

La'o Hamutuk

The Timor-Leste Institute for Development Monitoring and Analysis

Rua dos Martires da Patria, Bebora, Dili, Timor-Leste

Tel: +670 332 1040

email: info@laohamutuk.org Website: www.laohamutuk.org



Dili, 9 May 2012

His Excellency Dr. José Ramos-Horta
President of the Democratic Republic of Timor-Leste (RDTL)
Dili, Timor-Leste

Subject: Please consider the Base Law on Environment carefully before promulgating

Mr. President, with our respect,

On 11 April 2012, the Council of Ministers approved the Base Law on the Environment, after Parliament authorized them to do so, short-circuiting the open legislative process. As Your Excellency must soon decide whether to promulgate or veto this law, we would like to share our concerns and more specifically, to ask you to use your powers under Article 88.4 of the RDTL Constitution and send it back to the Parliament for discussion and review.

With the help of volunteer experts, La'o Hamutuk made a 48-page submission¹ on the first draft Basic Environmental Law that was circulated for limited civil society consultation in February 2011. After this draft was revised, the National Environment Directorate (DNMA) again asked for our comments, and we made a second submission in October 2011.² Although this second draft was significantly improved, some points had gotten worse and important issues had not been addressed. As we have not seen the final version, we do not know if our recommended changes were included.

As Your Excellency knows, creating a legal framework to protect the environment and sustainably use our natural resources is essential for the sustainable development of Timor-Leste.

Natural resources, namely oil and gas, are the principal source of revenue in this second most petroleum-export-dependent country in the world. In addition, a healthy environment is essential to increase the attractiveness of Timor-Leste to visitors and for ecotourism. But more fundamentally, ecosystems provide many services essential for human beings such as water purification, pollination, erosion control, soil formation and nutrient recycling, as well as offering cultural and aesthetic values. Moreover, most Timorese depend directly on the environment's resources for their lives and livelihoods,

¹ Available at <http://www.laohamutuk.org/Agri/EnvLaw/11EnvBasicLaw.htm>, which also contains the Portuguese originals and our unofficial English translations of the two versions of the law circulated by DNMA.

² <http://www.laohamutuk.org/Agri/EnvLaw/Sep11/LHsubLeiAmbiental7Oct2011.pdf>

working as farmers or fisherfolks, and rely on it to protect them from “natural” disasters.

Therefore, the State must protect and conserve a healthy environment for its intrinsic value, and not only for the economic benefits resulting from its exploitation. Considering the many large, environmentally-intrusive projects envisioned in the National Strategic Development Plan, Timor-Leste needs an effective legal regime to protect and manage the environment, and the Base Law on the Environment is a key building block of this framework.

Unfortunately, Timor-Leste has already experienced the danger of bypassing public consultation and Parliamentary debate. The Environmental Licensing Decree-Law (Decree-Law No. 5/2011 of 9 February) that was enacted without any public consultation, presents many weaknesses that prevent it from being an effective legal guarantee against environmental degradation. For example, the Heavy Oil project is being undertaken without any Environmental Impact Assessments or Studies. We are particularly worried about this tendency to short-circuit the Parliamentary process, as reflected in the creation of TimorGap, ANP, TLIC, etc.

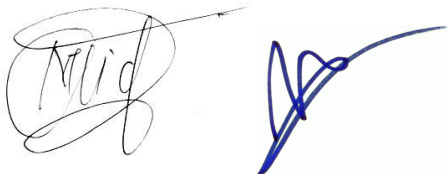
As this Base Law on the Environment has already passed through a long process, it would be better to let the next Parliament discuss it, instead of adopting in haste a law that will be implemented by the future Government. We believe it would be irresponsible not to give to this fundamental law the importance it deserves, as along with our human capital, our natural capital is our best asset.

We appreciate your consideration of our ideas, and we are confident that Your Excellency will make a wise decision for the benefit of Timor-Leste’s people.

Thank you very much for your attention.

With respect,

La'o Hamutuk Coordination team



Mariano Ferreira and Alexandra Arnassalon