor Lorosa'e (UNTL) and the ARD, Inc. technical team, commenced in July 2003 and continued until September 2004.

During the first phase of LLP, research and policy papers were produced on four main areas of land law, specifically a report on *Research Findings and Recommendations for State Property Administration*, a report on *Research Findings and Policy Recommendations for a Legal Framework for Land Dispute Mediation*, a Report on *Policy Options for Compliance by Non-National Claimants of Pre-Existing Land Rights in East Timor*, and a Report on *Research Results and Analysis, and Policy Considerations for a Law on Land Rights and Title Restitution*. Additional comparative desk studies were commissioned to ensure that the policy options included in each of these documents were informed by the experience of other countries that had, in the past, faced land administration challenges similar to those East Timor faces at present.

The research and policy reports produced during the first phase of LLP formed the basis for four draft laws that were prepared for consideration by the Government of East Timor. Of these, the *Legal Regime of Immovable Property: Official Allocation and Lease of State Property* (Decree Law No.19/2004) has already been promulgated. The three laws remaining before the government of East Timor are the *Decree Law: Legal Regime of Immovable Properties: Official Mediation Process of Land Conflicts*, the *Legal Regime of Immovable Property Part II: Leases within the Private Sector*, and the *Legal Regime of Real Estate Part III: Ownership System, Transfer of Real Estate, Land Registration, Pre-existing Rights and Title Restitution*.<sup>2</sup>

Whereas the first phase of LLP placed priority on informed policy development in the area of land law, and capacity-building in the area of social science research methods, this second LLP phase (LLPII) is a more broadly focused program encompassing a number of broader areas. One of these components involves the provision of technical assistance to DNTP to support the implementation of key activities. These include the continuation of the special leasing project and the development of technical procedures to guide, in due course, the resolution of land claims.

A further component of LLPII has involved the delivery of capacity-building activities in the area of agricultural economics to students and staff from UNTL, in the course of which economic feasibility assessments have been prepared in relation to a number of agricultural development proposals. Meanwhile, informed policy development projects of the kind undertaken during the first phase of LLP have continued, and in March 2005, the Minister of Justice was presented with the *2005 Dili Rental and Valuation Report*, a project undertaken in cooperation with the AusAID valuation advisor to DNTP. This present study reflects the broadened focus that has characterized LLPII, and addresses land administration and management issues pertaining to non-customary primary industry land throughout East Timor.

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<sup>2</sup> For copies of research and policy reports, promulgated laws, and further information relating to the East Timor Land Law Program, the LLP Web site may be accessed at <http://www.easttimorlandlaw.com>.

# INTRODUCTION

Multiple regime changes since 1975, the destruction of government files in September 1999 and the rapid and turbulent withdrawal of the Indonesian administration have meant that no inventory of non-customary primary industry land parcels in East Timor (public and private) has been available to guide government management activities in recent years. Towards redressing this shortcoming, the objective of this LLPII survey activity has been to compile and present baseline information on this area, along with an assessment of management considerations pertaining to the specific categories of non-customary primary industry land parcels profiled in this report. Whereas private agricultural, forestry and aquaculture holdings have also been documented as part of the study, to inform future land titling activities, the information and analysis is primarily intended to support the management of government primary industry land parcels. These fall into the following categories:

1. Government land used in the past for agricultural purposes, and *managed in the past by the government* (for example, government agricultural land, government forests, government aquacultural developments).
2. Agricultural concessions. Land that has been leased to other parties in the past (individuals, consortiums) for the purpose of agricultural production.
3. Transmigration and translocation areas, on which settlers from elsewhere in East Timor or parts of Indonesia were settled during Indonesian times (1975-1999).

Different management issues pertain to each of the classes of non-customary primary industry land parcels. For this reason, data and analysis on each of these classes of land is presented separately. A more detailed profile of all non-customary primary industry land parcels identified in the survey has been prepared in the form of an Excel database, which will be made available for government policy-making purposes. The same information has also been entered into a GIS database, to further assist government planning activities.

Accordingly, the remainder of this report consists of (a) a section describing the means by which the data presented in this report were collected, (b) a section presenting data and management considerations pertaining to the various classes of non-customary primary industry land, and (c) a further section in which the main points are summarized and general land administration issues briefly discussed. As an additional component of this survey, LLP intends to make maps available for planning and routine land management purposes, which contain information concerning non-customary primary industry land parcels.

It is important to note that the data in this report are substantially based on information received from local informants. While in all cases the field teams have sought to interview the most informed individuals available, the accounts of these informants will be fallible at times. For example, informants will typically remember a concession manager, a number of personal characteristics of this individual, and others with whom the person had business or personal dealings. At the same time, the informant may forget that the individual was managing a plantation on behalf of a consortium. While we have endeavored to cross-check the information gathered in the course of this survey within the limits of the time and resources available, and be as thorough as possible in our documentation of land parcels fitting the non-customary primary industry criteria, there will no doubt be some inaccuracies and omissions.

Furthermore, the term 'non-customary' is probably not entirely appropriate, since there is a strong tendency for most land in East Timor to be considered customary land at some level. As discussed at

greater length in this report, the reality in the subsistence context of East Timor is that almost all land abandoned by ‘non-customary’ parties tends to default back to community tenure over time. Governments in East Timor have traditionally been able to access new parcels of land for new developments, and this will continue despite increasing population pressure. The parcels identified in this report are the result of past initiatives. The government still has some claim on most of the parcels, and many of them are of economic significance.



# 1. The Data Collection Process

## 1.1 INTRODUCTION

The origins of this report lie in a request from DNTP to provide information concerning the current management status of government-owned primary industry assets. Originally it was intended that the research would focus on a sample of these assets; however, initial inquiries aimed at acquiring a complete inventory of government primary industry assets (from which a sample could be drawn) indicated that no complete inventory was available. In discussions with DNTP and MAFF officials, it became clear that the development of such an inventory would itself be a step forward in the process of developing a management structure for government-owned primary industry assets. This initial idea developed into a research agenda aimed at documenting all non-customary primary industry land parcels throughout the country. Whereas data on a range of non-customary primary industry land categories is presented, the main focus of the analysis is on the various categories of government land.

## 1.2 IDENTIFYING AND LOCATING NON-CUSTOMARY PRIMARY INDUSTRY PARCELS

Prior to visiting the field, a list of target land parcels (forestry, agricultural, fishery, private commercial, church and other relevant primary industry land) in each district was prepared based on information received from DNTP and MAFF officials in Dili. Initially, it was intended only to document land parcels of 10 hectares in size or more but, in fact, a large number of the land parcels that were documented were far smaller than this. In the actual national fieldwork phase, which commenced in early May 2005, the first thing that field teams arriving at each district centre did was to check the information received from government officials in Dili against the information available in the districts from local DNTP and MAFF and church officials. Much additional information concerning the location of non-customary primary industry assets was acquired during this stage of the research and, in many cases, it was also necessary to consult sub-district level officials before a complete inventory of non-customary primary industry assets in each district could be established.

Following the completion of district target land parcel inventories, field teams made arrangements for visiting each of the land parcels in the company of individuals with knowledge of the history of each land parcel (local informants). These included local DNTP and MAFF officials as well as sub-district administrators, *chefes suco* (village chiefs), *chefes aldeia* (hamlet chiefs), *Katuas* (village elders) and other informed persons as appropriate. Part of the preparation for the non-customary primary industry asset survey involved the preparation of sets of aerial photos for each district using aerial data produced by the Australian Defense Force in 2001. Upon visiting each parcel, the local informants accompanying the field teams were asked to identify and mark the boundaries of the land parcel on the aerial photos. In cases where they could not identify the boundaries of the target land parcel on the aerial photos, handheld GPS (Global Positioning System) units were used to obtain detailed information concerning the location of the land parcel. In cases where the boundaries of the target land parcel appeared clearly on the aerial survey maps, only basic GPS data were obtained for the purpose of confirming, back in the office, that the field team had visited the correct location. In due course, this GPS data, indicating the location and boundaries of each non-customary primary industry asset profiled in this report, was entered into a GIS database to facilitate analytical objectives and the production of maps for government agencies.

### 1.3 COLLECTING DATA ABOUT MANAGEMENT AND TENURE STATUS

Following the site visit to each target land parcel, field teams interviewed accompanying local informants about the history and tenure status of the land. In most cases this happened on location. The information collected for each parcel included the following:<sup>3</sup>

1. Information about the informants and their position in the local administrative structure.
2. The total size of the land parcel (gross size), the amount of the parcel that has been used to date (net size) and land use information (crops, crop conditions).
3. Tenure information, including the year that the land first became government land, a government concession, freehold land, church land or any other kind of non-customary primary industry land.
4. Other relevant information.

### 1.4 DATA PROCESSING AND CODING

At the conclusion of field activities, information about all parcels identified and surveyed was entered into a (GIS-compatible) Excel database. All entries in the database were then coded in accordance with their status pertaining to land use, tenure, management and claim. Coding was applied to each of these variables as outlined below.

#### 1.4.1 Land<sup>4</sup> Tenure Status

Three main categories of land status are used. These are government land, private land, and transmigration areas.

**Government Land.** The category of government land includes all land that has been managed and/or administered by a past or present administration of East Timor (Portuguese, Indonesian, UNTAET,<sup>5</sup> RDTL). This category is sub-divided into two further categories as follows:

*a) Government-Managed Government Land*

This category refers to land that has been administered directly (as opposed to indirectly, as in the case of concessions) by any agency of government, for example, the Portuguese administration, the Indonesian Department of Fisheries, The Indonesian Department of Forestry, or the RDTL MAFF Fisheries Unit. Land parcels in this category are referred to in this report as ‘government land’ (to distinguish it from government ‘concession land’).

*b) Government Concession Land*

This category refers to land over which an agricultural concession was granted to a private individual or consortium, for example the *Sociedade Agrícola Pátria e Trabalho* (SAPT). Most concessions were

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<sup>3</sup> The complete questionnaire is included as Appendix A.

<sup>4</sup> In the context of defining ownership, the term ‘land’ includes aquaculture sites.

<sup>5</sup> United Nations Transitional Administration in East Timor.

granted during the Portuguese period for the purpose of coffee production. In recent years, a small number of concessions have been granted to NGOs.

**Private Land.** This category is further broken down into the following categories of private land:

a) *Private Land/Private Individual*

This category refers to land privately held by individuals. This includes sizeable parcels of primary industry land owned privately by individuals or families, even though no certificate for the land may ever have been issued. In many cases, the rights to this land appear to originate within the customary system. According to available information, parcels in this category have often been surveyed, but the process of issuing a certification never completed. In this report, land in this category is referred to just as ‘private land’ (distinguishing it from private land/church and private land/community).

b) *Private Land/Church*

This category refers to land privately owned by the church. The information from the field suggests that, in most cases, land parcels owned by the church were areas of unused community land, granted to the church for the use of church personnel and members of the church community. Land in this category is referred to in this report just as ‘church land.’

c) *Private Land/Community*

This category refers to land that local informants consider as land privately owned by a community. This category (containing a total of eight parcels) was not foreseen at the outset of the research. Land in this category is not owned by the government, the church or any private individual, and is referred to in this report just as ‘Community Land.’

**Transmigration/Translocation & Housing Program Land.** The data reveal that it is not possible to attribute a general tenure status to all of the individual allotments within transmigration, translocation and housing program areas. Some allotments will be the private property of individuals who received certificates for the allotments during Indonesian times, while other allotments will be state property by way of abandonment. For this reason, all transmigration, translocation and housing programs are included in a unique category.

Firstly, it is important to note that transmigration refers to the practice of resettling persons from elsewhere in Indonesia, whereas translocation refers to the practice of resettling persons from elsewhere in East Timor, often from areas in close proximity to the translocation area. Often, translocation was undertaken for the purpose of moving rural East Timorese away from areas where they would be likely to come in contact with FALINTIL<sup>6</sup> guerillas, and into areas where they would be more easily controlled. As the data on transmigration and translocation indicates, transmigrants from elsewhere in Indonesia were always settled on sites that *also* included translocated persons from *within* East Timor. Translocation programs, by contrast, were often developed for the purpose of settling translocated persons *only*.

## 1.4.2 Land Use

The land parcels that have been documented in the course of this survey have been coded according to land use as outlined below. Note that where land use is mixed (forestry and agriculture, for example), the parcel is categorized according to the main land use. Where the parcel is abandoned, the parcel is categorized according to the land use that was originally intended.

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<sup>6</sup> *Forças Armadas de Libertação Nacional de Timor Leste*, or the Armed Forces of National Liberation of East Timor.

**Agricultural.** ‘Agricultural’ land includes land used for palm plantations (lonton, coconut, for example), as well as for other agricultural activities such as coffee, maize, mixed garden production and grazing.<sup>7</sup>

**Forestry.** This category includes agro-forestry programs (specifically the agro-forestry program recently initiated by MAFF in Oecusse).

**Aquaculture.** This includes fish and shrimp farms, including hatcheries.

**Industrial.** This includes government-declared industrial zones as well as other primary-industry sites (specifically one salt production site and one gas site). Note that the inventory of industrial zones included in this survey is not comprehensive, as these are still at the planning stage and this survey relied primarily on information from local informants.

**Protection Area.** The identification of protection areas was not a primary objective of this survey. Information about some protected areas has been included, where local informants provided this information.

**Subsistence/Small-scale Agriculture.** This category is used specifically in relation to transmigration/translocation areas. Transmigrants were typically allocated up to one hectare per family of residential/garden land, and up to one hectare of primarily agricultural land. This term is used to distinguish the kinds of agricultural activities typically associated with transmigration/translocation areas, from more commercially oriented activities.

**Housing.** The identification of Indonesian-era government housing developments was not a primary objective of this study. These areas have been included in the inventory because they share some characteristics in common with transmigration areas, and to utilize the opportunity of this survey to add to the documentation about non-customary properties in East Timor.

**Other.** Again, in order to add to the documented information available on non-customary land parcels in East Timor, information on a small group of further parcels, unsuited to any of the categories outlined above, has been included under this category.

### 1.4.3 Management Status

This variable indicates whether the parcel is currently managed in accordance with its *Tenure Status* (see above). For example, government forest currently managed/used by members of the local community outside of any formal government management plan would be classified as ‘No,’ whereas government forest managed by MAFF would be classified as ‘Yes.’ An agricultural concession abandoned in 1975 would be classified ‘No.’ Note that the existence of a current management plan is considered sufficient evidence of management for a ‘Yes’ classification, although as a general rule, land that has been unused for 10 or more years (notwithstanding the existence of a management plan) is classified as ‘No.’<sup>8</sup> The management status of each of the parcels was determined based on qualitative data collected in the field from local informants.

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<sup>7</sup> Note that the identification of community-owned grazing land has not been an objective of this survey.

<sup>8</sup> In the interests of identifying currently unused land that could potentially be put to productive use.

#### 1.4.4 Claim Status

The purpose of this variable is to indicate whether or not any party (other than the assumed owner of the parcel), claims to own the land. A parcel of government agricultural concession land would be considered under claim, for example, were an individual to assert that the concession was granted over their private land (within the customary system) during Portuguese times, without appropriate consultation or compensation. A transmigration area would be considered under claim, for example, were a community to assert that either the use of force or the threat of force was a factor in its establishment during Indonesian times.<sup>9</sup> The classification of an area of government land (including concessions) as being under claim indicates that accessing the land based on its classification as a government-owned non-customary primary industry asset might not be straightforward. Having said this, however, indications from the field suggest that, in many cases, opposition to government management plans (particularly in relation to community claims to government land) will disappear if a government-sponsored ceremony involves community members, particularly when the government management plan holds the possibility of employment or other benefits for community members.<sup>10</sup>

It is also important to note that even when the land is indicated as being *not under claim*, this still does not imply that the legitimate owner of the parcel can count on straightforward access to the land. In many cases, individuals who have used government land parcels for long periods (in full recognition of the tenure status of the land), would likely seek compensation in the event they were requested to move.

Finally, it is important to note that in this analysis, the identification of a parcel as a claimed parcel is based on information received from local informants and without regard for whether a *formal* land claim application has been lodged in relation to the land with DNTP. The basis of this approach is to identify potential difficulties associated with resuming management of parcels of non-customary primary industry parcels, based on local information. Local information is considered important in this respect, given previous LLP research findings indicating that only 15% of rural household heads are aware of a formal government process for claiming land.<sup>11</sup>

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<sup>9</sup> As in the example of the concession area considered under claim, a transmigration area might also be considered under claim on the basis of a lack of consultation and compensation.

<sup>10</sup> An example of this is profiled in the section on Government Aquaculture.

<sup>11</sup> See section 2a. of the Research Results and Analysis section of the July 2004 LLP 'Report on Research Findings, Policy Options and Recommendations for A Law on Land Rights and Title Restitution' (Urresta and Nixon 2004), available at [www.easttimorlandlaw.com](http://www.easttimorlandlaw.com).

## 2. NON-CUSTOMARY PRIMARY INDUSTRY LAND PARCELS IN EAST TIMOR

This section of the report begins with a brief overview of non-customary primary industry land parcels in East Timor (number of parcels and management status, land area of parcels, number of parcels under claim, distribution throughout the districts), followed by more detailed profiles of each of the main categories of non-customary primary industry land. These are presented as follows:

- Government agricultural land
- Government agricultural concessions
- Government forest
- Government aquaculture
- Transmigration/Translocation areas and Indonesian-era housing programs
- Other parcels of interest, including other government parcels, and private (individual, church, community) parcels.

### 2.1 AN OVERVIEW OF NON-CUSTOMARY PRIMARY INDUSTRY LAND PARCELS IN EAST TIMOR

#### 2.1.1 Number of Parcels and Management Status

The non-customary primary industry land survey collected information on 337 parcels. A broad breakdown of these parcels, excluding data in the 'other' category (four government and three church entries), is presented in Figure 1 below.

The data indicates that of the 330 parcels tabled in Figure 1 below, 161 are government (including concession), 125 are private (all categories), and 44 are transmigration/translocation/housing. Leaving aside for now the last category, the information included in the table indicates that 91% of all private parcels (all categories) were subject to some kind of management/monitoring regime at the time of the field survey,<sup>12</sup> compared to 36% of all government land parcels (agricultural concessions included).

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<sup>12</sup> The majority of fieldwork took place during May 2005.

**FIGURE 1: NON-CUSTOMARY PRIMARY INDUSTRY LAND PARCELS BY TENURE AND MANAGEMENT STATUS**

<b>Number of Non-Customary Primary Industry Land Parcels by Tenure Status and Management Status</b>				
<b>Broad Tenure Category</b>	<b>Specific Tenure Category</b>	<b>Number of Managed Parcels</b>	<b>Number of Unmanaged Parcels</b>	<b>Total Parcels</b>
Government Land	Government Administered	40 (33%)	81 (67%)	121
	Agricultural Concession	18 (45%)	22 (55%)	40
	All Government	58 (36%)	103 (64%)	161
Private Land	Private	58 (97%)	2 (3%)	60
	Church	49 (86%)	8 (14%)	57
	Community	7	1	8
	All Private	114 (91%)	11 (9%)	125
Transmigration/ Translocation/ Housing <sup>13</sup> Program	Transmigration/Translocation	N/A <sup>14</sup>	N/A	41
	Housing Program	N/A	N/A	3
	All Trans./Housing	N/A	N/A	44
<b>Grand Total (excluding 'Other'). Includes All Government, All Private, All Housing</b>				<b>330</b>

## 2.1.2 Land Area by Tenure Status

The area of non-customary primary industry land held under each category of tenure status is indicated in Figure 2 below.

**FIGURE 2: AREA OF NON-CUSTOMARY PRIMARY INDUSTRY LAND PARCELS BY TENURE STATUS<sup>15</sup>**

<b>Area of Non-Customary Primary Industry Land Parcels by Tenure Status</b>				
<b>Broad Tenure Category</b>	<b>Specific Tenure Category</b>	<b>Total Number of Parcels</b>	<b>Average Area (ha) per Parcel</b>	<b>Total Area (Ha) of All Parcels in Category</b>
Government Land	Government Administered	121		15,660.5
	Agricultural Concession	40		12,712
	All Government	161		28,372.5
Private land	Private	60		2,156
	Church	57		1,411
	Community	8		143
	All Private	125		3,710
Transmigration/ Translocation/ Housing <sup>16</sup> Program	Transmigration/Translocation	41		15,165
	Housing Program	3		33
	All Trans./Housing	44		15,198
<b>Total Area of Non-Customary Primary Industry Land Holdings</b>		<b>330</b>		<b>47,280.5</b>

<sup>13</sup> As discussed further in the Transmigration/Translocation/Housing section, Indonesian era housing programs varied with respect to the amount of agricultural land allocated to residents, with residents of some housing programs allocated *no* agricultural/garden land. All housing program areas are included in this table because (a) some did include agricultural/garden allotments, and (b) most were constructed on former agricultural land, of which some is now under claim.

<sup>14</sup> Transmigration/Translocation/Housing typically has no uniform status in regard to management. While original transmigrant settlers continue to reside in some, others may be abandoned or occupied by recently arrived (post-1999) occupants.

<sup>15</sup> Excluding data from 'other' land use category (including proposed industrial areas, 'protected areas' and airport reservation).

The information presented in Figure 2 above indicates that over 47,000 hectares of non-customary primary industry land parcels were identified in the survey.<sup>17</sup> As a general indication, this area amounts to just over 3% of the land area of East Timor.<sup>18</sup>

### 2.1.3 Number of Non-Customary Primary Industry Land Parcels Under Claim

Figure 3 (overpage) presents figures indicating the proportion of land parcels in each Tenure Status and Management Status category that are under claim. As stated in the notes on Data Processing, a *no claim* status does not guarantee that access to a parcel of government land would be possible without addressing compensation demands (although this may well be possible where no other party currently uses the land). A *no claim* status is taken to mean that the indicated *tenure status* is recognized by other known parties as legitimate, without excluding the possibility that expectations of various benefits and rights (employment, occupancy or cultivation rights) pertaining to the land may also exist.

Subject to the caveat outlined in the preceding paragraph, the data presented in Figure 3 indicate that of the 337 non-customary primary industry parcels, the Land Status categories most subject to claim are as follows:<sup>19</sup>

- Unmanaged government land:<sup>20</sup> Of the 82 parcels of *unmanaged* government land, 18 (22%) are under claim. However, only 3 of the 40 parcels of *managed* government land (7.5%) are under claim.
- Unmanaged concessions:<sup>21</sup> Of the 22 parcels of *unmanaged* concession land, 5 are under claim. However, 3 of the 18 parcels of *managed* concession land are also under claim.
- Transmigration/Translocation/Housing areas: Of the 44 transmigration, translocation and housing areas, 7 (16%) are under claim.

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<sup>16</sup> As discussed further in the transmigration/translocation/housing section, Indonesian era housing programs varied with respect to the amount of agricultural land allocated to residents, with residents of some housing programs allocated *no* agricultural/garden land. All housing program areas are included in this table because (a) some did include agricultural/garden allotments, and (b) most were constructed on former agricultural land (with one under claim by those who previously farmed the land).

<sup>17</sup> Plus a further 122 hectares of (mostly proposed) industrial areas, 5,313 hectares of 'protected areas' and 120 hectares of (Oecusse) airport reservation.

<sup>18</sup> Based on GIS calculations indicating East Timor's area (hectares by district) as follows: Ailu 74,010, Ainaro 81,370, Baucau 150,800, Bobonaro 138,100, Covalima 120,200, Dili 36,500, Ermera 77,030, Lautem 181,000, Liquica 54,910, Manatuto 178,600, Manufahi 132,900, Oecusse 81,800, Viqueque 188,700 (total area 1,495,920 hectares). Note that the 47,000 hectares of non-customary primary industry land identified in the survey does not include urban areas or roads. Yet in general terms this amount is consistent with the proportion of land that has been alienated from customary tenure in other countries in the region with subsistence economies. According to Larmour (1998:81), the amount of land under customary tenure is 98% in Papua New Guinea, 84% in Solomon Islands, 99% in Vanuatu and 83% in Fiji.

<sup>19</sup> These are not placed in descending order, but rather presented from left to right according to Figure 3.

<sup>20</sup> 'Unmanaged government land' refers to land technically under the direct control of an arm of MAFF (agriculture, forestry, aquaculture), but presently unmanaged.

<sup>21</sup> 'Unmanaged concessions' refers to land over which an agricultural concession was issued in the past, but which is no longer managed by the party who received the concession.

**FIGURE 3: BREAKDOWN OF NON-CUSTOMARY PRIMARY INDUSTRY LAND PARCELS BY LAND USE AND LAND STATUS  
(ALSO INCLUDING DATA ON MANAGEMENT AND DISPUTE STATUS)**

Number of Non-customary Primary-Industry Land Parcels by Land Use, Land Tenure Status and Land Claim Status																						
Land Use	Land Status (Ownership and Administration)																					
	Government Land								Private Land (All Categories)												Transmigration/ Translocation & Housing Programs <sup>22</sup>	
	Government Administered				Concession				Private				Church				Community				No Claim	Claim
	Managed		Unmanaged		Managed		Unmanaged		Managed		Unmanaged		Managed		Unmanaged		Managed		Unmanaged			
	No Claim	Claim	No Claim	Claim	No Claim	Claim	No Claim	Claim	No Claim	Claim	No Claim	Claim	No Claim	Claim	No Claim	Claim	No Claim	Claim	No Claim	Claim		
Ag.	11	2	28	10	15	3	17	5	44	3	1	1	33	3	4	1	1	2				
Forest	16		26	7					10				13		3		1					
Aqua.	6		7	1					1								2		1			
Indus. (inc. Zones) <sup>23</sup>	3		1														1					
Protec. Area	2		1																			
Subsist./ S-scale Ag.																					35	6
Hous.																					2	1
Other	2	1	1										3									
S-total 1	40	3 (7.5%) <sup>24</sup>	64	18 (22%)	15	3 (17%)	17	5 (23%)	55	3 (5%)	1	1 (-%)	49	3 (6%)	7	1 (-%)	5	2 (-%)	1	(-%)	37	7 (16%)
S-total 2	43		82		18		22		58		2		52		8		7		1		-	-
	125				40				60				60				8				44	
Grand Total	337																					

<sup>22</sup> Entries in this column are made only in the 'subsistence/small-scale agriculture,' and 'housing' rows. The former row is for standard transmigration/translocation sites with significant agricultural components. The latter row is used for other Indonesian-period programs that did not incorporate significant agricultural components, but which were established in some cases on agricultural land. Note that a separate section is used for transmigration/translocation and other housing developments, because the land tenure status of individual allotments within these areas is rarely uniform. While some allotments may have defaulted to the state through abandonment, some may still be occupied by their original tenants or (potentially) original owners.

<sup>23</sup> The entries included under 'government' are proposed industrial zones. The entry included under 'community' is a salt production site.

<sup>24</sup> Bracketed figures indicate percentage of parcels under claim in each in each *tenure status* and *management status* (Managed/Unmanaged) category.

As outlined under 2.11 above, the proportion of all categories of private land (individual, church, community) that is managed (91%) is dramatically higher than the proportion of government land (all categories including concessions) that is managed (36%), suggesting a high degree of motivation on the part of private parcel owners to maintain a management regime over their assets. There are differences within the larger private category itself, with 14% of church land being unmanaged compared with only 3% of private individual land, again suggesting that motivation to manage land increases in accordance with the direct benefits that accrue from it to specific individuals.<sup>25</sup>

Figure 3 above also presents the data for the main *managed* categories of private land (private individual and church) that indicate that these parcels have a similarly low claim rate (5% for private individual; 6% for church) compared to managed parcels of government land (7%, as indicated above).

In this comparison, *managed* government parcels and *managed* private parcels (individual and church) stand out as the least disputed types of non-customary primary industry land. By contrast, higher claim rates prevail in regard to *unmanaged* government land (over 20%). Of the 44 transmigration, translocation and housing areas identified, over which little or no formal administration has been imposed since 1999, 7 are under claim (16%).

The data suggest that active management of parcels by legitimate land managers discourages claims, and unmanaged land ‘elicits’ more claims than managed claims. It is likely that a number of other factors also play roles, including soil fertility and tenure history, and it is also possible that an absence of claims has been a factor encouraging (legitimate) land managers (including government officers) to continue to farm or return to particular parcels, thereby establishing for those parcels their ‘managed’ status.

## 2.2 GOVERNMENT AGRICULTURAL LAND

The survey identified 51 parcels of government agricultural land distributed across 11 districts, as presented below in Figure 4 (see also Map 1, Appendix B).

It is important to note that the figures should not be taken to imply that MAFF officers in those districts underrepresented in the table have been inactive. In Oecusse, for example, MAFF staff have been energetically advancing the development of new farming areas in the fertile river basin area. However, because tenure of these new agricultural development areas has been distributed among private individuals for cultivation on a long-term basis, these areas have been classified in this survey as agricultural concession areas.

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<sup>25</sup> With or without certificates, it appears, since private parcels were identified as such by local informants in the field, whether or not they had ever been registered.

**FIGURE 4: GOVERNMENT AGRICULTURAL LAND BY DISTRICT**

GOVERNMENT AGRICULTURAL LAND BY DISTRICT						
Government Agricultural Land by District, Management Status, Claim Status and Area						
District	Management Status/Claim				Total Number of Parcels per District	Total Area Per District (ha)
	Managed		Unmanaged			
	No Claim	Claim	No Claim	Claim		
Aileu			1		1	2
Ainaro		1	4	2	7	41
Baucau				1	1	16
Bobonaro	2		3		5	116
Covalima			3		3	55
Dili						
Ermera	1		3	1	4	149
Lautem	1		2	2	5	252
Liquica	1	1	4		5	57
Manatuto	2		2	2	7	159
Manufahi	4		1	1	6	342
Oecusse						
Vicqueque			5	1	6	231
Sub-total 1	11	2	28	10	-	Total Government Ag. Land (excluding concession areas):  1420
Sub-total 2	13 (25.5%)		38 (74.5%)		-	
Total Parcels All Districts						
51						

### 2.2.1 A Profile of Managed Government Agricultural Land

As noted, the proportion of all government primary industry land parcels (agricultural concessions included) subject to a government management or monitoring regime at the time of the field survey was 36%. If agricultural concessions are removed from this calculation (see Figure 1), the percentage of government primary industry land parcels presently managed drops to around a third, with only a quarter of government agricultural parcels (13 of 51 parcels) presently managed.<sup>26</sup> Data pertaining to these parcels is profiled in Figure 5 below.

<sup>26</sup> The percentage of forestry parcels presently managed is just under a third, while slightly less than 50% (6 of the 13) government aquaculture sites are presently managed.

**FIGURE 5: MANAGED GOVERNMENT AGRICULTURAL PARCELS**  
(BASED ON INFORMATION FROM LOCAL INFORMANTS)

**Use, Area, Reference Code and Claim Status of Managed Government Agricultural Land**

Ag. Use Type	Specific Program District (Sub-district)...	Activity Status (Y/N)	Management Information	Area (ha)	Claim Info.	Database Ref. <sup>27</sup>
<b>Agricultural Education/ Instruction</b>	Bobonaro (Maliana) agricultural college	N	Proposed development	100	No Claim	BOM7
	Lautem (Lospalos) model farm	Y	Managed by MAFF	32	No Claim	LLO13
	Liquica (Maubara) OISCA <sup>28</sup> /AVR <sup>29</sup> agricultural training center	Y	Managed by OISCA Timor Lorosa'e and AVR	10	No Claim	LMA15
	Manatuto (Barique) agricultural high school	Y	Managed by RDTL Education Dept.	136	No Claim	MB1
<b>Seedling Production and/or Research</b>	Ainaro (Ainara) seedling production site	Y	Managed by MAFF	1	Claim by individual (ancestral land)	AK1
	Ermera (Railaco) vanilla seedling site	Y	Managed by Portuguese Institute Camões	38	No Claim	ER5
	Liquica (Maubara) seedling production site	Y	Managed by MAFF	20	Community claim. In court.	LMA7
	Manatuto (Kota) rice seedling site	Y	Managed by MAFF	2	No Claim	MK2
	Manufahi (Same) seedling production & research	Y	Managed by MAFF	60	No Claim	MSA3
<b>Agricultural Production</b>	Bobonaro (Balibo) coconut plantation	N	Unmanaged plantation with MAFF management proposal	6	No Claim	BOBA3
	Manufahi (Alas) grazing site	N	Proposed grazing program to be managed by MAFF	20	No Claim	MA7
	Manufahi (Faterberliu) garden production	Y	Garden production site managed by MAFF	2	No Claim	MF3
	Manufahi (Same) coconut & sugarcane site	Y	Managed/ monitored by MAFF	20	No Claim	MSA4

<sup>27</sup> To facilitate access to additional information for each parcel, these database reference codes are compatible with the Excel and GIS databases that have been prepared in conjunction with this report.

<sup>28</sup> Organization for Industrial, Spiritual and Cultural Advancement.

<sup>29</sup> Associação Veteranos da Resistência, or the Association of Veterans of the Resistance.

The information presented in Figure 5 indicates that of the 13 parcels of managed government agricultural land, three are still in a planning phase, while management activities are already in progress on the remaining 10. Of these 10 parcels, three involve agricultural training, five are seedling production/research sites, and two are agricultural production areas. The majority of operating programs, therefore, concern training and seedling production/research, areas central to MAFF's policy focus.<sup>30</sup> The establishment of further similar programs on other parcels of available government agricultural land is likely to be a priority in the future; however, with the present resource and capacity limitations, it may be some time before the expansion of these activities is possible.<sup>31</sup> In particular, this raises the question of management options for presently *unmanaged* areas of government agricultural land.

## 2.2.2 A Profile of Unmanaged Government Agricultural Land

Of the 38 parcels of unmanaged government land documented in the survey, 10 are under claim. The details of these parcels are presented in Figure 6 below.

**FIGURE 6: UNMANAGED GOVERNMENT AGRICULTURAL LAND PARCELS**

District (Sub-district)	Area (ha)	Description	Claim Info.	Database Ref.
<b>Aileu</b> (Remexiu)	2	Govt. coffee & pepper site. Used by community.	No claim	AIR1
<b>Ainaro</b> (Maubisse)	10	Govt. seedling site (including fruits), now used by community.	No claim	AM3
<b>Ainaro</b> (Maubisse)	10	Govt. Port. era coffee seedling site. Good land used by community since 1975.	Under claim by community (long-term use basis)	AM4
<b>Ainaro</b> (Maubisse)	11	Govt. Port. era coffee site, on which people were forcibly relocated after 1975.	Under claim by community (forced resettlement basis)	AM5
<b>Ainaro</b> (Maubisse)	2	Govt. Ag. Training centre. Some land used by community.	No claim	AM6
<b>Ainaro</b> (Maubisse)	3	Govt. Ag. Extension site. Some land used by community. Some buildings in good condition (used by ASDT political party).	No claim	AM7
<b>Ainaro</b> (Maubisse)	4	Govt. Ag. high school (buildings in poor condition). Some land used by community.	No claim	AM8
<b>Baucau</b> (Kota)	16	Govt. Port. era horticultural site, occupied & farmed by community since 1975.	Under claim by community (long-term use basis)	BK7

<sup>30</sup> The MAFF 'Policy and Strategic Framework,' released 15<sup>th</sup> September 2004, outlines (MAFF 2004:18) the following 'objectives for the agricultural sector:'

- 'increase food production
- improve food quality,
- improve animal production,
- support the development of agricultural industries for domestic and export markets,
- provide effective agricultural planning based on improved data,
- provide an appropriate legislative and regulatory framework, and
- greatly increase the amount and quality of information services to farmers in the upland and dry lowland areas, which will require increased effort directed to capacity building.'

<sup>31</sup> This matter receives attention in the MAFF (2004:14-15) policy document.

<b>District (Sub-district)</b>	<b>Area (ha)</b>	<b>Description</b>	<b>Claim Info.</b>	<b>Database Ref.</b>
<b>Bobonaro</b> (Lolotoe)	2	Govt. coffee seedling site. No use by any party.	No claim	BOL1
<b>Bobonaro</b> (Lolotoe)	3	Port. era cavalry horse/buffalo grazing site. Unused.	No claim	BOL3
<b>Covalima</b> (Suai Kota)	15	Youth farming program initiated by TNI youth program. Now farmed by youth independently with no govt. assistance.	No claim	CSK4
<b>Covalima</b> (Suai Kota)	30	Former TNI rice field. Small part (.5 ha) now partly used by community.	No claim	CSK5
<b>Covalima</b> (Zumalai)	10	Village trading post/Model farm, now used by community as garden.	No claim	CZ7
<b>Ermera</b> (Ermera Kota)	3	Govt. Coffee seedling program. Coffee now harvested by community and land also used for community garden production.	No claim	EK1
<b>Ermera</b> (Ermera Kota)	33	Port. era govt. coffee & fruit plantation, now harvested by community.	No claim	EK2
<b>Ermera</b> (Ermera Kota)	45	Port. era Ermera district coffee plantation, used by community since 1975.	No claim	EK5
<b>Ermera</b> (Ermera Kota)	30	Govt. Port. era coffee land distributed among community members during Indonesian era. Individuals now claim to own their parcels.	Under claim by individuals (long- term use basis)	EK10
<b>Lautem</b> (Lospalos)	6	Govt. Ag. Land (with buildings) now harvested and occupied by community.	No claim	LLO3
<b>Lautem</b> (Lospalos)	180	Port. Era grazing land, occupied and farmed by community since 1975.	Under claim by community (long- term use basis)	LL02
<b>Lautem</b> (Lospalos)	4	Ind. Era Vet. Clinic land, used by community for Ag. Production since 1999.	Under claim from community (forced expropriation basis)	LLO14
<b>Lautem</b> (Moro)	30	Govt. administration, 1 ha. of which is used by the community.	No claim	LMO1
<b>Liquica</b> (Bazartete)	1	Govt. coffee land harvested by community.	No claim	LB1
<b>Liquica</b> (Liquica Kota)	8	Govt. coconut plantation close to town. Coconuts harvested by community.	No claim	LK1
<b>Liquica</b> (Liquica Kota)	5	Govt. coconut plantation, used by community for coconut and garden production.	No claim	LK2
<b>Manatuto</b> (Laclubar)	8	Abandoned coffee plantation (govt. property by default). Use status unclear.	No claim	MLC1
<b>Manatuto</b> (Laleia)	1	Govt. model rice field (Port. & Ind. eras) now used by community.	No claim.	MLL6

District (Sub-district)	Area (ha)	Description	Claim Info.	Database Ref.
<b>Manatuto</b> (Man. Kota)	10	Govt. model rice field from 1979-1999, now farmed by community.	Under claim from community (use basis)	MK5
<b>Manatuto</b> (Man. Kota)	2	Govt. Ag./model farm site, now occupied & farmed by individual	Under claim by individual (family land basis)	MK8
<b>Manufahi</b> (Alas)	200	Govt. mixed Ag. site, partly used by community.	No claim	MA5
<b>Manufahi</b> (Alas)	40	Govt. Ind. era experimental grazing site, used by community since 1999.	Under claim by community (use basis)	MA6
<b>Vicqueque</b> (Uatu Lari)	5	Govt. rice & mixed Ag. Site, now used by community. Community would demand compensation if asked to leave.	No claim	VUL4
<b>Vicqueque</b> (Uatu Lari)	6	Govt. coconut/mixed Ag. Site, now harvested/used by community.	No claim	VUL7
<b>Vicqueque</b> (Uatu Lari)	200	Govt. mixed Ag./rice field, now used by community.	No claim	VUL8
<b>Vicqueque</b> (Vicq. Kota)	5	Govt. Port. era coconut/teak site. Teak apparently mature and coconuts harvested by community.	Under claim by community (forced expropriation basis)	VK5
<b>Vicqueque</b> (Vicq. Kota)	10	Govt. mixed coconut/teak site. Coconuts now harvested by community. Teak possibly mature.	No claim	VK6
<b>Vicqueque</b> (Vicq. Kota)	5	Govt. coconut/Ag. Site, now harvested by community.	No claim	VK7

The information profiled in Figure 6 reveals that apart from two or three unused parcels, the majority of unmanaged government agricultural land is used by members of local communities, with 10 of the parcels under claim either by these community members or (in one case) an individual family. In discussing management considerations for unused government land parcels, it is useful to first consider those under claim.

### 2.2.3 Unused Government Agricultural Land Parcels under Claim: The Long-Term Use Problem

Figure 6 (above) indicates that 10 of the unused parcels of government agricultural land are under claim. As with all land claims in East Timor, it will be appropriate for these claims to be processed according to law, once the legal framework for resolving land claims is finalized. There are, however, some observations that can be made concerning the basis of these claims against government agricultural parcels, which may be of value in relation to government policy development.

Of the 10 claims relating to unused government agricultural land, three (LLO14, VK5, MK8) are based on allegations of wrongful alienation of the land from the rightful owners (communities in two cases, a family in one case). A further claim is made on the basis that the community was forced to settle the land during Indonesian times, and therefore has the right to remain on the land. The remaining six claims, however, are based on use of the land for an extended period. Whereas two of these claims involve use of government

parcels by community members since 1999, the remaining four date back far longer, with three appearing to date back to 1975.

While it is conventional reasoning that land abandoned by private parties reverts to the state, communities sometimes consider that land abandoned by the state reverts to the community. Bearing in mind the transitions of governance that East Timor has experienced (with two major land administration lapses in 25 years), this is not so surprising, especially considering that, from the village perspective, the government originally received its land from the community, generally in the expectation that the transfer would produce employment and other benefits.<sup>32</sup>

The possible link between long-term use of unmanaged government properties by members of local communities, and increases in the number of unmanaged government properties under claim (subject to the qualifications noted under Section 2.1.3), suggests the need for a more active approach towards management of government agricultural assets. This matter is all the more pressing given indications that the population of East Timor is likely to rise substantially in coming decades,<sup>33</sup> in all probability leading to a corresponding increase in demand for productive agricultural land throughout the country. For this reason and as a matter of priority, it may be in the interests of the government to introduce management regimes over existing government agricultural landholdings, in order to reduce the proportion of them that become subject to long-term-use-based claims. Government access to land will then be eliminated as an obstacle in relation to establishment of further seedling production and research stations, model farms, training establishments and other developments, once capacities increase to the point where these activities are viable.

#### **2.2.4 Management Considerations for Unused Unclaimed Government Agricultural Land Parcels**

Of the 38 parcels of unused government land profiled in Figure 6 (above), most<sup>34</sup> of those not under claim are used to a greater or lesser extent by members of local communities.<sup>35</sup> In one case, community members stated that they would demand compensation in the event they were required to leave the land;<sup>36</sup> however, in all 28 cases where no overt claim has been raised, community members indicated that they recognized the parcels in question as government land. As long community members continue to recognize government ownership of these land parcels,<sup>37</sup> it could be timely (for the reasons mentioned in the last paragraph) for the government to consider management options for them. The most appropriate management option for each parcel is likely to depend on the nature of the agricultural land in question (crops and surviving varieties of fruit/coffee species, proximity to MAFF facilities, soil quality, hydrological features, and other factors). A professional agricultural assessment of each parcel would be an appropriate step to take towards developing a management plan for all government landholdings.

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<sup>32</sup> This expectation is indicated by the accounts collected from local informants in the course of the survey. And clearly, the only benefits available from abandoned government agricultural land are those accrued from immediately exploiting it.

<sup>33</sup> According to recent data from the United Nations Population Fund Timor-Leste Census, the population doubling rate for East Timor is approximately 16 years. For further information, see [www.unfpa.east-timor.org](http://www.unfpa.east-timor.org).

<sup>34</sup> The exceptions are BOL1 and BOL3.

<sup>35</sup> It should be noted that in one case (CSK4) in Suai Kota, the agricultural development was originally dedicated to community use, in this case for youth group members. In this instance, the parcel could also be considered as 'managed,' although MAFF might still be interested in establishing management guidelines for the land in accordance with the principles discussed in this section.

<sup>36</sup> It is likely that compensation demands would not be confined to a few isolated cases, in the event the government requested that all community activities on government land cease.

<sup>37</sup> This is not to suggest that the government should abandon all hope of resuming management of those land parcels that are under claim (after more detailed investigation). Rather, it is to suggest that the government consider developing a management regime for those parcels not under claim in the first instance.

The following suggestions are offered to promote discussion concerning management options for government agricultural parcels.

**a) Distribute government agricultural land parcels among present users.** One option for government agricultural land parcels, including those under claim, is for the government to distribute them among present users. The user/recipient could either be given the land outright, or given the right to purchase it. Subject to the development of the taxation system, the (new) legal owners could then be obliged to pay land taxes on their assets. As well as requiring a state assessment of the value of each parcel, implementation of this option would also require investigation into the specific use regime pertaining to each parcel. It may be difficult to attribute ownership rights of particular parcels to specific individuals, where these parcels are subject to general community use. Any land taxation system would furthermore create its own challenges, especially in remote areas.

It is suggested that the government carefully weigh the pros and cons of disbursing its limited agricultural landholdings. There are very good reasons *not* to dispose of parcels of high agricultural research or propagation value (parcels planted with a range of varieties of fruit trees, for example).

**b) Resume government management of (certain) government agricultural parcels.** As indicated above, there are reasons why the government should consider resuming direct management of certain parcels, particularly those most suited for use as agricultural research stations, seedling production sites, model farms or other agricultural training areas. Present resources might limit the number of parcels that could be put to use in this way, however future resource regimes are likely to enable more scope. Again, parcels with crops of different varieties (fruit trees or coffee plants, for example) will be worth subjecting to some kind of government management regime as a matter of priority.<sup>38</sup>

**c) Subject government land parcels to a MAFF-supervised lease.** An option that would enable the government to retain tenure of agricultural holdings for future use, accrue revenue from government agricultural land parcels, and promote best practice farming could be to issue leases to those presently farming, or interested in managing, government agricultural parcels. In the event that management leases go to outside investors, community members could still accrue benefits through the provision of labor, and provision for their ongoing involvement in management activities could be written into leasing agreements to arrive at win-win outcomes. Another option would be to integrate formally existing community user groups into agricultural cooperatives, whose members could become the focus of a range of agricultural and business management capacity-building activities.<sup>39</sup> For all leased parcels, MAFF could introduce minimum land management standards that would be subject to a MAFF monitoring regime. This MAFF-monitored agricultural leasing system could be a means to spearhead agricultural improvements nationally. This option, which is probably more appropriate for large agricultural production areas (as opposed to seedling production areas, for example), would enable MAFF to promote improved agricultural practices, retain control of the limited government agricultural estate for future use, and accrue revenue from government agricultural assets.

In respect to this option, an encouraging feature of the distribution of unmanaged parcels of government agricultural land is that 24 of the 38 parcels profiled in Figure 6 are located either in district centre sub-districts, or in other accessible sub-districts. It is less encouraging that all 10 unmanaged parcels of government land under claim are *also* in this category,<sup>40</sup> however this still leaves 14 parcels of unclaimed,

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<sup>38</sup> Parcels AIR1, AM3 and EK2 may be in this category.

<sup>39</sup> The author understands from Dr Helen Hill from Victoria University of Technology, that Dr Hill has produced an unpublished paper supporting (a) the development of agricultural cooperatives in East Timor, and, (b) the delivery to cooperative members of agricultural training.

<sup>40</sup> The accessible parcels are AM3, AM4, AM5, AM6, AM7, AM8, BK7, CSK4, CSK5, EK1, EK2, EK5, EK10, LLO3, LLO2, LLO14, LK1, LK2, LMA8, MK5, MK8, VK5, VK6, VK7. All unmanaged government agricultural parcels under claim (AM4, AM5, BK7, EK10, LLO2, LLO14, MK5, MK8, MA6, VK5) are also in this category.

unmanaged government agricultural land within close proximity of district MAFF offices, over which the government could introduce a leasing regime. This is in addition to the large number of government concession parcels in close proximity to district MAFF offices, which are profiled in the next section.

It is of note that use practices and use policies pertaining to government vehicles (this applies to both DNTP and MAFF) without doubt severely limit the government's ability to manage its landholdings, particularly in remote sub-districts. This emphasizes again the importance of imposing some kind of management regime, at least over parcels that *are* accessible and *can* be monitored. Current government vehicle allowances are understood to be (at least in some districts) on the order of 30 liters per month for cars, and 15 liters per month for motorcycles, amounts barely adequate for one trip to Dili per month from a district office. To illustrate constraints that apply in the districts, and which are easily overlooked in Dili, it is worth mentioning that in the course of preparing this report, the survey teams had to provide fuel on almost every occasion that district officers wished to use a government vehicle to assist survey activities. Certainly this was necessary on all occasions when the work involved traveling outside the district-centre sub-district. It is an unfortunate reality that the ability of the government to administer rural land and property and influence agricultural development matters will remain limited for as long as government officers are effectively confined to district centers. This matter receives further attention in the section on government forests.

## 2.3 AGRICULTURAL CONCESSIONS

The survey identified 40 parcels of agricultural concession land distributed over 10 districts, as presented below in Figure 7 (see also Map 2, Appendix B).

FIGURE 7: AGRICULTURAL CONCESSION LAND BY DISTRICT						
Agricultural Concession Land by District, Management Status, Claim Status and Area						
District	Management Status/Claim				Total Number of Parcels per District	Total Area Per District (ha)
	Managed		Unmanaged			
	No Claim	Claim	No Claim	Claim		
Aileu	1		4		5	189
Ainaro						
Baucau	2				2	44
Bobonaro	1		2		3	84
Covalima		1			1	15
Dili	4				5	252.5
Ermera	4	2	8	4	18	11,411.7
Lautem						
Liquica			2		2	502
Manatuto	1			1	2	92
Manufahi			1		1	100
Oecusse	2				2	22
Viqueque						
Sub-total 1	15	3	17	5	-	Total Government Concession Land:
Sub-total 2	18		22		-	
Total Parcels All Districts						
40						12, 712.2

### 2.3.1 A Profile of Managed Agricultural Concessions

As data outlined in Figure 7 above indicate, a total of 40 agricultural concession areas were identified throughout East Timor, 18 of which are managed (or partly managed) by original concession holders or their

descendents. A profile of these managed agricultural concessions appears in Figure 8 below. Note that 4 of the entries included in Figure 8 are recently issued concession areas (AIK2, BK6, OPMA1, OPMA6).

**FIGURE 8: MANAGED AGRICULTURAL CONCESSIONS**  
(BASED ON INFORMATION FROM LOCAL INFORMANTS)

**Use, Area, Reference Code and Claim Status of Managed Government Agricultural Land**

<b>Location and Description</b> District (Sub-district)	<b>Management Information</b>	<b>Area (ha)</b>	<b>Claim Info.</b>	<b>Ref.<sup>41</sup> Code</b>
<b>Aileu</b> (Kota) Coffee	Coffee concession granted to private individual in 1943. Abandoned 1975 and since then used by community for coffee and garden production. Recently a new concession granted by MAFF to Quinta Portugal (NGO) for coffee seedling production on part of this land.	74	No claim	AIK2
<b>Baucau</b> (Kota) Silk farm	Government land dating from Portuguese times, and originally used for horticultural production. Air-force headquarters during Indonesian times. Lease issued to silk farm in 2000 and now managed by DNTP.	4	No claim	BK6
<b>Baucau</b> (Vemassee) Coconut & rice	Agricultural concession granted to private individual in 1967. Still managed by second wife of original (deceased) concession holder. Community members have settled and established gardens on the land also with consent of the descendents of the family to which the concession was issued. A large part of the land is unused.	40	No claim	BVM1
<b>Bobonaro</b> (Maliana Kota) Rice production & buffalo grazing	Agricultural concession granted to private individual in 1960 for rice production and buffalo grazing. These activities continue. The individual to whom the concession was granted is now semi-retired, and now manages the land in a share-cropping arrangement with members of the neighboring community.	60	No claim	BOM8
<b>Dili (Cristo Rei)</b> Garden	Agricultural concession granted to private individual during Port. time (year unknown) for rice and buffalo production. In 1983 the original concession holder sold the rights to the land (kind of rights unknown) to another individual, who now manages the land. This land appears to be considered private land, but it is unclear how this land status was acquired.	5.5	No claim	DCR1
<b>Dili (Cristo Rei)</b> Garden	Agricultural concession granted to private individual in 1952. In 1980 the concession holder died and the land was divided among 10 descendents. In 1985 the 10 descendents sold 44 ha to another individual for BTN housing. The remainder of the original concession continues to be used for garden production by the descendents of the original concession holder.	157	No claim	DCR2
<b>Dili (Atauro)</b> Coffee	Agricultural concession granted to private individual in 1956. In 1976-1978 the original concession holder transferred the concession right (details of this transfer unknown) to another individual, who continues to manage the annual harvest using labor from the local community.	Apx. 7	No claim	DA1
<b>Ermera</b> (Atsabe) Coffee & cocoa	Agricultural concession granted to private individual in 1945. Since 1999, the local community has occupied part of the land, which they now claim. Descendents of the original concession holder continue to manage the remainder of the parcel.	10	Under partial claim by comm.	EA2
<b>Ermera</b> (Hatolia) Coffee & rubber	Agricultural concession granted to private individual in 1930. Still managed by descendents of the original concession holder.	100	No claim	EH6

<sup>41</sup> For further information on these parcels, these database reference codes are compatible with the Excel and GIS databases that have been prepared in conjunction with this report.

<b>Location and Description</b> District (Sub-district)	<b>Management Information</b>	<b>Area (ha)</b>	<b>Claim Info.</b>	<b>Ref.<sup>42</sup> Code</b>
<b>Ermera</b> (Letefoho) Coffee	Agricultural concession granted to private individual in 1955. Still managed by descendents of the original concession holder.	12	No claim	EL8
<b>Ermera</b> (Kota) Coffee	Agricultural concession granted to private individual in 1944. Still managed by descendents of the original concession holder.	36	No claim	EK11
<b>Ermera</b> (Kota) Coffee	Agricultural concession granted to private individual in 1948. Still managed by descendents of the original concession holder.	88	No claim	EK12
<b>Ermera</b> (Railaco) Coffee & garden	Agricultural concession granted to private individual in 1967. Managed now by the son of the original concession holder, but under claim since 1999 by another individual who asserts that the land is his inherited (ancestral) land, and that the issuance of the original concession by the Portuguese administration was illegitimate.	99.7	Under claim by individual	ER7
<b>Manatuto</b> (Kota) Rice	Agricultural concession granted to private individual in 1964 for rice production. Still managed by descendents of the original concession holder.	40	No claim	MK3
<b>Oecusse</b> (Pante Makassar) Rice	Recently developed agricultural land over which small-scale concessions have been issued to community members by the RDTL government. Individual small-scale concessions are managed by individual concession holders; MAFF oversees the overall project.	10	No claim	OPMA 1
<b>Oecusse</b> (Pante Makassar) Rice	Recently developed agricultural land over which small-scale concessions have been issued to community members by the RDTL government. Individual small-scale concessions are managed by individual concession holders, and MAFF oversees the overall project.	12	No claim	OPMA 6

The four recently issued concession areas include two parcels that have been leased to NGOs (AIK2 and BK6), and a further two parcels of recently developed farmland (OPMA1 and OPMA6) of which sub-sections are allocated to a number of individual small-scale farmers. Leaving these aside, the remaining 14 managed entries all date back to Portuguese times. Of these Portuguese-era concessions, 11 continue to be managed either by the original concession holders, or their descendents or family members.<sup>43</sup> The management of two further concessions has been transferred to other parties, while another has been divided among the descendents of the original concession holder, and part of it turned into a housing development.

Since similar management considerations pertain to both managed and unmanaged agricultural concessions, it is of interest to review those unmanaged agricultural concessions identified during the survey, prior to any further analysis. The unmanaged agricultural concessions are profiled in Figure 9 below.

### 2.3.2 A Profile of Unmanaged Government Agricultural Concessions

The survey identified 22 parcels of unmanaged agricultural concession, of which 5 are under claim. The details of these parcels are presented in Figure 9 below.

<sup>42</sup> For further information on these parcels, these database reference codes are compatible with the Excel and GIS databases that have been prepared in conjunction with this report.

<sup>43</sup> Note that two of these parcels are partly under claim, and one is wholly under claim.

**FIGURE 9: UNMANAGED CONCESSION LAND PARCELS**  
(BASED ON INFORMATION FROM LOCAL INFORMANTS)

District Sub-district	Area (ha)	Description	Claim Info.	Database Ref./Cat.
<b>Aileu</b> (Kota)  Coffee	10	Coffee concession granted to private individual in 1950. Abandoned 1975. Used by community from 1975 until present day for coffee and garden production.	No claim	AIK1  (A)
<b>Aileu</b> (Laulara)  Coff./Rubber	80	Coffee & rubber concession granted to private individual in 1930. Abandoned 1975. Used by community from 1975 until present day for coffee & rubber production.	No claim	AILA1  (A)
<b>Aileu</b> (Remexio)  Corn	10	Agricultural concession granted to private individual in 1960 for corn production. Abandoned 1975. Used by community from 1975 until present day for producing corn.	No claim	AIR2  (A)
<b>Aileu</b> (Remexio)  Coffee/Ag.	15	Coffee & mixed Ag. concession granted to private individual in 1950. Abandoned 1975. Used by community from 1975 until present day for coffee and garden production.	No claim	AIR4  (A)
<b>Bobonaro</b> (Mal. Kota)  Rice	12	Agricultural concession granted to private individual in 1972 for rice production. Now used by community (with the consent of the daughter of the concession holder) for rice production.	No claim	BOM11  (C)
<b>Bobonaro</b> (Mal. Kota)  Rice	12	Agriculture concession granted to private individual in 1972 for rice production. Abandoned 1999. Now unused.	No claim	BOM12  (B)
<b>Ermera</b> (Hatolia)  Coffee	5000	Coffee concession granted to SAPT in 1920. Since 1975 the community has been harvesting the coffee and using the land for garden production. During Indonesian times the harvested coffee was sold to PT Salazar. <sup>44</sup> After 1999, it was sold to National Cooperative Business Association (NCBA)	No claim	EH1  (A)
<b>Ermera</b> (Hatolia)  Coffee	5000	Coffee concession granted to SAPT in 1930. Since 1975 the community has been harvesting the coffee and using the land for garden production.	No claim	EH2  (A)
<b>Ermera</b> (Hatolia)  Horticulture	60	Agriculture concession granted to private individual in 1930. Abandoned in 1975. Now occupied by community who continue to use the land for garden production and who claim the land on a long term use basis.	Under claim by community	EH4  (A)
<b>Ermera</b> (Hatolia)  Coffee	80	Coffee concession granted to private individual in 1930. Abandoned in 1975. Since 1975 the community has been harvesting the coffee and using the land for garden production.	No claim	EH5  (A)
<b>Ermera</b> (Letefoho)  Coffee	100	Coffee concession granted to private individual in 1932, and abandoned in 1975. Plantation then managed by Indonesian Dept. of Agric. and harvested until 1999. Since 1999 the community has been harvesting the coffee and using the land for garden production.	No claim	EL2  (B)

<sup>44</sup> It was usual during Indonesian times for the coffee harvest to be sold to PT Salazar, which was linked to the Indonesian military.

District Sub-district	Area (ha)	Description	Claim Info.	Database Ref./Cat.
<b>Ermera</b> (Letefoho)  Coffee	28	Coffee concession granted to private individual in 1940. Managed by descendents of original concession holder until 1999, at which time it was abandoned. Since 1999, the community has been harvesting the coffee. The community claims the land on the basis that it was originally (1940) taken from them by force.	Under claim by the community	EL4  (B)
<b>Ermera</b> (Kota)  Coffee/ Garden	240	Agricultural concession (some coffee) granted to a private individual in 1943. Two further transfers of management occurred between 1943 and 1975. Abandoned in 1975. Since 1975 the community has been using the land for garden production and settlement (5 aldeias). Coffee now in very poor condition, but garden in good condition.	No claim	EK13  (A)
<b>Ermera</b> (Kota)  Coffee/ Mixed Ag.	130	Land over which a concession is believed to have been issued to a private individual in 1930 (however it is also possible that the land was simply granted by the Liurai of Ponilala) for the purpose of coffee production. Abandoned in 1975. Managed by Indonesian Dept. of Agriculture from 1980 onwards. Since 1999 the community has been harvesting the coffee and using the land for garden production.	No claim	EK14  (B)
<b>Ermera</b> (Kota)  Coffee	278	Agricultural concession granted to private individual in 1930. According to local informants, the original concession was for a much smaller area, and there is speculation about the means by which it was increased in size. The family of the original concession holder (who departed ET in 1976) managed the land until 1985, at which time authority to manage the plantation was given to another individual. This individual managed the plantation until 1997, before he too left ET. Before leaving he leased part of the plantation to PUSKUD Timor Timur <sup>45</sup> (which became CCT <sup>46</sup> ) for coffee processing. <sup>47</sup> This portion of the land was used by CCT until December 2002, at which time the entire (Aifu) concession area was occupied by descendents of the original concession holders accompanied by approximately 140 ex-combatants. The police have been ordered to evict these squatters, but so far no action has been taken.	Under claim by squatters	EK15  (D)
<b>Ermera</b> (Kota)  Coffee	60	Agricultural concession granted to private individual in 1970. Abandoned in 1975. Since 1975 the community has been using the land for coffee and garden production and as a settlement site.	No claim	EK16  (A)
<b>Ermera</b> (Railaco)  Coffee	50	Agricultural concession granted to private individual in 1955. The original concession holder managed the concession until he retired in 2003. The community now harvests the coffee independently.	No claim	ER1  (C)

<sup>45</sup> Pusat Koperasi Unit Desa (East Timor Village Cooperative Centre)

<sup>46</sup> Cooperativa Café Timor (Timor Coffee Cooperative)

<sup>47</sup> According to CCT Manager Mr. David Boyce, this lease covered the period 2 April 1996 - 31 March 2007.

District Sub-district	Area (ha)	Description	Claim Info.	Database Ref./Cat.
<b>Ermera</b> (Railaco)  Coffee (orig.) & garden	40	Agricultural concession granted to private individual in 1963. Managed by the concession holder until 1975, at which time the plantation was burned by the community (destroying it totally). Since 1975 the community has used part of the land (approx. 5 ha) for garden production. The community considers that the land belongs to them.	Under claim by community	ER2  (D)
<b>Liquica</b> (Kota)  Coconut	2	Agricultural concession granted to private individual in 1952 for coconut production (78 trees). Managed by concession holder until 1975 and then abandoned. From 1975 until 1999 the land was managed by the Indonesian Dept. of Agriculture. Since 1999 the coconuts have been harvested by the local community.	No claim	LK3  (B)
<b>Liquica</b> (Kota)  Coffee	500	Agricultural concession granted to SAPT in 1939, and managed until 1975, and then abandoned around 1975. PT. Salazar then managed the land until 1998. Since 1998 the plantation has been harvested by members of the local community.	No claim	LK4  (B)
<b>Manatuto</b> (Man. Kota)  Rice	52	Agricultural concession granted to private individual in 1964 for rice production. The concession holder managed the land until some time during Indonesian period, and then emigrated to Australia. The original concession holder attempted unsuccessfully to transfer management of the land to another individual; however the community took over the land and now claim it as their own.	Under claim by the community	MK4  (A)
<b>Manufahi</b> (Turiscai)  Coffee	100	Agricultural concession granted to SAPT during Port. period (year unknown), and managed until SAPT went bankrupt around 1975. Then managed by PT Salazar until 1999, after which the community harvested the coffee independently. It is understood that this site is monitored by MAFF.	No claim	MT6  (B)

A review of the parcels included in Figure 9 above indicates that they fall into four main categories<sup>48</sup> as follows.

**Category A:** Concessions in this category were issued during the Portuguese period, and then abandoned either in 1975, or in one case (what is understood to be) the early-mid Indonesian period. All concessions in this category have been used and/or harvested by local communities since abandonment. This is the largest single category of unmanaged concessions, numbering 11. Of these 11 parcels, two are under claim. Coffee is a crop grown on eight of the 11 concessions.

**Category B:** The distinguishing feature of concessions in this category is that in one way or another they were managed (with varying degrees of continuity) until the late Indonesian era. In some cases (MT6, EL2, EK14, LK3, LK4), the land was abandoned in 1975 but then managed either by the Indonesian Department of Agriculture or PT Salazar. In several cases (BOM12, EL4), the land was managed up until 1999 by the original concession-holding families. In all Category B cases, the concessions have been used/harvested by members of local communities since 1999, with one parcel in this category (EL4) under claim by the community on the basis that the land was originally alienated from the community (in 1940) by force. The number of parcels in this category totals seven.

<sup>48</sup> Note that each of the concessions has been coded (far right column, in brackets) according to the category into which it falls.

**Category C:** The parcels in this category have made smooth and recent transitions from managed to unmanaged concessions. In one case the daughter of the original concession holder has given the community permission to use the land. In the other case, the concession holder has recently retired (in 2003), and the community now harvests the coffee.

**Category D:** The two concessions in this category have particularly troubled histories. In the case of ER2, coffee plants growing on the land were burned by community members in 1975, at which time they claimed the land. More recently, in December 2002, the Aifu estate (EK15) in Ermera, which is legally leased to *Collectiva Café Timor* (CCT), was occupied by a large group of ex-veterans, who have not yet been dislodged.<sup>49</sup>

### 2.3.3 General Management Considerations Pertaining to Government Agricultural Concessions

As might be expected, there is a concentration (see Figure 7 above) of agricultural concessions in coffee-growing areas, with 23 of the 40 concessions identified in the survey located in Ermera and Aileu. According to the data, coffee is grown on at least 24 of the 40 identified concessions, and given the primacy of coffee as an export crop, it is important that concerns raised about coffee-growing in East Timor inform any discussion on management considerations for agricultural concession land. The recent Oxfam report by Carrie Deutsch, titled 'Overview of the Coffee Sector in Timor-Leste (Deutsch 2004), refers to a range of management challenges for coffee-growing areas generally, of which several are of particular concern here.<sup>50</sup> The first of these relates to '[p]oor plantation management,' with both coffee plants and shade trees aging (and some shade trees also diseased), but with little pruning or crop replacement being undertaken.<sup>51</sup> The second concern relates to '[i]nadequate training, extension and information services.' Both are of relevance to the discussion that follows.

At the broadest level, management possibilities for government concession areas include the following.

**a) Do nothing.** Taking no action in relation to current use patterns on agricultural concession land may permit the present status quo to become more firmly entrenched over time. Where the present status quo involves community use of abandoned concession land (about half of all cases), this may amount to a gradual increase in long-term-use-based claims (Categories A and B, in that order). This option is also unlikely to provide the government with added leverage for improving the management of concession areas (such as by incorporating gradual replacement of shade trees as a condition of leasing agreements, for example).

**b) Government management of Agricultural Concession Areas.** Direct government management of agricultural concession areas does not appear feasible in the short to medium term, as government agricultural landholdings already outstrip the government's capacity to manage them. The additional burden of a further 40 agricultural concession parcels would be likely to prove an unrealistic challenge at this time.

**c) Distribution to existing users.** As in the case of parcels of government agricultural land that exceed the government's current needs, the disposal of concession land to present users (original concession holders or their families; families or groups of small-scale farmers) may be appropriate in some cases. However, as with the 'do nothing' option, permanent disposal of agricultural land is likely to limit government's

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<sup>49</sup> Additional Information on the Aifu concession has been provided by Mr. David Boyce from CCT.

<sup>50</sup> The complete summary of concerns also includes (2004:3-11) the following: 'Poor plantation management,' 'Variable quality of coffee of coffee produced' (also partly a plantation management issue), 'Poor industry coordination and development,' 'Marketing constraints and falling coffee prices,' 'Inadequate training, extension and information services.' See also Amaral (2003).

<sup>51</sup> This section also reflects discussions with Mr. David Boyce from CCT.

capacity to encourage improved land management practices on these parcels, many of which are important (coffee-producing) national primary industry assets.

**d) Issuing leases.** Again, it is suggested that a suitable option for the government in terms of promoting improved management of agricultural concession parcels may be to assert ultimate possession over these parcels, but to issue new agricultural leases over them to existing users (as individuals or as agricultural cooperatives) or new users where appropriate, obliging the lessees to manage the land in accordance with minimum standards.<sup>52</sup> As with parcels of surplus government agricultural land, these re-issued agricultural concession parcels could become the focus of special training and information activities (subject to the availability of resources). This would both provide an incentive to farmers to sign a lease, and provide a framework to guide the expansion of MAFF extension services, thus supporting the gradual rehabilitation of some of East Timor's most economically important agricultural land.

In the event that the government decides to issue new leases over agricultural concession land, it may be appropriate to promote agricultural cooperative leasing arrangements over those concessions that are used at the present time by members of local communities.

Re-issuing leases to the families of original concession holders may be an appropriate option for parcels still used by original concession holders or their descendents. Similar minimum management requirements could be required as part of the leasing arrangements in both cases.

#### **SEVENTY-EIGHT GOVERNMENT COCONUT TREES IN LIQUICA (PLUS A FEW MORE NEARBY...)**

The case of the unmanaged government coconut plantation LK3 in Liquica (an abandoned concession) is an example of a parcel of government land that could be leased out to an agricultural collective or to private management, thereby re-establishing government ownership of the parcel, raising government revenue, and providing MAFF with an opportunity to promote best practice management of the parcel. This 2-hectare plantation is located several minutes to the west of Liquica district centre (accessible by *mikrolet*, bicycle or foot), close to the main road. It was originally a private concession, which defaulted to government ownership after the owner fled East Timor in 1975. The land supports 78 coconut trees, which have been harvested by the community since 1999. The community recognizes the site as government property.

Note that at an average annual production rate of 60 coconuts per year per tree, and with coconuts selling wholesale at up to 40 cents per unit to Dili retailers, the gross annual earnings of this 2-hectare plantation are in the vicinity of US\$1,500. Note also that another 5 hectares of unmanaged government coconut plantation (LK2) are located less than a kilometre from LK3. Approximately one kilometre further west (still accessible from Liquica by foot) is the 8-hectare coconut plantation LK1. Together, these three unmanaged government coconut plantations within walking distance of Liquica district centre may be capable of earning between US\$8,000 and US\$12,000 per annum. Under a management regime, a share of this could be paid into government revenue, and used to strengthen agricultural extension services and monitoring of (leased out) government agricultural parcels.

## **2.4 GOVERNMENT FOREST**

The survey identified 49 parcels of government forest over 11 districts, as presented below in Figure 10 (see also Map 3, Appendix B).

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<sup>52</sup> Fernando Egidio Amaral from MAFF (Amaral 2003:26) has suggested the following approach for the rehabilitation of coffee plantation land, which might be suitable as a guide: 'To minimize the burden on the government and farmers, selective replanting is suggested. For example, farmers with one hectare of coffee would rehabilitate 0.25 ha each year for four years, to create a continuous production and income stream, where the first year planting was already productive when the third and fourth year replanting was undertaken.'

**FIGURE 10: GOVERNMENT FORESTRY LAND BY DISTRICT****Government Forest by District, Management Status, Claim Status and Area**

District	Management Status/Claim				Total Number of Parcels per District	Total Area Per District (Ha.)
	Managed		Unmanaged			
	No Claim	Claim	No Claim	Claim		
Aileu			2	1	3	4
Ainaro	1				1	57
Baucau				2	2	44
Bobonaro	3		3		6	513
Covalima	6		6	1	13	13, 047
Dili						
Ermera						
Lautem	4			2	6	107
Liquica			2	1	3	23.5
Manatuto			1		1	200
Manufahi	1				1	1,470
Oecusse	1		3		4	125
Viqueque			9		9	91.5
Sub-total 1	16 (33%)		26 (53%)	7 (14%)	-	Total Government Forest Identified in Survey: 14, 213.5
Sub-total 2	16 (33%)		33 (67%)		-	
Total Parcels All Districts						
49						

As Figure 10 indicates, 16 of the 49 government forests are managed or monitored (33%), according to local informants, while a further 33 forests remain unmanaged. As with government agricultural land, the largest single group of forests (53% in this case) is in the unmanaged, unclaimed category. As noted earlier, the survey recorded no claims over *managed* government forests.<sup>53</sup>

### 2.4.1 A Profile of Managed Government Forests

Figure 11 below provides a profile of managed government forests, none of which are under claim.

<sup>53</sup> Again, while the possibility exists that management deters claimants, unclaimed government forests may for good reason be the first to have management regimes imposed on them by government officials.

**FIGURE 11: MANAGED GOVERNMENT FORESTRY PARCELS**  
(BASED ON INFORMATION FROM LOCAL INFORMANTS)

**Use, Area, Reference Code and Claim Status of Managed Government Forests**

<b>Ag. Use &amp; Program</b> District (Sub-district)...	<b>Activity Status (Y/N)</b>	<b>Management Information</b>	<b>Area (ha)</b>	<b>Claim Info.</b>	<b>Database Ref.</b>
Bobonaro (Kota) integrated training centre	Y	Managed by MAFF	40	No Claim	BOM 9
Ainaro (Hataudo) forestry production	Y	Managed /monitored by local government	57	No Claim	AHU 5
Bobonaro (Atsabe) forestry production	Y	Managed /monitored by local government	450	No Claim	BOA 1
Bobonaro (Balibo) forestry production	Y	Managed / monitored by MAFF	15	No Claim	BOBA 2
Covalima (Zumalai) forestry production	Y	Managed / monitored by MAFF	875	No Claim	CZ3
Covalima (Zumalai) forestry production	Y	Managed /monitored by MAFF	800	No Claim	CZ4
Covalima (Tilomar) forestry production	Y	Managed /monitored by MAFF	6	No Claim	CT1
Covalima (Tilomar) forestry production	Y	Managed /monitored by MAFF	50	No Claim	CT2
Covalima (Tilomar) forestry production	Y	Managed /monitored by MAFF	500	No Claim	CT4
Covalima (Suai Kota) forestry production	Y	Managed /monitored by MAFF	1200	No Claim	CSK1
Lautem (Lospalos) forestry production	Y	Managed /monitored by MAFF (protected for future harvesting)	25	No Claim	LLO9
Lautem (Lospalos) forestry production	Y	Managed /monitored by MAFF (protected for future harvesting)	4	No Claim	LLO1
Lautem (Luro) forestry production	Y	Managed /monitored by MAFF (protected for future harvesting)	25	No Claim	LLU1
Lautem (Luro) forestry production	Y	Managed /monitored by MAFF (protected for future harvesting)	40	No Claim	LLU2
Manufahi (Same) Forestry & crop production	Y	Managed /monitored by MAFF	1	No Claim	MSA2
Oe-cusse (Pante Makasar) agroforestry production	Y	Managed /monitored by MAFF (community crops also)	25	No Claim	OPMA5

## 2.4.2 A Profile of Unmanaged Government Forests

A total of 33 unmanaged forests were documented in the survey, seven of which are under claim. Details on these parcels are presented in Figure 12 below.

**FIGURE 12: UNMANAGED GOVERNMENT FORESTRY PARCELS**  
(BASED ON INFORMATION FROM LOCAL INFORMANTS)

District (Sub-district)	Area (ha)	Description	Claim Info.	Database Ref.
<b>Aileu</b> Aileu Kota	1	Govt. Indonesian era training centre & forestry seedling production area. Used by community (trees good condition)	No claim	AIK5
<b>Aileu</b> Laulara	2	Unused Indonesian era seedling production area. Poor condition.	No claim	AILA2
<b>Aileu</b> Laulara	1	Govt. Indonesian era seedling production site. Unused.	Under claim by former <i>chefe suco</i> . Claim not recognized by community.	AILA3
<b>Baucau</b> Baguia	40	Govt. Portuguese era teak plantation. Teak in good condition.	Under claim by community on the basis that the teak was planted by ancestors. <sup>54</sup>	BB1
<b>Baucau</b> Baguia	4	Govt. Portuguese era seedling and teak production area, with 20-year-old teak crop (also coconuts). Used and claimed by community.	Under claim by community	BB2
<b>Bobonaro</b> Maliana Kota	2	Govt. Indonesian era forestry seedling site. Trees now dead. Unused.	No claim	BOM1
<b>Bobonaro</b> Maliana Kota	2	Govt. Portuguese/Indonesian teak seedling site. Trees now dead. Unused.	No claim	BOM2
<b>Bobonaro</b> Maliana Kota	4	Govt Indonesian era teak seedling site. No remaining trees. Land used for community garden.	No claim	BOM6
<b>Covalima</b> Fatumean	2000	Govt. Indonesian era teak plantation. Unsuccessful. Partly (5 ha) used for community garden.	No claim	CFA1
<b>Covalima</b> Zumalai	1700	Govt. Indonesian era teak plantation. 1,000 ha planted in 1992. Remains in good condition. 700 ha used for community garden.	No claim	CZ2
<b>Covalima</b> Zumalai	6	Govt. Indonesian era teak plantation. 6 ha. Planted in 1991. In good condition. No community use.	No claim	CZ8
<b>Covalima</b> Maucatar	2000	Govt. Indonesian era teak plantation. Planted 1997. Crop in good condition. Community garden in between teak stands.	No claim	CM1
<b>Covalima</b> Maucatar	1110	Govt. Indonesian era teak plantation. Planted 1994. Crop in good condition. Community garden in between teak stands.	No claim	CM2

<sup>54</sup> As is discussed in greater detail later in this section, this claim is not an isolated case. The government employs community members to plant trees, and then several decades later, the descendents of the planters claim that the trees are their inheritance in accordance with traditional principles.

District (Sub-district)	Area (ha)	Description	Claim Info.	Database Ref.
<b>Covalima</b> Maucatar	800	Govt. Indonesian era teak plantation. Planted 1995. Crop in good condition. No community use of site.	No claim	CM3
<b>Covalima</b> Zumalai	2000	Govt. Indonesian era teak plantation commenced in 1992. Progressed slowly and only 14 ha planted by 1999.	Partly under claim (500 ha.) by community	CZ1
<b>Lautem</b> Lospalos	10	Govt. Portuguese era teak plantation. Planted 1966. Crop in good condition.	Claim by individual on <i>tana adat</i> basis.	LLO11
<b>Liquica</b> Maubara	6	Govt. Portuguese era sandalwood plantation. Crop in poor condition. Subject to illegal logging.	Under claim by community members on basis that ancestors planted crop. <sup>55</sup>	LMA6
<b>Liquica</b> Maubara	5.5	Govt. Indonesian era mixed (inc. sandalwood) seedling program. Planted 1983. Crop in fair condition. No community use. Site monitored by community.	No claim	LMA9
<b>Liquica</b> Maubara	12	Govt. Portuguese era teak plantation. First planted 1950. Replanted late 1980s. Crop in good condition. Monitored by community member.	No claim	LMA10
<b>Manatuto</b> Laleia	200	Govt. Portuguese era teak plantation. Planted 1962. Crop in good condition. No community use.	No claim	MLL7
<b>Oe-cusse</b> Nitibe	60	Govt. Portuguese era forest area. However, no forest, only community cattle grazing.	No claim	ON1
<b>Oe-cusse</b> Oesilo	20	Govt. Portuguese era teak plantation. Planted in 1949. Crop in very good condition. Ready for harvest.	No claim	OO2
<b>Oe-cusse</b> Oesilo	20	Govt. Indonesian era teak plantation. Planted 1985. Fair condition. Not ready for harvest. No community use.	No claim	OO1
<b>Viqueque</b> Ossu	17	Govt. Portuguese era teak plantation. Planted in unknown year. Fair condition. Community settlements on site.	No claim	VO5
<b>Viqueque</b> Ossu	10	Govt. teak plantation first established 1925. Last harvested Indonesian era. Present crop in fair condition. Coconuts on site harvested by community.	No claim	VO4
<b>Viqueque</b> Uatu Carbau	10	Govt. teak & coconut plantation first planted in 1930. Crop in fair condition. Some community use.	No claim	VUC1
<b>Viqueque</b> Uatu Carbau	10	Govt. teak plantation first established 1937. Believed to have last been harvested Ind. era. Crop in fair condition. Site unused by community.	No claim	VUC4
<b>Viqueque</b> Uatu Carbau	4	Govt. teak plantation first established 1920s. Believed to have last been harvested Ind. era. Crop in fair condition. Site unused by community.	No claim	VUC6
<b>Viqueque</b> Uatu Lari	25	Govt. teak plantation first established 1935. Thought to have been harvested late Port. era. Natural regeneration since. Crop in fair condition. No community use.	No claim	VUL6

<sup>55</sup> Again, this appears a possibly valid claim. The available information, however, suggests the ancestors were working for the government at the time they planted the trees.

District (Sub-district)	Area (ha)	Description	Claim Info.	Database Ref.
Viqueque Uatu Lari	10	Govt. Portuguese era teak plantation. Established 1910. Crop in good condition. Some community use of site.	No claim	VUL1
Viqueque Uatu Lari	3	Govt. Portuguese era teak plantation established 1920. Crop in fair condition. Community use site for gardening and harvest coconuts.	No claim	VUL2
Viqueque Uatu Lari	3	Govt. Portuguese era teak and coffee plantation. Crops in fair condition. Community has been harvesting coffee (but not teak).	No claim	VUL5

A number of management considerations arise from the basic data presented in Figure 11 above, as follows.

**a) The need for a Technical Forestry Assessment.** Figure 11 indicates that around 22 unclaimed teak plantations in fair-to-good condition are presently subject to little or no management. Some of these, such as the plantation in Oesilo in Oecusse (OO2), appear due for harvest in coming years, while a number of plantations established during the Indonesian era (including CZ2, CZ8, CM1, CM2, CM3) are likely to require management attention if they are to mature into economically valuable crops. It is understood in regard to teak management (as a general rule) that a first thinning of teak should take place when the dominant height<sup>56</sup> reaches between 9 and 9 1/2 meters, and a second thinning when the dominant height reaches between 17 and 18 meters.

A professional assessment of all significant government forestry holdings (it would make sense to exclude all those forests that have proved clearly unsuccessful) would appear the next step in determining exactly which kinds of management activities are appropriate for which forests, since the objective of this survey has primarily been to locate parcels and collect basic tenure and land use data.

**b) Management considerations relating to unsuccessful forestry plantations.** A number of the forestry plantations documented in the survey have proved clearly unsuccessful, but continue to be recognized as government land by local community members. An example of this is a 60-hectare parcel of land in Oecusse, dating from the Portuguese era, which is unrecognizable as an industrial forest and has been subjected to burning on a yearly basis for at least 10 years to promote grazing.<sup>57</sup> There is a strong argument for redefining the status of such land parcels. In the case of the Oecusse example referred to above, it may be possible for the government to issue a 'minimum condition' grazing lease to the community using the site, possibly encouraging them to operate formally as an agricultural cooperative, as discussed earlier in relation to the leasing of government agricultural land.

**c) A Framework for Community Participation in Forest Management.** Site visits undertaken in the course of this survey indicate that varying degrees of cooperation prevail between communities and government agencies in relation to the management of government forests. Best-case scenarios involve community members voluntarily watching over government forests out of a sense of civic pride and duty, while worst-case scenarios appear to involve the illegal harvesting of timber from government plantations by those living in nearby areas. While regrettable, the latter is an understandable outcome of low rural incomes, limited opportunities, and the lapse of management that occurred following the events of 1999. The challenge will be to develop a framework for cooperative management of natural resources that is within the capacity of the government to administer.

<sup>56</sup> Based on information provided by forestry specialist Dr. Howard Rogers. Note that dominant height (according to Rogers) refers to the 'average height of the one hundred largest diameter trees per hectare.'

<sup>57</sup> The burning regime to which the land is subject has been practiced by members of a grazing community. This community took up residence on the land during Indonesian times, with the permission of local *katuas*.

## TWO STORIES ABOUT ONE FOREST

### The Account of a Local Elder

This land is my inherited land. The sandalwood was planted by my ancestors. Then in 1957, a Portuguese man came to this place and married my sister, the daughter of the *Chefe Suco*. The man who married my sister worked for the Forestry Department, and after he married, the *Chefe Suco* gave him a parcel of land to provide for his married life. The Portuguese man and his wife lived on this land parcel for one year, and then went to live at another place. They lived at the next place for ten years, and then after the Indonesian invasion in 1975, they abandoned all the land that they had been given by the *Chefe*, and went to live in Portugal. Because they abandoned this land, I am now the owner of the land.

After the Indonesian invasion, in 1975, FALINTIL used this place to hide from the Indonesian military. Later, a dispute broke out between the Indonesian government and the community, after the government took an interest in the sandalwood. The problem developed in the 1990s, when two forestry officers came to this place, bringing many others with them. Without asking permission from the local people, the forestry officials cut access routes to the sandalwood that grew on the land abandoned by the Portuguese man. The community, however, resisted, and fighting nearly broke out. The case was brought to the sub-district administrator, and the community waited for the matter to be resolved. By 1999, however, there was still no outcome.

After 1999, sandalwood thieves came and stole around 60 trees. The trees had trunks this (20cm) thick. Sometimes the thieves dig the roots of the tree up, too. The thieves came armed with *Panah* or *Rama Abmon* (poison darts). We haven't harvested any (sandalwood) trees because we know we need authorization from the government. We know we have to wait for a license from the government before we can harvest sandalwood.

### The Account of a Retired Forestry Officer

I first joined the forestry department during the Portuguese period, in 1965. The Portuguese man was a forester, working for the government in Dili. In 1948 he was sent by the government to develop a forestry proposal in that area. The *Chefe Posto* sent him to that *suco* to find a location for the forestry development. When he arrived, he had a discussion with the *Chefe Suco* and all the *katuas*. All these local officials made a decision to give that land to the forestry department as a grant.

The work on the plantation commenced in 1950, with local people from the area employed to undertake some, but not all, of the sandalwood planting. The planting work was rotated among different groups, to share the work around, and the work went on for 16 years. This was the period during which the Portuguese man worked on the project. At some point, he married the daughter of the *Chefe Suco*, but I can't remember where they lived. The land was surveyed by a cadastral officer in 1969...

No sandalwood was harvested during Portuguese times. Normally, growing in good soil, the sandalwood would have been ready for harvest after 30 years, by which time the trunks of the trees would have been 30 centimeters in diameter. The soil at that place was considered good, so the plantation should have been ready for harvesting by the early-to-mid 1980s.

After the Indonesian invasion, the population of the *suco* were moved to another place, so the Indonesian military could 'clear out' Falintil guerillas from the mountains. This move occurred in 1979, and the sandalwood had still not been harvested by this time. In 1981-1982, after the Indonesian military had finished their operations, the local people were allowed to return to the mountains. After they returned, the local population commenced harvesting the sandalwood. This was illegal, and they did it at the request of the Indonesian military, who paid 100 Rupias per kilogram of sandalwood.

In 1985, the government began a national re-forestation program. As part of this program, the Forestry Department replanted that sandalwood plantation. The management of the plantation continued up until 1999, with no harvesting being undertaken by local people.

After local community members returned from West Timor in late 1999, they commenced harvesting the sandalwood, which would have been around 15 years old by this time. This was illegal and was done out of economic need. The harvesting was still going on in 2004. Since the restoration of independence in 2002, there is still no sustainable management system for forestry or for coffee.

These two different perspectives on the history of the same forestry plantation presented above indicate the vulnerability of sustainable natural resource management practices to such factors as social and political instability, economic need and limited government presence. Economic desperation, a product of social and political instability, is a well-known factor leading to the depletion of scarce resources, often for scant returns. Reports from the field indicate that illegally harvested sandalwood, which can trade internationally for tens of thousands of dollars per ton, has been sold for as little as \$US150 per tree in rural East Timor. The beneficiaries of such exchanges are of course those who buy for a low price from uninformed sellers in rural areas, then sell the goods into the international market. The real losers are communities whose members miss out on the benefits that would accrue from market-value sales of the fully developed product, particularly when value-added locally instead of sold wholesale.

For the reasons outlined above, the findings of this report endorse the MAFF (2004:23) policy objective of developing a framework for joint-venture partnerships between government and those communities living on or near government forestry plantations, to ensure that those in the best position to protect natural resources gain direct benefits from doing so. Initial steps towards sustainable management of forest resources are likely to lie in involving communities in the protection and management of forest resources (initially involvement in guarding and pruning activities, for example). Advancing this kind of management trajectory would require ongoing public information and education activities targeting those living on or near government plantation areas, explaining the benefits to local people of protecting forests. Part of a comprehensive approach to forest management would also involve finding financial resources with which to compensate members of remote communities for protecting high-value forests during the long period it takes them to mature. A solution may require foreign or domestic private investment in the forestry sector.

## 2.5 GOVERNMENT AQUACULTURE

The survey identified 14 government aquaculture sites in 10 different districts, as presented below in Figure 13 (see also Map e, Appendix B).

FIGURE 13: GOVERNMENT AQUACULTURE SITES					
Government Aquaculture: Management and Claim Status					
District	Total Area/District (Ha.)	Management Status/Claim			
		Managed		Unmanaged	
		No Claim	Claim	No Claim	Claim
Aileu	4	1			
Ainaro					
Baucau	3.2	1		1	
Bobonaro	1.2	1		1	
Covalima	2			1	
Dili					
Ermera	.3	1			
Lautem	1				1
Liquica	13			2	
Manatuto	1.2			2	
Manufahi	.7	1			
Oecusse					
Viqueque	.4	1			
Total Area:	27	6		7	1
		6		8	
Total Parcels All Districts: 14					

## 2.5.1 A Profile of Managed Government Aquaculture Sites

The information presented in Figure 13 above indicates that of the 14 government aquaculture sites, 5 are presently active and MAFF plans to reopen a further site (AIK3) by the end of 2006.<sup>58</sup> It is of note that local informants often see aquaculture developments as joint venture partnerships between government and community. This is not surprising given that a factor motivating aquaculture developments was the improvement of local nutrition standards. For this reason, however, it is clearly a judgment call whether to categorize some aquaculture sites as government properties or community properties.<sup>59</sup>

The five operating aquaculture sites include one hatchery and four production areas, none of which are under claim. A profile of these aquaculture sites is provided in Figure 14 below.

**FIGURE 14: MANAGED GOVERNMENT AQUACULTURE SITES**  
(BASED ON SITE VISITS AND INFORMATION PROVIDED BY LOCAL INFORMANTS)

Use, Area, Reference Code and Claim Status of Managed Government Agricultural Land						
Type of Use	Specific Program District (Sub-district)...	Activity Status (Y/N)	Management Information	Area (Ha.)	Claim Info.	Database Ref. <sup>60</sup>
<b>Hatcheries (2)</b>	Aileu (Kota) fish hatchery established 1992	N	Not actively managed. MAFF plans to commence management program 2005/2006	.4	No Claim	AIK3
	Manufahi (Same) fish hatchery. Established 1953.	Y	Managed by MAFF	.7	No Claim	MSA1
<b>Aquaculture Production (4)</b>	Baucau (Kota) fish farm site. Established 1984	Y	Managed by MAFF	.2	No Claim	BK8
	Bobonaro (Maliana Kota) freshwater fish farm. Established 1988.	Y	Managed by MAFF	.5	No Claim	BOM3
	Ermera (Kota) fish farm. Established 1988.	Y	Managed by MAFF	.3	No Claim	EK3
	Viqueque (Ossu) fish farm. Established 1990.	Y	Managed by MAFF	.4	No Claim	VO1

<sup>58</sup> MAFF is also negotiating with senior community members in Oecusse regarding the establishment of a further aquaculture site. This site is included in the database (OPMA2) as a proposed community aquaculture program.

<sup>59</sup> An example of this is the Metinara aquaculture site (DM1), which has not been operated since 1999. This is coded as a community site after local informants insisted that 'the land has been *tana adat* since before Japanese times.'

<sup>60</sup> For further information, these database reference codes are compatible with the Excel and GIS databases that have been prepared in conjunction with this report.

## 2.5.2 A Profile of Unmanaged Government Aquaculture Sites

The remaining eight unmanaged aquaculture sites, one of which is under claim, are profiled below in Figure 15 (see also Map 4, Appendix B).

<b>FIGURE 15: UNMANAGED GOVERNMENT AQUACULTURE SITES</b>				
<b>District (Sub-district)</b>	<b>Area (ha.)</b>	<b>Description</b>	<b>Claim Info.</b>	<b>Database Ref.</b>
<b>Baucau</b> Vemassee	3	Govt. RDTL fish hatchery established in 2004 but unsuccessful. Unused.	No Claim	BVM3
<b>Bobonaro</b> Balibo	.7	Govt. Indonesian era freshwater fish farm established 1975. Now operated by community (since 1999). In good condition.	No claim	BOBA1
<b>Covalima</b> Suai Kota	2	Govt. Indonesian era fish farm. Established in 1986 but now abandoned.	No claim	CSK8
<b>Lautem</b> Lospalos	1	Govt. Indonesian era fish hatchery. Established in 1981, in good condition and now operated (.5 ha) by individual (who also claims site).	Under claim by individual (present operator of site).	LLO15
<b>Liquica</b> Maubara	5	Govt. Indonesian era shrimp & fish farm. Established in unknown year and now abandoned.	No Claim, although land also considered community land. Reopening would require ceremony with pig and goat	LMA1
<b>Liquica</b> Bazartete (Tibar)	8	Govt. Indonesian era fish farm established 1989. Now used by community for salt production.	No claim	LB4
<b>Manatuto</b> Kota	1	Govt. Indonesian era fish farm. Established in 1979 and now abandoned.	No claim	MK6
<b>Manatuto</b> Kota	.2	Govt. Indonesian era fish farm. Established by <i>Abri Masuk Desa</i> <sup>61</sup> in 1987 and now abandoned.	No claim	MK1

It is of note that of the eight unmanaged government aquaculture sites included in Figure 15 above, two are operated as fish farms by members of the community (in one case by a former fisheries employee who also claims the site), while a further abandoned aquaculture site (LB4) is being used for salt production.<sup>62</sup> These independent management initiatives are encouraging, even if one site is under claim by the operator. The government may wish to consider offering leasing options to these fish farm operators (including the claimant), offering security of tenure in exchange for a contribution to government revenue.

In the course of the field survey work, the impression developed that few (land tenure-related) difficulties would be encountered by the government in the event that it endeavored to reopen some of these abandoned fish farms (subject to technical assessment of the sites).<sup>63</sup> As noted earlier, fish farms are

<sup>61</sup> Indonesian military development program, meaning the 'Military Enters the Village.'

<sup>62</sup> This salt sells on the local market for about 25 cents per kilogram.

<sup>63</sup> The recent Baucau site (BVM3) has proved unsuccessful. The reasons for this are unknown, but a study of them may be useful in ensuring the success of future developments.

generally perceived as joint ventures between government and community, and local informants indicated on several occasions (Maubara, Metinaro) that if the government wished to reopen aquaculture sites, the formal process would mainly involve the organization of a ceremony (to ensure plentiful fish production) to which the government would contribute a goat and a pig. Of course, reopening a fish farm provides tangible and immediate benefits to community members, and apart from salt production, these sites may prove of little value for other (non-aquacultural) productive activities.

## 2.6 TRANSMIGRATION, TRANSLOCATION AND RURAL HOUSING AREAS

The survey identified 44 parcels of transmigration, translocation and rural housing land, as outlined below in Figure 16 (see also Map 5, Appendix B). Of these areas, three are Indonesian era housing areas (CM4, ER4, MLL2), which are included because they share certain characteristics in common with transmigration and translocation areas.

FIGURE 16: GOVERNMENT TRANSMIGRATION LAND BY DISTRICT						
Government Agricultural Land by District, Management Status, Claim Status and Area						
District	Management Status/Claim				Total Number of Parcels per District	Total Area Per District (ha)
	Managed		Unmanaged			
	No Claim	Claim	No Claim	Claim		
Aileu						
Ainaro			4		4	645
Baucau				1	1	40
Bobonaro			1		1	200
Covalima			8	1	9	5,346
Dili			1	1	2	30
Ermera			1		1	10
Lautem			2		2	1,050
Liquica			4		4	450
Manatuto			5	1	6	967
Manufahi			11	1	12	4,760
Oecusse				1	1	200
Viqueque				1	1	1,500
Sub-total 1			37	7	-	Total Transmig./Transloc./Housing Land:  15, 198
Sub-total 2			44		-	
Total Parcels All Districts  44						

In regard to the distribution of transmigration, translocation and housing areas, Figure 16 (above) indicates that the districts of Manufahi (with 12), Covalima (with 9), Manatuto (with 6), and Ainaro and Liquica (4 each) feature most prominently. A profile of each of the transmigration, translocation and housing areas in East Timor appears in Figure 17 below.

**FIGURE 17: TRANSMIGRATION, TRANSLOCATION AND HOUSING AREAS**

District Sub-district	Area (ha)	Description	Claim Info. <sup>64</sup>	Ref. Code/Cat. <sup>65</sup>
<b>Ainaro</b> Hataudo Transloc.	45	<u>Translocation</u> site established 1991 for 45 local families. After 1999 30 of the original settler families returned. Remainder of site unused. Production includes small-scale rice production.	No claim	AHU1 (B)
<b>Ainaro</b> Hataudo Transloc./ Transmig.	200	<u>Transmigration &amp; Translocation</u> established in 1997 for 200 families from Maubisse, Aileu & Bali. After 1999, 30 of the original settler families returned. Remainder of site unused. Small-scale mixed agriculture (including garden & coconut).	No claim	AHU2 (B)
<b>Ainaro</b> Hataudo Transloc./ Transmig.	200	<u>Transmigration &amp; Translocation</u> site established in 1997 for 200 families from Ainaro & Java. After 1999, 64 of the original settler families returned. Remainder of site unused. Small-scale gardening activities.	No claim	AHU3 (B)
<b>Ainaro</b> Hataudo Transloc.	200	<u>Translocation</u> site established 1997 for 200 families from Ainaro (Beikala & Leolima). After 1999, only four original settler families returned. Remainder of site now used by surrounding community for growing garden, coffee and sandalwood. Site is remote and access infrastructure in poor condition.	No claim (possible comp. issues)	AHU4 (C)
<b>Baucau</b> Venilale Transloc.	40	<u>Translocation</u> site established 1982 for 100 families from Suco Uatuhaco. After 1999, 40 original settler families returned. Remainder of site unused, however local informants claim that site was developed without consultation or fair compensation.	Under claim by community (whole site)	BVN1 (D)
<b>Bobonaro</b> Mal. Kota Transloc./ Transmig.	200	<u>Transmigration &amp; Translocation</u> site established in 1982 for 100 families from Bobonaro and Bali. After 1999, 30 original settler families returned. Remainder of site is now unused. Production includes rice field & garden.	No claim	BOM10 (B)
<b>Covalima</b> Maucatar Housing	20	<i>Rumah Sangat Sederhana</i> <sup>66</sup> established in 1980 for 70 families from public servants working in Suai, originating in Java, Sulawesi and other districts of East Timor. Since 1999, all houses have been occupied by descendents of original land owners, on basis that the government acquired the land in bad faith.	Under claim by Individual	CM4 (D)
<b>Covalima</b> Zumalai Transloc./ Transmig.	880	<u>Transmigration &amp; Translocation</u> site established in 1996 for 300 families from all Districts of East Timor, Atambua and Flores. After 1999, 250 original settler families returned. The remainder of the land is unused.	No claim	CZ5 (B)
<b>Covalima</b> Zumalai Transloc. Transmig.	880	<u>Transmigration &amp; Translocation</u> site established in 1987 for 200 families from all districts of East Timor, Atambua and Flores. After 1999, 86 original settler families returned. The remainder of the land is unused.	No claim	CZ6 (B)

<sup>64</sup> Where no claim is recorded, the site was generally acquired by the Indonesian government in good faith.

<sup>65</sup> This category concerns claim and use information as follows: **A**: All settlers have returned to site post-1999; **B**: Only some of the settlers have returned post-1999, leaving some of the land unused; **C**: Only some of the original settlers have returned post-1999, however, the remainder of the site is now used by members of the surrounding community; and **D**: The land is under claim either by an individual or members of the community. Category **B** therefore indicates unused unclaimed land which is technically government property.

<sup>66</sup> Very Economical Housing.

District Sub-district	Area (ha)	Description	Claim Info. <sup>67</sup>	Ref. Code/Cat. <sup>68</sup>
<b>Covalima</b> Zumalai Transloc./ Transmig.	800	<u>Transmigration &amp; Translocation</u> site established in 1990 for 400 families from Java, Bobonaro, Suai and Lolotoe. After 1999, 180 original settler families returned. The remainder of the land is unused.	No claim	CZ9 (B)
<b>Covalima</b> Zumalai (Transloc./ Transmig.	920	Transmigration & Translocation site established in 1986 for 450 families from Java, Bali and Bobonaro. After 1999, 246 original settler families returned. The remainder of the land is unused.	No claim	CZ10 (B)
<b>Covalima</b> Suai Kota Transloc./ Transmig.	246	<u>Transmigration &amp; Translocation</u> site established in 1985 for 123 families from Bobonaro, Zumalai, Java and Bali. After 1999, 60 original settler families returned. These families have land titles for their house and garden sites. The remainder of the land is believed to be unused.	No claim	CSK2 (B)
<b>Covalima</b> Suai Kota Transloc./ Transmig.	200	<u>Transmigration &amp; Translocation</u> site established in 1995 for 200 families from Bobonaro, Beco and Java. After 1999, 103 original settler families returned. The remainder of the land is unused.	No claim	CSK6 (B)
<b>Covalima</b> Suai Kota Transloc./ Transmig.	400	<u>Transmigration &amp; Translocation</u> site established in 1995 for 200 families from Bali, Java, Bobonaro, Aiman and Beco. After 1999, 93 original settler families returned. These families have land titles for their house and garden sites. The remainder of the land is unused.	No claim	CSK7 (B)
<b>Dili</b> Metinaro Transloc.	15	<u>Translocation</u> site established in 1992 for an unknown number of families from Aileu, Baucau, Viqueque and Manatuto. After 1999, 130 original settler families returned. The land not used by these returned settler families is now used by members of the surrounding community.	No claim	DM2 (C)
<b>Dili</b> Metinaro Transloc.	15	<u>Translocation</u> site established in 1992 for 500 families from Manatuto and Laclubar. After 1999, 40 original settler families returned. Remaining residents now claim all the site as their own, and are unhappy that other members of the Hera community have also established gardens on the land.	Under claim by community	DM3 (D)
<b>Ermera</b> Railaco Housing	10	<u>Rumah Sangat Sederhana</u> established in 1995 for 80 (public service) families working in Ermera, originating in Java, Kupang and Fatukero. It is understood that all families commenced making payments for their units to the Indonesian government. After 1999, 62 original (public service) families returned. The 18 units not occupied by these returned families remain unoccupied and in poor condition.	No claim	ER4 (B)
<b>Lautem</b> Lospalos Transloc./ Transmig.	600	<u>Transmigration &amp; Translocation</u> established in 1994 for 300 families from Muapitina and Bali. After 1999, 200 original settler families returned. The remainder of the land is unused.	No claim	LLO6 (B)
<b>Lautem</b> Lospalos Transloc.	450	<u>Translocation</u> site established in 1996 for 300 local families from Fuiloro and Lore. After 1999, all 300 families returned to the site.	No claim	LLO12 (A)
<b>Liquica</b> Maubara Transloc.	200	<u>Translocation</u> site established in 1995 for 100 local families from Liquica. After 1999, 56 original settler families returned. The remaining land is used by the surrounding community, who would request compensation if required to move.	No claim (but comp. issues)	LMA2 (C)

<sup>67</sup> Where no claim is recorded, the site was generally acquired by the Indonesian government in good faith.

<sup>68</sup> This category concerns claim and use information as follows: **A**: All settlers have returned to site post-1999; **B**: Only some of the settlers have returned post-1999, leaving some of the land unused; **C**: Only some of the original settlers have returned post-1999, however the remainder of the site is now used by members of the surrounding community; and **D**: The land is under claim either by an individual or members of the community. Category **B** therefore indicates unused unclaimed land which is technically government property.

District Sub-district	Area (ha)	Description	Claim Info. <sup>69</sup>	Ref. Code/Cat. <sup>70</sup>
Liquica Maubara Transloc.	20	<u>Translocation</u> site established in 1995 for 40 local families from Liquica and Maliana. After 1999, 10 families returned. The remainder of the land is used by the surrounding community, who would be likely to request compensation if required to move.	No claim (but comp. issues)	LMA3 (C)
Liquica Maubara Transloc.	30	<u>Translocation</u> site established in 1995 for 60 local families from Liquica, Bazartete and Maliana. After 1999, 30 original settler families returned. The remainder of the land is used by the surrounding community, who would be likely to demand compensation if required to move.	No claim (but comp. issues)	LMA4 (C)
Liquica Maubara Transloc.	200	Translocation site established in 1996 for 200 local families from Liquica and Bazartete. After 1999, 118 original settler families returned. No other parties are believed to be using the remainder of the land.	No claim	LMA5 (B)
Manatuto Laleia Transloc.	10	<u>Translocation</u> site established in 1992 for 40 local families from Laleia. After 1999, five original settler families returned. The remainder of the site is unused.	No claim	MLL1 (B)
Manatuto Laleia Housing	3	<i>Abri Masuk Desa</i> housing site established in 1995 for 20 families from Laleia (to prevent them having contact with FALINTIL). After 1999, all 20 families returned to the site.	No claim	MLL2 (A)
Manatuto Laleia Transloc.	3.5	<u>Translocation</u> site established in 1995 for 40 families from Laleia. After 1999, all 40 families returned to the site. The local community claims the site on the basis that no consultation with the community occurred concerning the development and no compensation was paid.	Under claim by community	MLL3 (D)
Manatuto Barique Transloc.	300	<u>Translocation</u> site established in 1994 for 300 local families from Baucau, Laclubar, Barique and Ossu. After 1999, 200 of the original settler families returned. A further 93 new local families also established themselves on the site.	No claim	MB3 (C)
Manatuto Barique Transloc.	50	<u>Translocation</u> site established in 1994 for 100 local families from Wemoubadak. After 1999, all original settler families returned to the site.	No claim	MB5 (A)
Manatuto Barique Transmig.	600	<u>Transmigration &amp; Translocation</u> site established in 1994 for 300 families from Bali, Java and all districts in East Timor. After 1999, 220 original settler families returned. The remaining 80 houses and land parcels have been occupied by members of the surrounding community.	No claim	MB8 (C)
Manufahi Same Transloc.	60	<u>Translocation</u> site established in 1996 for 30 local families from Betano and Loro. After 1999, all 30 families returned to the site.	No claim	MSA30 (A)
Manufahi Same Transloc.	60	<u>Translocation</u> site established in 1993 for 30 local families from Betano and Loro. After 1999, all 30 families returned to the site.	No claim	MSA31 (A)
Manufahi Same Transloc.	60	<u>Translocation</u> site established in 1994 for 30 local families from Betano and Loro. After 1999, all 30 families returned to the site.	No claim	MSA32 (A)
Manufahi Same Transloc.	60	<u>Translocation</u> site established in 1995 for 30 local families from Betano and Loro. After 1999, all 30 families returned to the site.	No claim	MSA33 (A)

<sup>69</sup> Where no claim is recorded, the site was generally acquired by the Indonesian government in good faith.

<sup>70</sup> This category concerns claim and use information as follows: **A**: All settlers have returned to site post-1999; **B**: Only some of the settlers have returned post-1999, leaving some of the land unused; **C**: Only some of the original settlers have returned post-1999, however the remainder of the site is now used by members of the surrounding community; and **D**: The land is under claim either by an individual or members of the community. Category **B** therefore indicates unused unclaimed land which is technically government property.

District Sub-district	Area (ha)	Description	Claim Info. <sup>71</sup>	Ref. Code/Cat. <sup>72</sup>
<b>Manufahi</b> Same Transloc.	60	<u>Translocation</u> site established in 1990 for 30 local families from Betano and Bemetan. After 1999, all 30 families returned to the site.	No claim	MSA34 (A)
<b>Manufahi</b> Alas Transloc./ Transmig.	500	<u>Transmigration &amp; Translocation</u> site established in 1994 for 250 families from the local area (Suco Kolokau) and from throughout Indonesia. After 1999, 115 original settler families returned. The remainder of the land is unused.	No claim	MA8 (B)
<b>Manufahi</b> Alas Transloc.	500	<u>Translocation</u> site established in 1997 for 250 local families from Suco Dotik. After 1999, 10 original settler families returned. The remainder of the land is mostly unused (minor grazing use).	No claim	MA9 (B)
<b>Manufahi</b> Alas Transloc./ Transmig.	600	<u>Transmigration &amp; Translocation</u> site established in 1995 for 300 families from the local area and other parts of Indonesia. After 1999, 100 original settler families returned. The remainder of the land is unused.	No claim	MA10 (B)
<b>Manufahi</b> Alas Transloc./ Transmig.	360	<u>Transmigration &amp; Translocation</u> site established in 1997 for 180 local families. After 1999, 100 original settler families returned to the site. The remainder of the land is unused.	No claim	MA11 (B)
<b>Manufahi</b> Fatuberliu Transloc./ Transmig.	900	<u>Transmigration &amp; Translocation</u> site established in 1995 for 450 families from the local area and other parts of Indonesia. After 1999, 74 original settler families returned. The remainder of the land is unused.	No claim	MF4 (B)
<b>Manufahi</b> Fatuberliu Transloc./ Transmig.	500	<u>Transmigration &amp; Translocation</u> site established in 1995 for 250 families from Fatuberliu and other parts of Indonesia. After 1999, 14 original settler families returned. The remainder of the land is unused, but 90 ha of the transmigration area are under claim by an individual on the basis that this person holds a valid concession for that area.	Under claim (part) by an individual	MF5 (D)
<b>Manufahi</b> Fatuberliu Transloc./ Transmig.	1100	<u>Transmigration &amp; Translocation</u> site established in 1995 for 550 families from Same, Ainaro, Java, Bali and NTT. <sup>73</sup> After 1999, 104 original settler families returned. The remainder of the land is unused.	No claim	MF6 (B)
<b>Oe-cusse</b> Nitibe Transloc.	200	<u>Translocation</u> site established in 1998 for 177 families from Passabe, Oesilo and Pante Makassar. After 1999, 46 original settler families returned. The land not used by these returned settler families has been occupied by the surrounding community, who claim that the land belongs to them.	Under claim by the community	ON2 (D)
<b>Viqueque</b> Viq. Kota Transloc./ Transmig.	1500	<u>Transmigration &amp; Translocation</u> site established in 1996 for 900 families from Viqueque and Java. After 1999, 200 of the original settler families returned. The local community respects the right of these 200 families to use their land parcels, however a large part of the site is under claim by the local community.	Under claim by the community	VK1a (D)

The entries outlined in Figure 17 (above) include 21 translocation areas, 20 combined transmigration/translocation areas, and three housing areas. In addition to the qualitative information

<sup>71</sup> Where no claim is recorded, the site was generally acquired by the Indonesian government in good faith.

<sup>72</sup> This category concerns claim and use information as follows: **A**: All settlers have returned to site post-1999; **B**: Only some of the settlers have returned post-1999, leaving some of the land unused; **C**: Only some of the original settlers have returned post-1999, however the remainder of the site is now used by members of the surrounding community; and **D**: The land is under claim either by an individual or members of the community. Category **B** therefore indicates unused unclaimed land which is technically government property.

<sup>73</sup> *Nusa Tenggara Timur* (or the Indonesian Province of East Nusa Tenggara).

presented, each of the entries has been categorized (refer to the Reference Code/Category column on the far right) to indicate the present occupancy and claim status of the site in accordance with the following criteria.

**Category A:** All settlers have returned to the site post-1999, indicating that all land on the site is being used by the original settlers (and therefore that no land is available for government purposes). Note that only translocation areas fall into this category. The total number of entries in this category is eight.

**Category B:** Only some settlers have returned post-1999, indicating that some land on the site has been abandoned and is therefore technically government land available for new developments. Entries in this category total 21.

**Category C:** Only some settlers have returned post-1999, so part of the site would normally be considered abandoned, and therefore government, land. However, some or all of this land is now being used by members of the surrounding community, and therefore access to this land could be complicated by compensation claims. The total number of entries in this category is eight.

**Category D:** The land is known to be under claim, either by an individual, a family or by the community. Entries in this category total seven.

### 2.6.1 Post-1999 Return Rates

The information presented in Figure 17 does not allow us to calculate the total number of East Timorese settlers who returned to transmigration/translocation areas after 1999, because we do not know what proportion of the transmigration/translocation sites was occupied by East Timorese settlers and what proportion by settlers from outside of East Timor. It is possible to get an idea of return rates, however, from the dedicated translocation areas, to which 1,179 families returned from the original 2,572.<sup>74</sup> Within this return rate of 46% there is great variation from site to site, with high (100%) return rates in some translocation areas and extremely low rates in others. Community claims may have deterred families from returning in some cases (for example, DM3, DM2),<sup>75</sup> while remoteness may have played a role in deterring families from returning to others (for example, AHU4). With an overall return rate of close to half, however, it is clear that for many families, continued residence in transmigration areas has proved an attractive option relative to the available alternatives. The variable rates of return to these sites implies that future planning in relation to transmigration and translocation areas will have to be undertaken on a case-by-case basis.

### 2.6.2 Transmigration Areas as Sites Suitable for New Projects

At the time of writing, there is considerable discussion concerning potential industrial sites in East Timor. While specific site surveys would have to be undertaken in accordance with the precise needs of particular industrial proposals (hydrology, soil fertility, and altitude, for example) some of the transmigration areas profiled in Figure 17 above could prove suitable sites for industrial developments for reasons that include the following.

- Some sites are located close to major roads and/or coastal areas.
- Most sites already have a resident (potential) workforce.

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<sup>74</sup> This calculation is based on 20 of the 21 translocation sites. One site (DM2) is excluded from the calculation because the original number of families settled there is unknown.

<sup>75</sup> In the case of MLL3, however, all original translocation settlers have returned despite a community claim on the site.

- There are a range of sites throughout the country, in areas characterized by a variety of different geographical characteristics (rainfall, soil type, altitude, etc.) which could lend themselves to a variety of agricultural applications.

In regard to the occupancy and claim status breakdown outlined above, Category B sites (of which there are 21), would appear to hold the greatest potential in terms of unused land available for new industrial developments. Field information indicates that the Indonesian government acquired these sites in good faith. Settlers were typically allocated around 2 hectares per family within the sites (which the data indicates is generally sufficient for subsistence needs), and the portions of the transmigration areas that have been abandoned have now technically reverted to the RDTL government. In the case of transmigration and translocation areas classified as Category B, no other parties (such as members of the surrounding communities), are believed to be using the abandoned parcels, and therefore this land should ideally be accessible for new activities without any compensation demands. The GIS database prepared as part of this non-customary primary industry land survey will supplement existing geographic information about East Timor to support planning activities. The basic distribution of transmigration, translocation and housing areas, however, is indicated in Map 5 (Appendix B).

## 2.7 OTHER NON-CUSTOMARY PRIMARY INDUSTRY LAND PARCELS IN EAST TIMOR

### 2.7.1 Other Government Land Parcels of Interest

In addition to the government primary-industry land parcels already profiled in previous sections of this report, a number of other government parcels of interest were identified in the course of the survey. No attempt was made to systematically collect field data on the categories of land included in the following table (Figure 18); however, information on a number of parcels in these categories was collected for documentation and mapping purposes.

FIGURE 18: OTHER NON-CUSTOMARY GOVERNMENT LAND PARCELS OF INTEREST				
District (Sub-district)	Area (ha)	Description	Claim Info.	Database Ref.
<b>Ainaro</b> (Ainaor)	102	<u>Water supply and forest protection area.</u> Water supply area forested with Eucalyptus. Reports of illegal logging and other illegal land use activities in the past. Extent (if any) of these activities at present unknown.	No claim (but illegal land use in past)	AK2
<b>Baucau</b> (Baguia, Luro)	3653	<u>Protected Wild Area.</u> This forested area suffered heavy damage during the Indonesian offensive against FALINTIL. The area was formally declared a Protection Area in 1992. Under Regulation UNTAET/REG/2000/19 of 30 <sup>th</sup> May 2000, the area was declared a Protected Wild Area.	N/A	BB3
<b>Baucau</b> (Vermasse) Industrial	60	<u>Proposed Industrial Zone.</u> Used for rice farming until 2003. Recently granted (against compensation) to government by community for industrial zone. Not yet developed.	No claim	BVM2
<b>Dili</b> (Christo Rei)	1558	<u>Rehabilitation/Protection Area.</u> This area was declared a Protection Area during Indonesian times. In 1983, the Indonesian administration initiated a rehabilitation program in which Lamturo and Trambesi species were planted (to promote soil stability) with limited success.	Some irregular settlements	DCR3

District (Sub-district)	Area (ha)	Description	Claim Info.	Database Ref.
Lautem (Moro)	5	<u>Port.</u>	No claim	LMO3
Lautem (Moro)	50	<u>Proposed Industrial Zone.</u> Former forestry site transferred to government by community in 2003 for industrial zone. Not yet developed.	No claim	LMO2
Manatuto (Barique)	10	<u>Kas-Desa.</u> This land was granted to the Indonesian government in 1994 for use as a seedling-for-cash trading depot. It remains used for similar purposes to the present day.	No claim.	MB4
Manatuto (Kota)	11	<u>Salt production site.</u> Abandoned.	No claim	MK7
Oecusse (P-Makassar)	120	<u>Airport reservation</u> since 1966. Only about half of site used for airstrip. Several informal settlements but most of unused land is bush-land. Could be good site for industrial development. Close to airstrip, port, and town.	No claim	OPMA4
Viqueque (Uato Lari)	1	<u>Natural gas and surface oil site.</u>	Mixed Reports	VUL3

Several comments can be made concerning the information profiled in Figure 18 above. First, in the interests of promoting investment in an economically isolated part of the country, government planners may wish to consider reclassifying part of the Oecusse airport reservation for industrial use. This parcel of government land is close to the town and port of Oecusse, and may be of interest to investors. Second, for reasons already discussed in relation to government forest, the large size of some of the protection areas (including DCR3 close to Dili) raises the question of how to manage these areas sustainably and when to commence doing so. It is noted that even the Christo Rei protection area in the vicinity of Dili is subject to irregular use practices including ad hoc tree felling activities for firewood and building materials.

## 2.7.2 Some Observations Concerning the Main Categories of Private Land (Church and Individual)

Detailed analysis of private (individual, church, community) non-customary land holdings in East Timor falls outside the brief of the present report. However, an overview of these parcels will be presented in this section for the purpose of placing the management status of government non-customary primary industry land parcels in a broader context.

As indicated in Figure 3 earlier, the survey identified 128 parcels of private land (individual, church and customary). It is worth restating some of the survey's main findings concerning private land in order to highlight information of use to government policymakers. In particular, as noted under Section 2.1.1, a far lower proportion of government land (36% overall) appears managed at the present time, than private land (91%). The category of private land with the lowest proportion of managed parcels is church land (at 14%), yet even this exceeds the proportion of managed government land by a substantial margin. This information suggests that the government is not in a position at present to consider increasing its landholdings, and should now concentrate on developing management strategies for current landholdings.

The following subsections briefly outline information of interest concerning the various categories of private land.

**a) Observations Concerning Private Church Land.** The qualitative data collected on church land parcels indicates that while some church land has been acquired through purchase, the usual way for land to enter the church estate is by grant from *katuas* on behalf of local communities. In some cases compensation is paid, such as when the land contains a valuable crop such as teak or coffee. As in the case of land that is allocated for government use, it is common for ceremonies to be held to commemorate the transfer of land. Whereas some church land has been surveyed and/or registered, this requirement is by no means necessary for a parcel to have or acquire 'church land' status.

Church land might be used for the construction of a chapel or the establishment of a cemetery. Some church land is used for schools, convents or agricultural training programs, while other church land is used for agricultural production activities for the benefit of the church community, sometimes in a share-farming arrangement.

Local informants reported that most parcels of church land (42 of 60) identified in the survey were granted before 1975, during Portuguese times.

### **A Parcel of Church Land (VL2) in Viqueque**

This (3.5 hectare) parcel was originally community land. In 1915 it was granted to the Viqueque parish by the local community to commemorate the first time the statue of Saint Antonio was brought to Fatuk Laran. A church was established on the site, and also a teak and rubber plantation. The church was destroyed in 1975, but the parish has managed the site until now, and the community continues to recognize that the land is church land.

**b) Observations Concerning Private Individual Land.** An interesting finding relating to privately owned primary industry parcels is that, as with church land, formal registration with the government is not a necessary requirement for the land to achieve 'private' (individually owned) status. It is understood from local informants that of the 60 private parcels identified in the survey:

- Eight of the parcels have already been issued with certificates.
- Twenty-eight (28) of the parcels were never accorded certificates, although a number of these have already been surveyed, either during Portuguese or Indonesian times (but the registration process was never completed).

The situation regarding the remaining 24 parcels is unclear; however, the information suggests that while a certificate is good if you can get one, registration is not necessary for private ownership of land to be respected by the surrounding community.

### 3. SUMMARY

Several mechanisms, summarized below, have been proposed for managing government primary industry land in East Timor. Note that one or another of these mechanisms (depending on the crop) could also be appropriate for primary industry developments on abandoned parts of transmigration areas (government land by default).

**A Leasing System for Government Agricultural Land (including existing concessions, but not forestry land).** As discussed in detail in Sections 2.2 and 2.3, the establishment of a leasing system is proposed for concession areas and other government agricultural land that is either ‘surplus,’ given the government’s present needs, or beyond its capacity to manage.<sup>76</sup> This proposal is suggested for the following reasons:

- To enable the government to assert ownership of its landholdings so that, if necessary, some of these parcels will be available in the future for agricultural research stations, training institutions, seedling production sites or other purposes.
- To promote improved land management practices, by requiring leaseholders (including agricultural cooperatives) to manage government agricultural parcels in accordance with a number of minimum standards to be set and monitored by the government. These minimum standards could include replanting and pruning requirements, for example. They would have to be realistic and would be more likely to be complied with if leaseholders were targeted as recipients of special agricultural extension services.
- To raise income for the government.

Subject to the availability of resources, a *government agricultural land special leasing project* could be implemented, similar to the one that has been implemented by DNTP (as part of LLP) for government housing in urban Dili.

**A Management Framework for Forests.** As discussed in Section 2.4, the survey results support development of a forest management framework in which government and communities work as joint venture partners. This should include provision for the participation of private sector investors and operators who would provide the capital necessary to realize high management standards over the long term, and to assure security of high-value crops.

**Other Considerations.** The primary purpose of this report has not been to develop detailed policy recommendations concerning the management of government land, but to present a profile of government primary industry land parcels in East Timor and to explore in general terms the kind of management policies that might be appropriate for them. It is clear, however, that for any management policies to be implemented, they will have to be supported not only by resources and staff training programs, but also by clear administrative procedures and practices that reduce the inefficient use of *available* time and resources. In the event that the government considers leasing government agricultural land an appropriate option, clarifying areas of responsibility between government departments may produce benefits by reducing any overlap between MAFF and DNTP.

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<sup>76</sup> This same proposal could also be implemented in relation to government aquaculture sites presently operated by individuals or communities.

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# APPENDIX A

## Non-Customary Primary Industry Land Parcel Data Sheet

1. Research Team:

.....  
.....

## Timor-Leste Land Law Program

### Agricultural Use of Land Survey

2. Unique ID:.....

3. Field Code:.....

(Also mark over mapped area of site)

The objective of this survey is to identify land in East Timor that has been used in the past for industrial purposes (for example, agriculture, forestry, fish or shrimp farming,) or for other projects such as transmigration/translocation areas or government training facilities. We seek to include both land that has been acquired by the government, and land that has been used for commercial projects by private parties (who may have acquired either government concessions or freehold title). As a general rule, the land packages we are targeting will usually exceed 10 hectares in size, and have been used for some kind of government and/or commercial/industrial purposes in the past. With respect to each land parcel fitting the above criteria, we wish to obtain (a) an indication of the general boundaries of the land parcel, using aerial survey maps, and (b) a profile of the land tenure history of the parcel.

#### Location & Interview Details

4. District:.....5. Sub-district:.....6. Suco (s):.....

7. Main informants and positions (chefe suco, chefe aldeia, katuas, etc):.....

.....

#### Commencement Date & Land Area

8. Gross land area of site (total size of the parcel):.....

9. Net land area of site (ie; how much of the parcel is actually used):.....

10. Commencement date of operation (the date that the parcel of land first became government land, a government concession or freehold land, etc.):.....

### Land Status & Use (QUALITATIVE)

\*If necessary, provide additional information under No. 28 below

11. Land Status	12. Land Use	13. Main Crop	14. Condition (Good, Fair, Poor)	15. Second Crop	16. Condition (Good, Fair, Poor)	17. Third Crop	18. Condition (Good, Fair, Poor)
(gu) <u>Government</u> land	(ta) Transmigration or Translocation area	(tk) Teak (sa) Sandalwood		(tk) Teak (sa) Sandalwood		(tk) Teak (sa) Sandalwood	
(gd) <u>Government</u> land <u>claimed</u> by the comm.	(fo) Forestry	(fi) Fish		(fi) Fish		(fi) Fish	
(cu) <u>Concession</u> land	(ag) Agriculture	(pr) Prawns		(pr) Prawns		(pr) Prawns	
(cd) <u>Concession</u> land <u>claimed</u> by the community	(fp) Fish farm/ prawn farm/ other aquatic	(co) Coffee (bu) Buffaloes		(co) Coffee (bu) Buffaloes		(co) Coffee (bu) Buffaloes	
(fu) <u>Freehold</u> land	(gr) Grazing	(mc) Cow		(mc) Cow		(mc) Cow	
(fd) <u>Freehold</u> land <u>claimed</u> by the community	(in) Industrial manufacturing	(ga) Garden		(ga) Garden		(ga) Garden	
(tu) <u>Transmigration</u> land	(mi) Mining/resource extraction	(rf) Rice-field		(rf) Rice-field		(rf) Rice-field	
(td) <u>Transmigration</u> land <u>claimed</u> by the comm.	(o) Other (please outline):	(cn) Coconut		(cn) Coconut		(cn) Coconut	
(pu) <u>Church</u> land		(sc) Sugarcane		(sc) Sugarcane		(sc) Sugarcane	
(pd) <u>Church</u> land <u>claimed</u> by the community		(po) Poultry		(po) Poultry		(po) Poultry	
(o) Other (please outline):		(o) Other (please outline):		(o) Other (please outline):		(o) Other (please outline):	

### Additional Information

#### For transmigration land

19. Was the area developed for: Transmigration / Translocation

20. Where did the people come from: .....

21. How many hectares/family for house:.....22. and for farm:.....

23. Was/is this amount of farm-land sufficient: Yes No

24. How many families were originally settled on this TM/TL area.....

25. How many families are on the land now:.....

26. Total No. of houses:.....27. No. of houses in useable condition:.....

#### For other land parcels (as appropriate):

28.....  
.....  
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# Appendix B

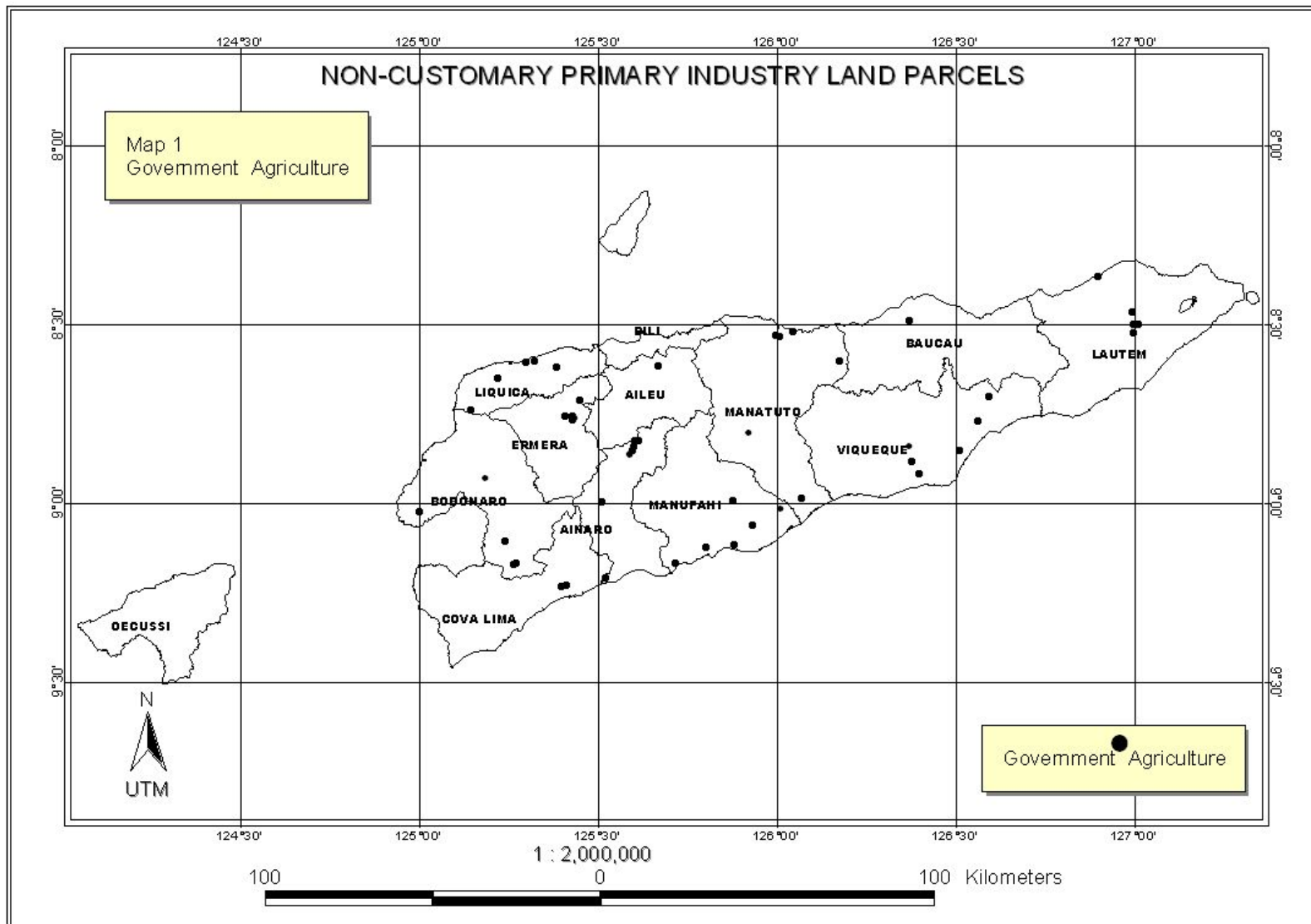
**Map 1: Government Agricultural Land**

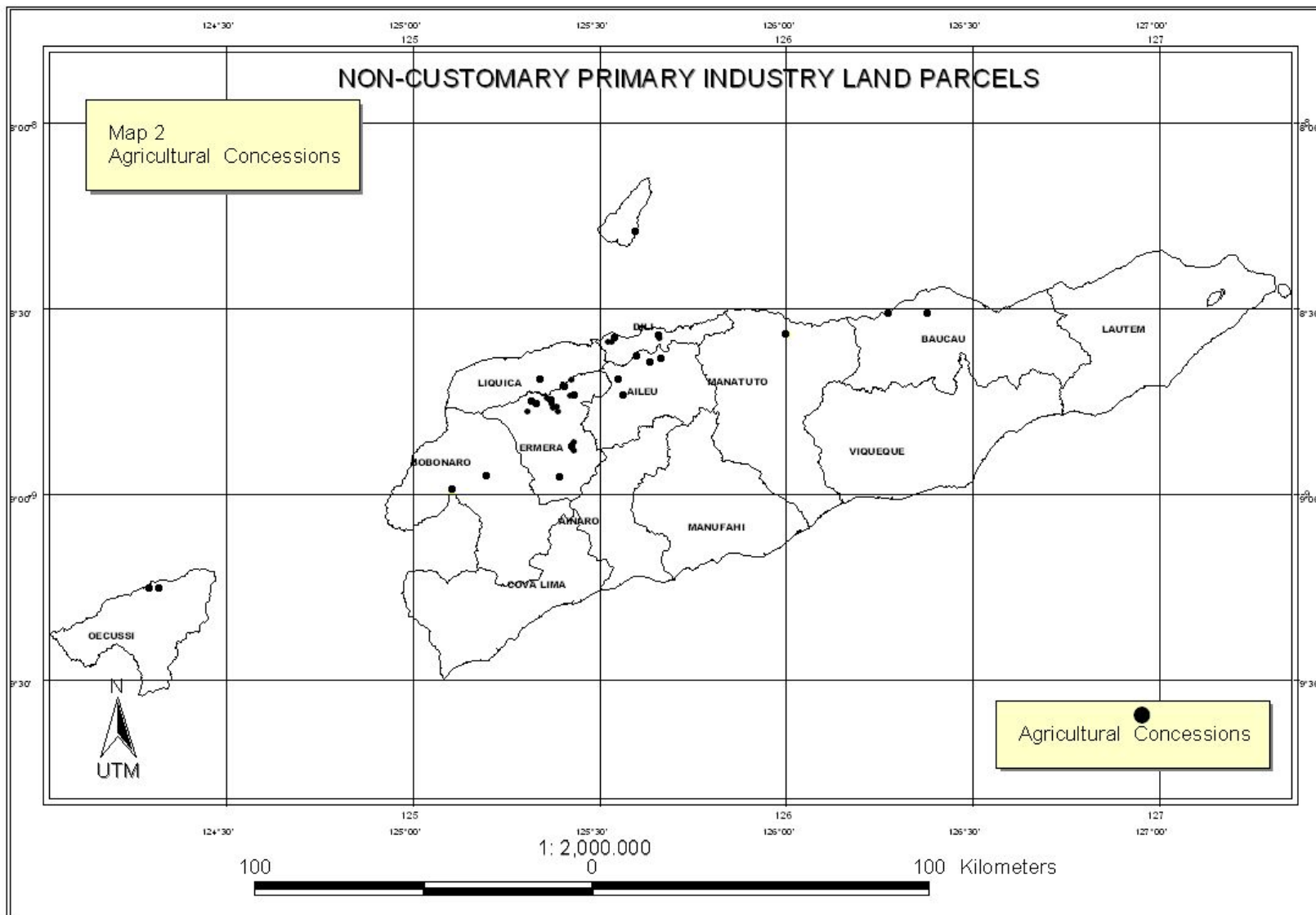
**Map 2: Government Concessions Land**

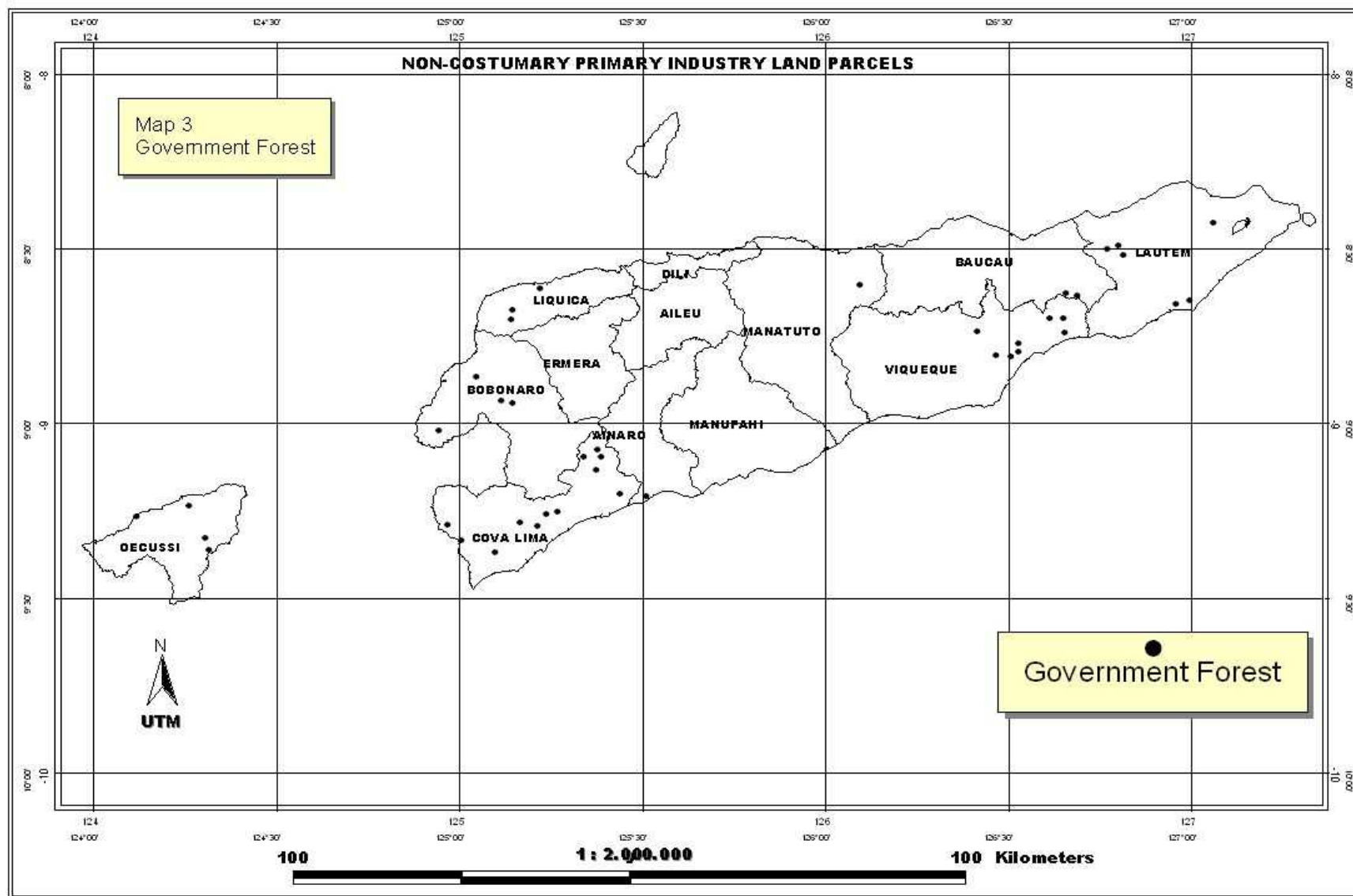
**Map 3: Government Forest Land**

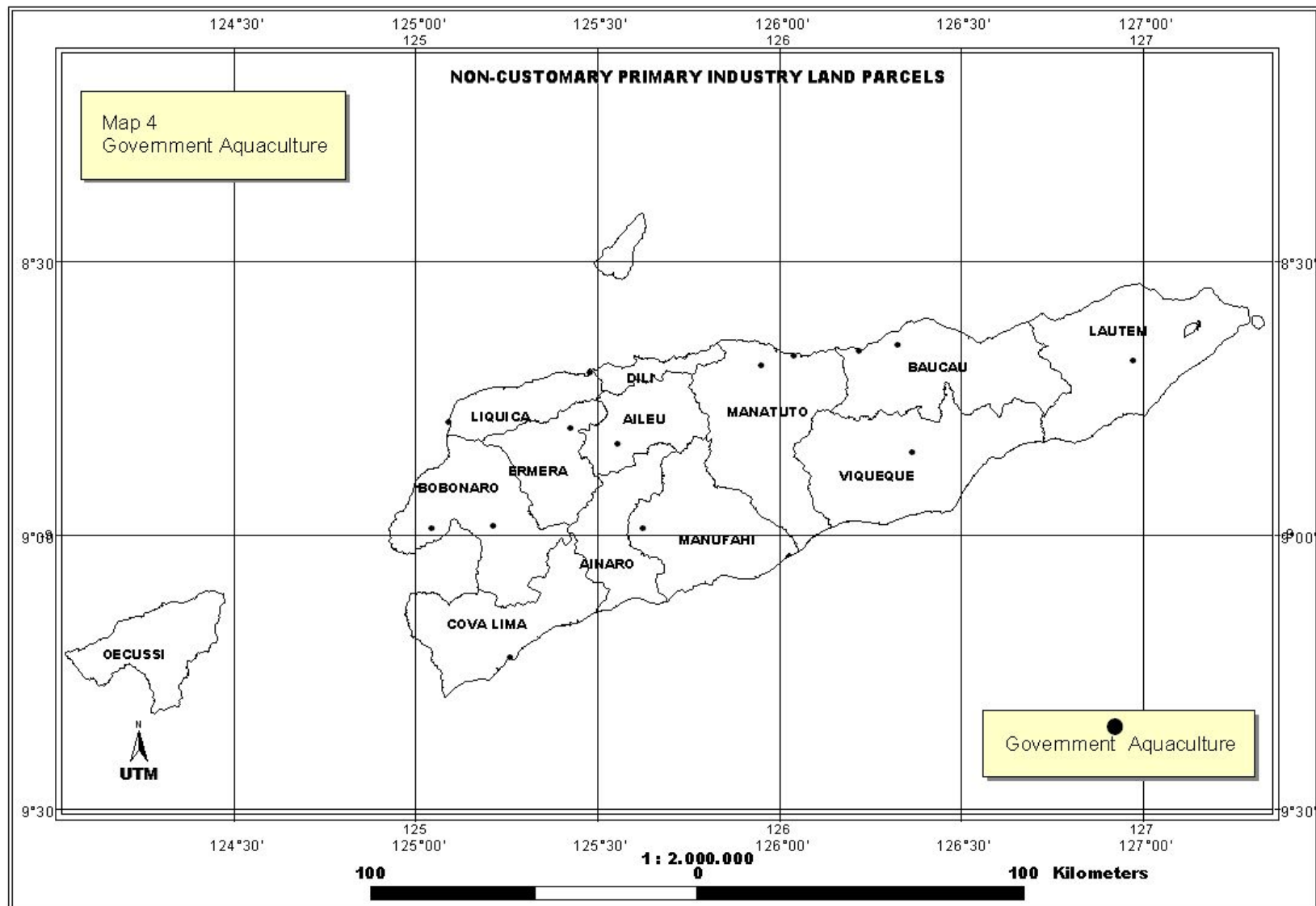
**Map 4: Government Aquaculture**

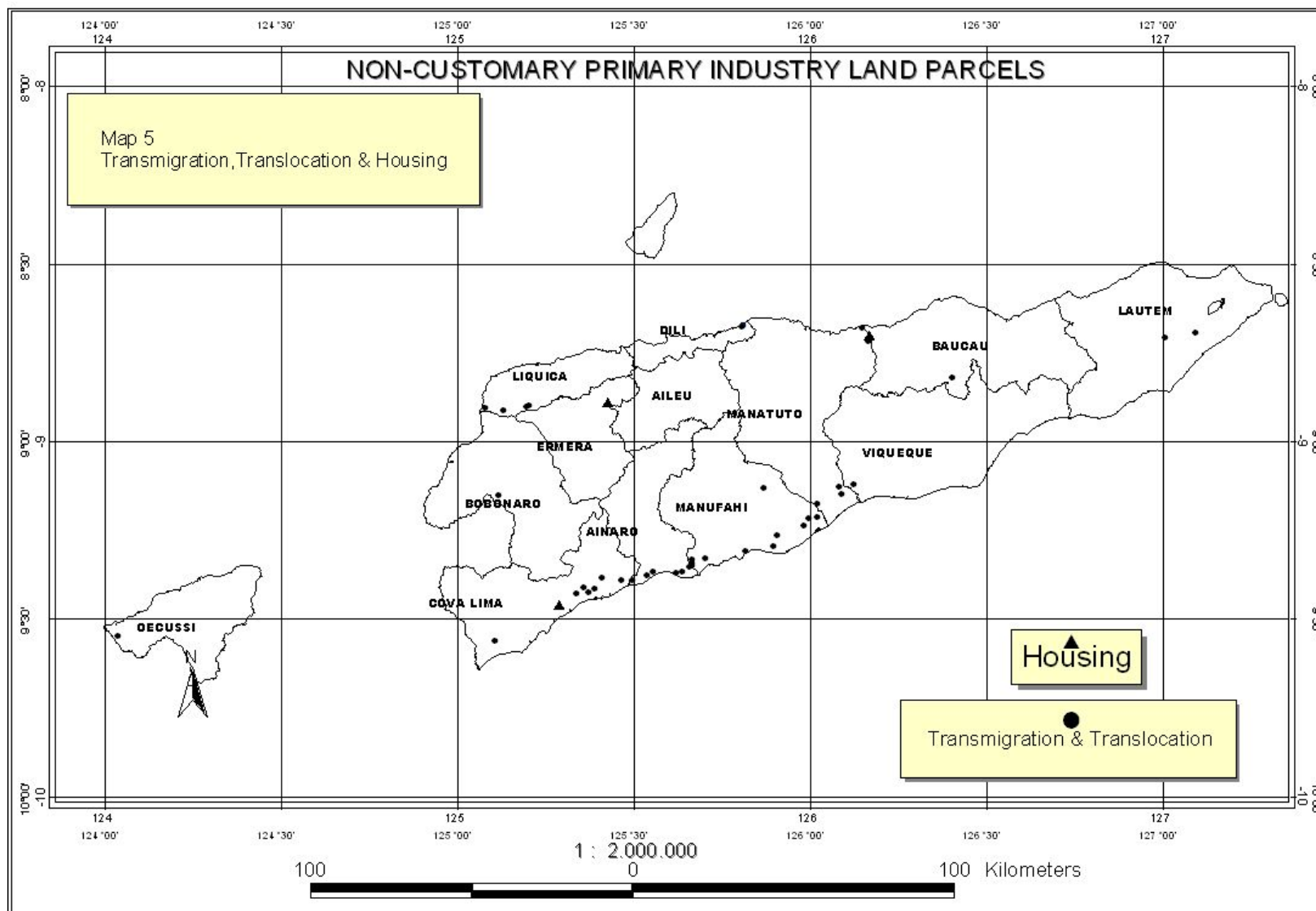
**Map 5: Transmigration, Translocation and Housing Areas**













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