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YEAR 1 ANNUAL REPORT 2008

(1 October 2007 – 30 September 2008)

USAID STRENGTHENING PROPERTY RIGHTS IN
TIMOR-LESTE PROJECT



OCTOBER 2008

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**Strengthening Property Rights in Timor-Leste Project
USAID Contract No. EPP-I-03-06-00008-00**

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COVER PHOTO:
Prime Minister examining photo maps at launch of *Ministerial Regulation on the Cadastre*, July 2008. All photos in document courtesy of ARD, Inc. Staff.

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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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PREFACE

The USAID *Strengthening Property Rights in Timor-Leste Project* (“*Ita Nia Rai*” – “Our Land” – Project) is managed by ARD with implementation assistance from its partners, ACDI/VOCA, Belun (a Timorese NGO) and Land Equity International Pty Ltd. The Project continues USAID/Timor-Leste’s support to land reform and land rights strengthening begun in 2003 (but suspended briefly in 2006) as part of its assistance to the Government of Timor-Leste (**GoTL**). The Project grew out of USAID’s earlier Timor-Leste Land Reform activities and, in particular, from USAID’s *Conflict Vulnerability Assessment* (November 2006) undertaken in the shadow of the 2006 crisis in Timor-Leste which was prompted, in part, by underlying insecurity and instability associated with unresolved land tenure issues.

The Project is established under the ***Prosperity, Livelihoods and Conserving Ecosystems (PLACE) IQC*** (USAID IQC Contract Number: EPP-I-00-06-00008-00). It is a five-year, \$10 million project. The Task Order is entitled “*Strengthening Property Rights in Timor-Leste*” (USAID Contract No. EPP-I-03-06-00008-00). The current project is supervised by the USAID/Timor-Leste Mission in coordination with the USAID/EGAT/NRM/Land Tenure Specialist, Dr. G. Myers. The Project ends in September 2012.

The purpose of the Task Order is to develop laws, systems, institutions, and capacity to clarify and secure property rights for all Timorese. In doing so, the Project will pay special attention to women’s ownership rights, improving land administration systems, eliminating overlapping legal and judicial systems regarding land administration, reducing competing claims over property rights, and promoting transparency in land administration. It is expected that success with these activities will, in turn, have a positive effect on the objectives of improved investment and economic growth in addition to supporting social cohesion and political stability.

These objectives will be met through a series of activities comprised within five main components:

1. *Public Information Awareness*—supporting the implementation of project activities with timely, accurate, and effective public information and communication campaigns.
2. *Land Policy Laws and Implementing Regulations*—working with the GoTL to develop an appropriate land policy and implementing legislation to promote the overall project objectives.
3. *Support to a National Land Commission* —assisting the GoTL to establish and support a National Land Commission (or other body established by law) tasked with carrying out the property regularization process, establishing the cadastre, and/or dealing with land disputes.
4. *Land Administration (Cadastral, Registration and Land Titling System)*—working with the GoTL to develop a national land cadastre to clarify and record property location, boundaries, assets, and claims; and a national land and immovable property registration and titling system.
5. *Dispute Resolution, Mediation and Processes for Competing Claims to Land*—designing and implementing a dispute resolution process that will resolve most conflicting claims to land and property in Timor-Leste.

The Project is a nationwide process that proposes to capture both urban and rural land in the process. It works closely with the *Direccao Nacional de Terras, Propriedades e Servicos Cadastrais*—formerly the *Direccao Nacional de Terras e Propriedades* (National Directorate of Land, Property and Cadastral Services) within the Ministry of Justice.

ACRONYMS AND ABBREVIATIONS

ACDI/VOCA	ACDI/VOCA (and ARD sub-contractor)
ADB	Asia Development Bank
ANU	Australian National University
ARD	ARD Inc
ASF	Advocates Sans Frontiers
AusAID	Australian Agency for International Development
CRS	Catholic Relief Services
DNTPSC	<i>Direccao Nacional de Terras, Propriedades e Servicos Cadastrais</i> (formerly the Direccao Nacional de Terras e Propriedades – DNTP)
LEI	Land Equity International Pty Ltd (and ARD sub-contractor)
MOJ	Ministry of Justice
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
PIA	Public Information Awareness
PSA	Public Service Announcement
STTA	Short Term Technical Assistance
Task 1	Project Task Public Information & Awareness
Task 2	Land Policy, Laws, and Implementing Regulations
Task 3	Support a National Land Commission
Task 4	Land Administration & Information – Land Cadastral, Registration and Titling System
Task 5	Dispute Resolution, Mediation and Reconciliation Mechanisms
UNMIT	United Nations Mission in Timor-Leste
USAID	United States Agency for International Development
World Bank	International Bank for Reconstruction & Development

EXECUTIVE SUMMARY

OVERVIEW

Year 1 of USAID’s Strengthening Property Rights in Timor-Leste Project has seen significant progress towards Project goals in a challenging political environment. Shortly before the Project started on 1 October 2007, a new government was elected, overturning five years of rule by the Fretilin political party. The new government coalition, however, was totally unfamiliar with the background of previous USAID Land Projects in Timor-Leste as well as having a general lack of experience with the operations of government. Additionally, in November 2007, the then Director of the DNTP, Pedro de Sousa Xavier, was removed by the Minister of Justice and replaced by an alternate. The former director, who had a long history of understanding land issues in Timor-Leste cooperating with USAID Land Projects, was no longer permitted to be involved with this Project. At start-up, this meant that the Project was required to develop new relationships across government in dealing with land-related issues. Thankfully, the Minister has been generally receptive to Project activities and the new Director of the DNTPSC, Mr. Antonio Verdial de Sousa, has been a strong supporter of this Project’s work. These changes in government and personnel have resulted in some delays in proposed project activities. Additionally, some unforeseen administrative issues (e.g., delayed signing of an MOU between the MOJ and USAID) contributed to delays in Project approvals from the MOJ.

Box A: Task1—Public Information Awareness Achievements

- Hired national team of outreach and media specialists;
- Developed external communications package including Project logo, fact sheets, theme song, branded staff uniforms, promotional materials, and 6-minute promotional video.
- Developed outreach materials for communities including posters, brochures, 17-minute video (outlining the steps in the land claims collection process), and a booklet answering Frequently Asked Questions.
- Developed media materials including a short video for television, 5 drama radio scripts, news announcements and 2 feature radio programs, and liaised with international media resulting in one feature article on an international news wire.
- Produced a strategic plan for Public Information and Awareness, and developed media plans for the data collection process and for popular consultation on Land Policy.
- Promoted project activities in the media via regular press releases.
- Coordinated with national partners in the Ministry of Justice and DNTPSC in the development of materials and successfully organized an official Launch of the National Cadastre on 28 July 2008 with the attendance of the Minister of Justice and the Prime Minister.
- Conducted public community meetings to raise awareness in the two pilot project areas.
- Provided training to 8 Field Coordinators and organized training for 22 Data Collection Volunteers.
- Compiled a comprehensive package of training materials from all task areas.

A number of delays in respect to policy and legal development also occurred during Year 1 as a result of changes initiated from within the MOJ. For example, the MOJ sponsored a change to the *Organic Law* (a Decree Law that sets out the organic structure of government) that had the effect of removing land rights registration activities from the DNTPSC to the Notaries Institution. This is in accordance with Portuguese

models but contrary to those that have applied in Timor-Leste in recent history.¹ Also, foreign-national advisers within the MOJ advised that the Project’s scope for legislative reform should be limited to a *Transitional Land Law*, and that all post-first registration transactions be governed by Book 3 of the *Civil Code* (a draft of which is currently under consideration within the government). These decisions were against the advice of this Project. In another example, the MOJ did not support the creation of a Stakeholder Advisory Group (to provide policy guidance to the Project) or the establishment of a National Land Commission. Rumors abound that an independent “Land Commission” (or similar institution) is soon to be created but there have been no concrete steps in this direction as far as the Project is aware.

Box B: Tasks 2 & 3—Key Land Policy, Laws and Regulations/Support for National Land Commission Achievements

- Prepared Gender Assessment and Strategic Plan Report.
- Conducted 7 gender-focused workshops and meetings (2 Gender workshops for NGO Belun; 3 Gender Land Law Workshops; 2 district-level gender public awareness workshops).
- Developed Gender Training Manual for “Ita Nia Rai” Field Coordinators and Data Collectors.
- Participated in monthly UNMIT gender meetings.
- Conducted trainings for “Ita Nia Rai” Field Coordinators and Data Collectors on gender.
- Integrated gender messages across all Project Tasks.
- Developed the *Ministerial Regulation on the Cadastre No 229/2008*.
- Developed the *Technical Framework for a Transitional Land Law*.

Despite these delays, the Project made early progress with the new MOJ after a series of presentations about proposed project activities that resulted in the approval of the first Annual Work Plan in Year 1, second quarter (Q2). For the purposes of further accelerating project activities, a number of international and local staff planned for Year 2 were mobilized in Year 1, including Legal Specialist, Ibere Lopes, and Gender Specialist, Margie Huang. Because of the increased training demands on the Project, a new (local) position of “Training Coordinator” (Duarte da Silva) was also approved. The Project has grown substantially over Year 1 and now comprises 8 international staff and approximately 49 Timorese staff (including 20 volunteer Data Collectors). A staffing structure is set out in Annex 1.

Substantive project activities began to take off in Q2. In the area of capacity building for the Timorese government, CSOs, and Local Project Staff (covering trainings in relation to PIA, Land

Law & Policy, Land Claims Recording, Dispute Mediation, and Gender), a total of 17 training exercises were undertaken resulting in the training of approximately 283 persons (188 men and 95 women) more than 96 percent of whom rated the trainings as “good” or “excellent.” From the perspective of *improved public knowledge about land rights* (for which data was being collected towards the end of the Project year), a total of six discussion groups were held at a community level (in pilot areas). These discussions involved 120 persons by 30 September 2008 (97 men and 53 women), of which 100 percent of participants indicated an improved knowledge of land rights issues. In total, at least 23 training/community information events² occurred during Year 1 with a total of 403 persons participating.³

¹ An Indonesian model applied previously that incorporated the cadastral database and land rights registry within one institution—ironically this change is against the institutional tide now applying in Portugal which is moving towards a single land institution.

² This figure does not include Press Conferences and similar events.

³ These figures are detailed in the Performance Monitoring Report annexed to this Annual Report.

Under Task 1 (Public Information & Awareness), activities have centered around four main areas: 1) to increase awareness of the project, both among strategic partners and the general public; 2) to conduct an information campaign in support of the Claims Recording process; 3) to provide support to training activities; and 4) to build capacity of the national PIA team.

Specifically, the Project was strategically branded as USAID’s “Ita Nia Rai” (“Our Land”) Project. A Project logo was developed along with an “Ita Nia Ria” song composed by a local musician. An external communications package was developed that included fact sheets, branded staff uniforms, promotional materials, and a 6-minute promotional video outlining the Project. In addition, Task 1 developed outreach materials for communities including posters, brochures, a 17-minute video, and a booklet answering Frequently Asked Questions (FAQs). The latter has been enthusiastically endorsed

by the Minister of Justice, who “loved” them. Task 1 has also been instrumental in training Field Coordinators and Data Collectors to undertake land claims data collection. Additionally, Task 1 has explained the data collection process to local communities (in the designated pilot areas in Liquica and Manatuto) through group discussions and the presentation of the Project Process video. Seven specific community presentations were undertaken as well as a Journalists/Media training activity conducted.

Task 2 focused on developing land policy/legislation to support project activities as well as the development and implementation of a Gender Strategy. There were a number of positive results. In Q3, the Minister of Justice promulgated the *Ministerial Regulation on the Cadastre No 229/2008* which serves as the basis of land claims data collection for the Project (the details of data collection are set out under Task 4). Additionally, Task 2 developed a detailed *Technical Framework for a Transitional Land Law* that was distributed to the Minister of Justice (and the Council of Ministers for consideration). This document is to provide the policy basis for a *Transitional Land Law* and has been heavily scrutinized by international experts from international organizations and lawyers from Portugal’s Ministry of Justice. It should be noted that the Project envisaged developing legislation to deal with the transition of land claims to land ownership *as well as* subsequent land transactions under the law. The MOJ, however, advised in Q2 that it wanted the Project to focus on the *Transitional Land Law* (i.e., first registration of land rights) and *not* land rights transactions after first registration—the latter to be determined under a proposed *Civil Code*. The government’s “National Priorities” indicate that a (Transitional) Land Law is scheduled to be put before the Council of Ministers by December 2008.

Box C: Task 4—Land Administration

- Developed and documented systems, procedures, and work flows for land claims data collection and recording.
- Assessed technological options for land claim and land survey data collection and arrived at suitable solutions for pilot activities.
- Information Technology (IT) Specialists designed and installed the IT systems framework needed to support Project IT operations in coordination with the Ministry of Justice (MoJ) IT Group.
- Selected towns of Liquica and Manatuto for piloting data collection activities.
- Held District and community public information awareness (PIA) meetings in the pilot districts to local administration and the community.
- Recruited and trained Timorese land and data specialists.
- Developed and documented national technical standards for survey/data collection purposes.
- Developed Draft Manuals of Procedures and technical instructions to guide claims recording.
- Established Field Offices in each of the pilot districts.
- Local Timorese were recruited and trained as Field Coordinators to staff the field offices and manage data collection activities.
- Developed training courses and presented them to all field staff.

Further to these overall policy/legislative tasks, Task 2’s Gender Specialist undertook a Gender Assessment and Strategy development report that has been used as a guidebook to integrate gender-sensitive approaches in all project activities. In addition, the Gender Specialist has worked closely with the Secretary of State for the Promotion of Equality (SEPI) to provide Secretariat support for a Gender & Land Working Group comprising government representatives from SEPI, the Ministry of Justice, DNTPSC, and the Ministry of Agriculture; representatives from civil society and international organizations, including Fokupers, Rede Feto (the women’s network), the Justice Sector Monitoring Program (JSMP), the Caucus: Women in Politics, Association HAK, Belun, *Advocats Sans Frontieres* (ASF), and The Asia Foundation; chiefs of sucos and local religious leaders in Dili; and the United National Mission in Timor-Leste (UNMIT). Task 2 has facilitated three of these meetings in Year 1 and all have been well supported and attended by stakeholders.

Task 3’s focus was to support a “National Land Commission” during Year 1, but the Commission was never established by the government and suggested alternatives—a Stakeholder Advisory Group and an Inter-ministerial “network”—did not gain any traction with the MOJ.⁴ It remains to be seen whether Task 3 activities in respect to the NLC will make progress in Year 2 (refer to the Draft Year 2 Work Plan where an alternative body under the leadership of the Minister of Economy & Development is suggested). A training component under Task 3 to be coordinated with the Foreign Advisers in the MoJ was delayed a number of times by the MOJ and, eventually, fell outside the timeframe for Year 1 activities. These trainings will now be held in Year 2.

Task 4 made significant progress although the goal of 1,000 land claims collected was not reached because of delays at the outset of the Project dealing with the new government. Nevertheless, Task 4 started data collection-related activities in two Pilot Districts—Liquica and Manatuto (refer to ANNEX 2: Manatuto Pilot Area, and ANNEX 3: Liquica Pilot area), developing the technology tools and methodology for the collection of land claims. A workshop with DNTPSC staff in June provided input to the process that has enabled the creation of a Manual of Procedures for data collection. Technical standards have been set for trial. Two Field Offices have opened in Liquica and Manatuto and eight Field Coordinators have been hired and trained by the Project (four in each District) to manage data collection activities. Furthermore, another 22 volunteer local data collectors are in the process of being trained in anticipation of a formal ‘launch’ of field data collection on 6 November in Manatuto. It is anticipated that a further five district offices will be opened in Year 2 of the Project (refer to the draft Year 2 Work Plan).

Box D: Task 5—Dispute Resolution, Mediation and Reconciliation

During Year 1, Task 5 has:

- Undertaken research and consultation in local mediation methods at the suco level.
- Conducted and completed district-level conflict assessments in Liquica and Manatuto.
- Conducted and completed suco-level conflict assessments within pilot areas in Liquica and Manatuto.
- Trained field coordinators and volunteer data collectors in mediation.
- Trained Field Coordinators in Train-the-Trainer techniques.
- Completed a Mediation Training Manual.

Task 5 has undertaken significant consultation and research on local mediation methods at the suco level as well as conducted district-level and suco-level conflict assessments in Liquica and Manatuto. This has provided useful insight to issues (potential conflict and ways to deal with them) likely to be faced in data collection activities. A total of 52 men and 13 women received mediation training from Task 5 through four formal Dispute Mediation Trainings including training of *Chefes do Suco* in mediation techniques (20

⁴ A draft Decree Law was developed by the SPRTL Project to support the creation of such a group but was not acted upon by the MOJ.

persons in total), and Training-of-Trainer support to Task 4's Field Coordinators and also to DNTPSC's national mediators.

Task 5 developed the land dispute mediation process to be applied in the context of Task 4 data collection activities and also worked with the Project's local NGO partner, Belun, to develop a scope of work for Belun to support the Project's dispute mediation activities. Out of the development of the dispute mediation process, a Land Dispute Mediation Training Manual was completed.

Proposed Year 2 activities are set out in detail in the draft Work Plan. The Project proposes to expand its land claims collection activities across an additional five districts in Timor-Leste. The Minister of Justice has indicated that she wishes the Project to move faster in its data collection activities so as to gather all necessary data as soon as possible. This government request to scale-up activities is especially encouraging, although the request needs to be balanced against issues of sustainability (notably in the areas of DNTPSC capacity to update and manage the land claims database and land registry, if necessary).

1.0 YEAR 1 PROJECT ACTIVITIES

A detailed report of Project activities for Year 1 is set out below in accordance with the respective Tasks.

1.1 TASK 1: PUBLIC INFORMATION AWARENESS (PIA)

1.1.1 Task Overview

Year 1 activities have centered around four main areas: A) increasing awareness of the project, both among strategic partners and the general public; B) conducting an information campaign in support of the Claims Recording process; C) providing support to training activities; and 4) building capacity of the national PIA team. The Task's progress in respect of these strategies is set out below.

A. Increase Project Awareness

A major focus of the Year 1 PIA campaign has been to raise awareness of the Project, both among strategic partners such as government and development partners, and in the pilot communities. To this end, Task 1 has developed an external relations package, including first and foremost a local brand that was co-created with the DNTPSC, which is a simple, two-tone rectangle featuring a tuft of grass and the slogan "Ita Nia Rai," meaning "Our Land." The local brand (featured, left) is an umbrella for the cooperation between the Project and the government, and has been used on all public awareness materials.



Other external communications materials produced include letterhead, folders, logo stickers, a fact sheet, a 6-minute promotional video in English, and a Tetum-language newsletter about project and DNTPSC activities. Task 1 also produced a series of promotional materials branded with government, USAID, and "Ita Nia Rai" logos, including t-shirts, caps, pens, document bags, and umbrellas.

In the second quarter of 2008, Task 1's Regional Coordinator, Jose Caetano, a Timorese national, accompanied other project members on visits to 11 districts in Timor-Leste to raise awareness of the project with local authorities. In the capital, Dili, Task 1 provided support to meetings with major development partners (including GTZ, Concern, the NGO Forum, the NGO Working Group on Land) to brief them about the project and explore areas of cooperation.

In addition, the project has distributed regular press releases in national media highlighting important activities and achievements. Coordination with an international journalist in May 2008 resulted in a

favorable article that was published on an international newswire, Investor Relations Information Network (IRIN).⁵

B. Information Campaign on Claims Recording

The PIA team focused mainly on producing outreach materials in support of the Task 4 pilot claims collection process. These have included:

- A comic-strip style poster in explaining how the data collection process will work (Tetum and Indonesian);
- A 17-minute community outreach film that illustrates how the data collection process will work, to be played at community meetings and distributed on DVD;
- A brochure and a booklet answering Frequently Asked Questions that received high praise from the Minister of Justice;
- Standard designs for community notices and claims receipts forms;
- Branded “Ita Nia Rai” staff uniforms; and
- A flyer and a brochure produced by the Gender Specialist highlighting women’s equal rights to participate in the land claims collection process.



Comic strip poster of the data collection process



Man reading gender flyer highlighting women’s equal rights to participate in the lands claim collection process

In the two pilot districts, Liquica and Manatuto, Task 1’s Regional Coordinator conducted public meetings with local authorities, women, and the general community, to familiarize the public with the Claims Recording process. At these meetings, the community outreach video was shown and promotional materials distributed.

In addition, at least seven public meetings have been conducted in each district, with a recorded total of approximately 400 attendees spanning 150 households. One meeting in each district has been exclusively for women. The video has been a particularly effective tool in that it demystifies the process and is easily accessible to a non-literate population. It has been well-received within the target communities.



Community meeting to familiarize the public with the Claims Recording process

In addition to these community outreach materials, Task 1 has produced a simple package for the national media that is designed to increase public understanding of the land claims collection process that includes:

- Five short radio dramas in Tetum, based around project themes: “What is private property” (3 dramas), “Finding solutions ourselves” (one drama) and “Preserving our Land for the Future” (1

⁵ <http://www.irinnews.org/Asia-Country.aspx?Country=TL>

drama). These dramas disseminate basic information on what the Project will do, and include messages on equal participation in the process, women's right to own land, conflict resolution, and honest participation in the process;

- A seven-minute video in Tetum that provides an overview explaining why land claims collection is important, and how the process will work; and
- Announcements for newspapers, radio, and television informing people of the start of claims collection in the pilot areas and encouraging people who own land in those areas to fully participate.

C. Support to Training Activities

Project management identified the need for a national Training Coordinator to organize and manage training under the project. An experienced national, Duarte da Silva, was recruited in May 2008. He assisted facilitated training sessions and provided logistical support to Task 5 in organizing training of trainers and community leaders in mediation.

In July 2008, ACDI/VOCA provided an experienced volunteer, Ed Doherty, to support the Training Coordinator. With the support of this volunteer, Task Leaders and the Short-Term Technical Advisor, Daniel Carter, in August and September 2008, the Training Coordinator designed and implemented a four-week training program for Field Coordinators, and a four-week program for Data Collector Volunteers. The workload of the Training Coordinator has been very heavy, and with the planned expansion to five more districts in Year 2, it is anticipated that at least two additional trainers will be hired to implement training under his supervision.

D. Build PIA Capacity

Initially a highly qualified national was identified to lead Task 1 but was unavailable. Consequently, an expatriate was recruited locally to be the Task Leader for the first year, to hire a national Task Manager and to mentor the PIA staff in order to create a sustainable unit.

Unfortunately, the hiring of a qualified national Task Manager for Task 1 continued to prove difficult. However, good candidates were found in the second quarter of the year for the national Regional (Outreach) Coordinator, Multimedia Specialist, and Training Coordinator. In the fourth quarter of the year, a national Media Coordinator was hired, completing the technical team.

The Task Leader, Breanna Ridsdel, has provided mentoring and support to the national team. In addition, two external parties, the Training Volunteer and a film consultant, have provided on-the-job training to the Training Coordinator and the Multimedia Specialist. The Task Leader also provided formal training in photography, writing press releases, and certain computer applications. At the end of Quarter 4, based on his excellent performance and experience gained with the project, the Regional Coordinator, Jose Caetano, was promoted to Task Manager.

Also during Quarter 4, project management continued the employment of the Task Leader for one more year to mentor the Task Manager and Training Coordinator, and to provide formal training to the Media and Multimedia Specialists. The position of Regional (Outreach) Coordinator will be re-recruited in Year 2, Quarter 1.

1.1.2 Problems & Solutions

Overall, Task 1 is progressing well and is on schedule. The materials produced have been well received by partners and communities alike, and no major obstacles have been encountered to date. The delay in recruiting the national Task Manager has meant that there is still a need for the expatriate Task Leader to provide mentoring to the Task Manager. During Year 2, the Task Leader will focus on transferring management responsibility to the national Task Manager and reducing dependency through mentoring and technical training.

1.2 TASKS 2 & 3: LAND POLICY, LAWS, AND REGULATIONS/SUPPORT FOR NATIONAL LAND COMMISSION

1.2.1 Task Overview

Tasks 2 and 3 are combined in this section because they are closely allied in terms of legal and institutional issues as well as associated training activities.

In relation to Task 2 - Legislative Development, earlier press reports indicated that the GoTL expected to have a “land law” by May 2008. This was always going to be a challenging timeframe. Publication of the *2008 National Priorities* postponed the timeframe for the presentation of the draft law to the Council of Ministers until December 2008 (source: *2008 National Priorities: Results Oriented Matrix*). To this end, a foreign adviser to the MOJ, Joao Monge, asked the Project to take the lead in developing the draft legislation for discussion. The draft land law from USAID’s Land Law Project in 2005 (*The Juridical Regime for Real Estate Part III*) required substantial review and updating to ensure that the law conformed with plans within the MOJ to adopt Portuguese Law in relation to future land transactions under the draft *Civil Code Book III*. However, the MOJ’s foreign adviser, Antonio Pedro Jorge, instead, advised the Project to focus its attention on past land issues and to develop a *Transitional Land Law*. For that reason, the Project ceased work on legislation relating to future land transactions (after first registration)—Registration Law.



Drawing upon extensive research, international best practices, discussions with government, donors, and the public, as well as previous legislative drafts, the Project developed a Policy Framework for a Transitional Land Law for Timor-Leste, providing policy guidelines to the drafting of the *Transitional Land Law*. This law will establish the process and the criteria for the first legal recognition of ownership rights. On the other hand, the *Civil Code* will govern all matters related to property rights after such rights are legally recognized. The *Policy Framework for a Transitional Land Law* for Timor-Leste was drafted and has been distributed among ministers. It will serve as a blueprint for drafting the *Transitional Land Law*.

The draft Policy Framework incorporated contributions from specialists and stakeholders, such as the World Bank and the International Finance Corporation, the International Office for Migrations, the Center on Housing Rights and Evictions (COHRE), and experts in land conflict and customary land from the Australian National University (ANU).

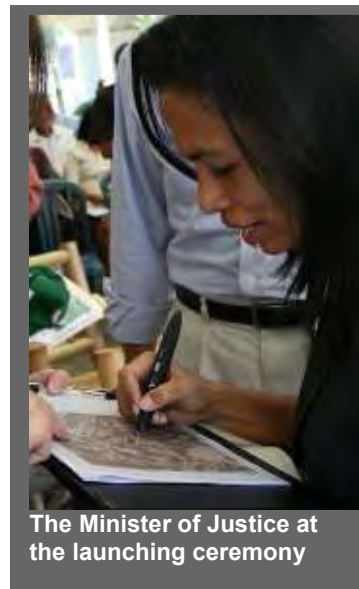
The policy approach to dealing with customary land areas was based on three years of field research by ANU researchers on customary land in Timor-Leste. The Task 2 Team had a number of discussions with

the ANU team and participated in a workshop on land issues congregating DNTPSC staff from the districts. In August 2008, the ANU professors/researchers produced a paper on Customary Land in Timor-Leste, which was the main reference for the approach to customary land adopted in the Policy Framework.

Importantly in terms of providing a legal basis for Project data collection activities, Task 2 drafted the *Ministerial Regulation on the Cadastre No 229/2008*. This became effective in July 2008 and was ‘launched’ by a ceremony at the offices of the DNTPSC by the Prime Minister, the Minister of Justice, and the Director of the DNTPSC.

In order to gather stakeholder feedback on land-related Gender issues, the Project established a Gender and Land Working Group and conducted Gender and Law Workshops to determine how to strengthen women’s rights in draft legislation related to land and property. Working group members include government representatives from:

- the Secretary of State for the Promotion of Equality (SEPI);
- the Ministry of Justice (including the DNTPSC);
- the Ministry of Agriculture;
- representatives from civil society and international organizations, including Fokupers, Rede Feto (the women’s network), the Justice Sector Monitoring Program (JSMP), Caucus: Women in Politics; Association HAK, Belun, *Advocats Sans Frontieres* (ASF); and the Asia Foundation;
- *chefes do sucos* and religious leaders in Dili; and
- the United National Mission in Timor-Leste (UNMIT).



The Minister of Justice at the launching ceremony



Gender focus group at Manatuto

Task 3 Activities have been operating under a cloud by the fact that the Minister did not agree with the concept of a Stakeholder Advisory Group and did not implement the alternative cross-ministry “network.” There have been rumors that DNTPSC would move out of the Ministry of Justice and become an autonomous structure or part of another ministry. The DNTPSC Director believes that this change is certain, and the Minister of Justice herself has expressed her intention to transfer DNTPSC out of her portfolio. The establishment of an autonomous land and property institution (which would include a land and property advisory panel/commission) is recommended in the Policy Framework and in a DNTPSC policy paper. The Project

is ready to assist the government in promoting and implementing this structural change if this is the direction chosen.

1.2.2 Problems & Solutions

A number of activities planned for the current reporting period are being deferred to Year 2.

- Recruitment of a local Legal Specialist. One of the main challenges in Year 1 was to find a suitable candidate for the local Legal Specialist position. The position was advertised twice, and three candidates were interviewed but none were selected, underscoring the serious lack of legal capacity

within the country. Another attempt to recruit the Legal Specialist is ongoing and the Project anticipates filling the position as soon as November 2008.

- Workshop on Legal Drafting. In addition to the thematic workshops under this activity, the Year 1 Work Plan proposed to conduct training workshops on basic legal drafting. A workshop on legal drafting was planned with the MoJ's Legal Drafting Department. However, the MOJ's Drafting Department can only proceed with the training after formal approval from the Minister, which is still pending. This resulted in a series of delays and, finally, the MOJ deferring these until Year 2.
- Special Studies. The Year 1 Work Plan foresaw the commissioning of a series of Special Studies on land policy issues. During Year 1, the Project assessed which policy areas needed expert inputs and identified the area of customary land tenure as a main focus. Our discussions with the ANU customary land experts and a policy paper prepared by these researchers provided the necessary guidance in terms of policy approach to customary land areas in Timor-Leste and made a special study superfluous. USAID has indicated that these Special Studies may be unnecessary for future planning and that the focus should now turn to expanding land claims collection activities.
- Task 3 Activities have been limited as noted above. As an alternative approach, the Project will attempt to work with the Ministry of Economy & Development to establish a Stakeholder Study Group to support Land Policy from the perspective of the economy and investment.

1.2.3 Accomplishments

Among the accomplishments for Tasks 2 and 3 for Year 1 are:

- Developed a Comprehensive Legal Strategy Plan/Work Plan, approved by the MOJ.
- Conducted two workshops on general Land Policy and Legislation with DNTPSC staff and Belun.
- Conducted three Gender Law workshops to determine how to strengthen women's rights in draft legislation related to land and property.
- Produced a *Gender Assessment and Strategic Plan Report*.
- Participated in training of local NGOs on land-related issues, roundtable discussions with university students, a workshop with District DTP land dispute mediators, and roundtable discussions with local NGOs and DNTPSC on land rights.
- Drafted a *Ministerial Decree on the Cadastre* and facilitated its approval by the Minister in July 2008.
- Developed the *Policy Framework for a Transitional Land Law in Timor-Leste* (the basis for a *Transitional Land Law*).
- Developed methodology for dealing with overlapping land claims.
- With SEPI, established a Gender & Land Working Group to determine how to strengthen women's rights in draft legislation related to land and property.
- Integrated a gender-aware policy across all Project Tasks.

1.3 TASK 4: LAND ADMINISTRATION

1.3.1 Task Overview

Task 4 has focused its activities on the development of technology tools and methodologies for the collection of land claims, preparation for field operations, and training Field Staff to collect land claims. Systems and procedures have been developed and are being documented in Manuals of Procedures and Technical Instructions to guide data collection and processing and public display of claims and competing claims. Field offices have been set up in two districts, and pilot testing has commenced. Training courses have been developed, central office and field staff recruited and trained to undertake the collection and recording of claims, and the staff mobilized to their assigned locations. Development of an information system and associated databases for the recording of land claims is in progress.



Field Offices were designed and established in each of the pilot study districts to act as regional data collection centers (the Pilot sites appear in ANNEX 2: Manatuto Pilot Area and ANNEX 3: Liquica Pilot area). They have been set up in the DTPSC office where the project field staff can work closely with DTPSC staff in coordinating and supervising field work. As data collection moves further out from district centers, the field offices may be moved to other locations to maintain close proximity to field operations.

Local Timorese were recruited and trained as Field Coordinators to staff the field offices and coordinate and supervise claims data collection. Four field coordinators were recruited for each field office, 8 in total.

In association with the NGO, Belun, volunteer community Data Collectors were recruited and trained to be members of the field teams working out of the field offices and be responsible for visiting individual properties to collect claims data. Each field office is to be responsible for three field teams, each team comprising three volunteer community facilitators; in all, 22 volunteer Data Collectors were recruited and trained (additional Data Collectors were taken on in anticipation of some losses over the course of data collection activities).

Training courses and schedules were developed in association with the Training Coordinator; technical training material was prepared by Task 4 specialists and training courses presented to all field staff. Separate training courses were held for field coordinators and data collectors. A four-week course was held in Dili for the eight Field Coordinators. Later, a three-week training course was held for the Data Collectors. In Week 1 of Data Collector training, all 22 Data Collectors met in Dili. After that, the Data Collectors returned to their designated districts (11 in each) for technical training activities. All field staff (Field Coordinators and Data Collectors), were assigned to one of the two pilot study field offices and were mobilized to the field to commence preparations for data collection.



An SPRTL/DNTPSC Technical Work Group was established to facilitate the coordination of technical developments, work programs, and DNTPSC participation in the project and to provide a regular forum for exchange of information and ideas about Project activities and proposals.

Among the main accomplishments for Task 4 are:

- Systems, procedures, and work flows were developed and documented in cooperation with Short-Term Technical Advisors (STTA) from Land Equity International (LEI) to regulate the claims data collection and recording.
- A number of technological methodologies for land claim and land survey data collection were assessed and suitable systems and equipment were purchased for development and trial during pilot studies.
- Information Technology (IT) Specialists designed the IT systems framework needed to support the full range of Project IT operations and completed installation of the associated technical hardware and software.
- In association with DNTPSC, the towns of Liquica and Manatuto in the Districts of Liquica and Manatuto, respectively, were selected as pilot locations for commencement of the Project's field operations in Quarter 4.
- Working with the Task 1 Team, DNTPSC Dili staff, and District DTPSC staff, district and community public information awareness (PIA) meetings were held in the pilot districts. In discussions with local administrators and officials, data collection areas were prioritized and community support for the project confirmed. Presentations explaining the project were made at five community meetings in each district to explain the project to the communities, inform where data collection would take place, and to answer questions.
- Working with the Task 5 Team, land issues were assessed in the pilot areas, and local mediation facilities explored for addressing conflict mediation that may arise during data collection and public display.
- Meetings were held with the MOJ IT Group to explain the project, discuss MOJ IT support, and coordinate development of facilities for electronic data communications in the pilot districts.
- Two Timorese were recruited to participate in Task 4 technical activities and to assist with the management of field operations and supervision of field staff, one as Land Registration Specialist and a second as Land and Property Specialist. Also recruited locally were two Data Specialists to assist with database development and to process claims and record data collected in the field.
- National standards were developed and documented to regulate standards for data collection and to support quality control of spatial land data.
- Together with other Tasks, the Task 4 Team participated in workshops to present the Project to DNTPSC and to explain Project objectives and work plans. Meetings were also held with a number of agencies and organizations.
- Draft Manuals of Procedures and technical instructions were developed to guide data collecting and processing operations. Forms were designed for recording claims and land parcel data collected in the field.



1.3.2 Problems & Solutions

Delays in project activities noted above meant that data collection activities could not take place according to schedule. Instead, these activities will start in Month 1 of Year 2. This delay meant that the goal of collecting 1,000 land claims in Year 1 was not met.

No major problems have been encountered in the development of methodologies for collection of claims data. Initial delays have been largely overcome and procedures are in place to support the data collection process, while development of databases for recording the data is in progress. Some of the proposed procedures employ advanced technology tools that offer significant advantages in terms of efficiency of data collection and support for modern digital data storage technology. Field staff have been trained in the use of this technology and the methods and procedures will be thoroughly tested during the pilot studies.

1.4 TASK 5: DISPUTE RESOLUTION, MEDIATION, AND RECONCILIATION

1.4.1 Task Overview

Task 5 has a complete team comprised of the Task Leader, Task Manager, and three Conflict Resolution and Dispute Mediation Specialists. The Task Manager was recruited in March 2008. Two of the specialists were recruited in May 2008, and the third one was recruited in June 2008. Each of the team members brings different skills to Task 5 such as peace-building, anthropology, training experience, and planning/logistics.

The team has been engaged in a number of important activities. The first of these was the development of a process for dispute mediation that is incorporated with the overall land claims data collection process. This process involves participation in public information awareness activities (community meetings) in terms of advising communities and community leaders about peacefully resolving disputes. Additionally, the process includes a methodology for dealing with disputes in the field that may be encountered by land claims Data Collectors.



Community consultation on peaceful conflict resolution of disputes

For the purposes of its training activities for government, Project staff, community leaders, and communities, Task 5 developed a series of training materials on mediation of land-related disputes. These materials have been trialed and will be refined and updated over the course of Year 2. Task 5 was also involved with building relationships with the DNTPSC mediators and NGOs; working with our partner NGO, Belun; providing training to DNTPSC and Ita Nia Rai staff as well as providing training support to DNTPSC mediators; recruiting volunteer data collectors; and conducting research through conflict assessments and interviews with government, local leaders, and NGOs. The Conflict Assessments, in particular, provided especially important support for the identification of Pilot Areas for land claims data collection activities (Liquica and Manatuto) and the likely nature of land-related disputes in those areas. By identifying the nature of disputes in the pilot areas, data collectors (and Belun) are better able to tailor dispute mediation techniques should they be required.

The following results were achieved in Year 1.

- Areas of conflict mapped for the districts of Aileu, Manatuto, and Liquica. As part of the activity of determining which district center was best for pilot site activity, Task 5 carried out conflict

assessments in the three districts.

- Development of dispute resolution processes/techniques. The Task 5 Team carried out interviews with several government departments and NGOs, and a matrix of the results was developed. It is planned that the results will be presented in a workshop and the mediation process and manual will also be discussed. The workshop will be realized in November 2008, pending availability of the DNTPSC.
- A land conflict and dispute mediation plan. Belun has produced a conflict survey of 53 sucos, which found that more than 60 percent of conflicts were over land and property. Preliminary mapping of conflict areas was completed during the conflict assessment.
- Conflict assessments completed for Aileu, Manatuto, and Liquica. Following on from the preliminary conflict assessment, the team carried out consultations with local community leaders in the pilot sites in Manatuto and Liquica. These two processes will be combined into one standard format of reporting which will be carried out in all districts, sub-districts, and sucos.
- List of legal services. Task 5 compiled a list of legal aid providers in Timor-Leste that are working with the Public Defender's Office, as well as partners of The Asia Foundation and *Advocats sans Frontières*. This list will be given out to those that request it should they require any legal assistance to resolve their disputes in court.
- District-level workshops on mediation were conducted in Manatuto and Liquica in conjunction with DTPSC offices. A total of 20 *chefes do sucos* and *chefes da aldeias* were trained in both districts. In preparation for this training, Task 5 provided ToT training to DNTPSC mediators. Task 5 also co-facilitated training in Liquica together with ASF on the area of mediation.
- National PIA and conflict mediation workshop. Due to the delay in recruitment of Task 5 specialists, which did not occur until Quarter 3, and other training commitments, this workshop was not able to be realized. This workshop is being planned for November 2008.



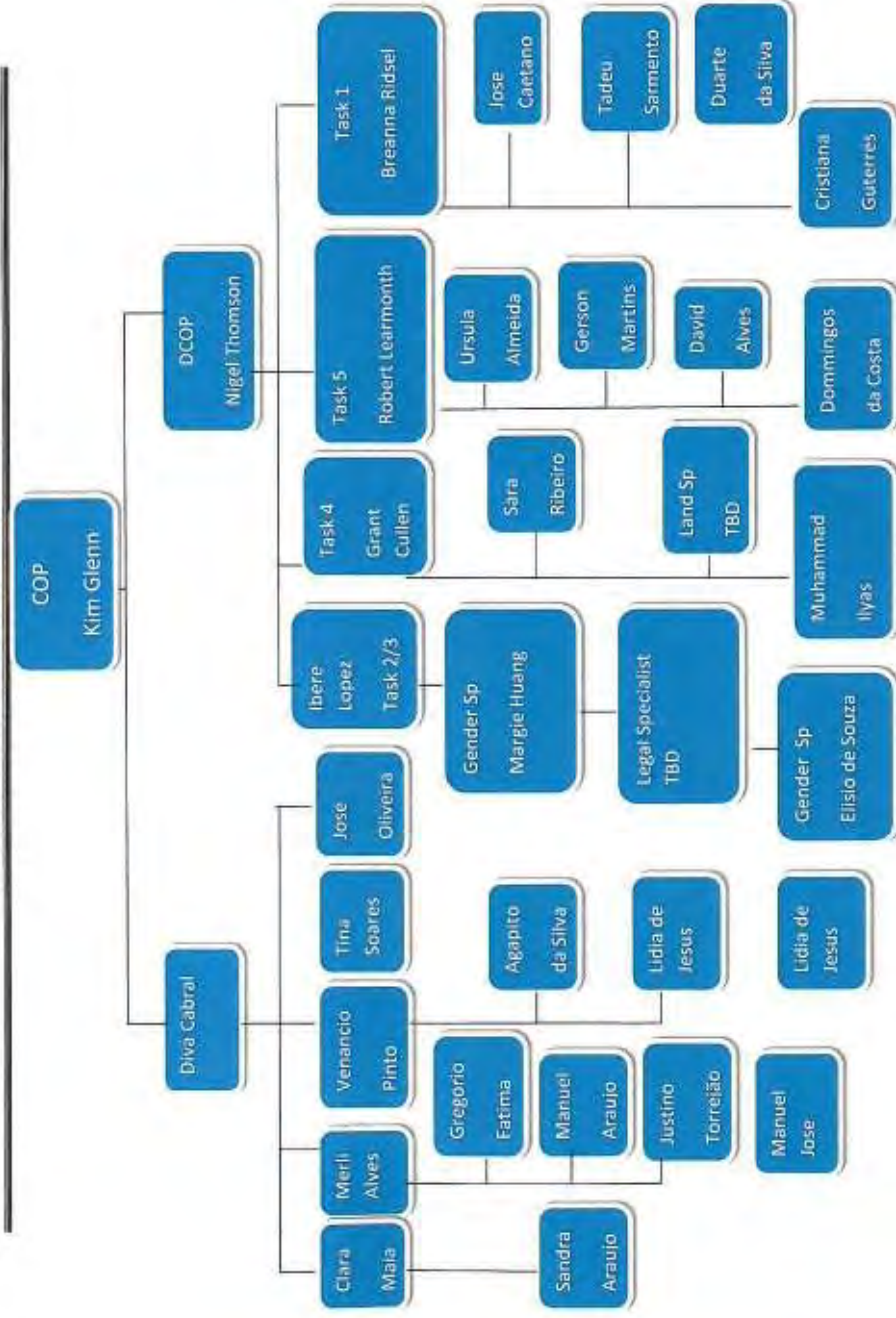
1.4.2 Problems & Solutions

There were no significant problems faced by Task 5 during Year 1.

2.0 ANNEXES

ANNEX 1: PROJECT STAFFING STRUCTURE

ITA NIA RAI STAFF CHART



ANNEX 2: MANATUTO PILOT AREA



ANNEX 3: LIQUICA PILOT AREA



ANNEX 4: ACTIVITY SUMMARY

USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project YEAR 1 ANNUAL SUMMARY PERIOD: 1 October 2007 to 30 September 2008

Task/Activity (Reference Work Plan activity nos.)	MOJ/DNTP Counterparts	Activity Status (include issues/problems/results)	Actions/Next Steps (including critical dates)
TASK 1: Public Information Awareness			
Activity 1.1.a Basic Communications Package developed	DNTPSC	External communications package developed. Developed core public messages relating to property rights	Ongoing distribution of all materials and use of local branding scheme. Core messages integrated into PIA materials and activities.
Activity 1.1.b PIA Working Group	DNTPSC MoJ	All PIA materials approved by DNTPSC. More coordination with the MoJ is expected around the Land Policy.	Conduct consultation for land policy.
Activity 1.1.c Develop detailed PIA Strategy including media	DNTPSC	PIA Strategy complete. Media plan for Task 4 developed. Consultation plan for Task 2 developed.	Implement media plan for Task 4 (October and November 2008, then ongoing during pilot) Implement consultation for Task 2 (November 2008 - February 2009)
Activity 1.1.d Information Packages Developed and Tested	DNTPSC, Belun	Basic information package developed for Task 4. Gender materials development in progress.	Finalize Gender package. Develop materials for Task 5, Task 2.
Activity 1.1.e Community Outreach	District DTP offices	Ongoing	Community Outreach ongoing in pilot areas.
Activity 1.1.f Feedback Monitoring	NA	To begin next quarter with support from Belun.	To begin next quarter
Activity 1.1.g Communication Strategy Guide	NA	Complete	
1.1.h Long-term PIA strategy		Postponed	On hold until Q4 of Year 2.
Activity 1.1.i Media Monitoring	NA	Ongoing as part of staff duties.	On-going
Activity 1.2a National Staff/Partner Training	DNTPSC Belun	Several workshops held with DNTPSC and local partners over the year.	Continue to work with DNTPSC to identify training needs and assist in training local partners as requested.

**USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project
YEAR 1 ANNUAL SUMMARY
PERIOD: 1 October 2007 to 30 September 2008**

Task/Activity (Reference Work Plan activity nos.)	MOJ/DNTP Counterparts	Activity Status (include issues/problems/results)	Actions/Next Steps (including critical dates)
Activity 1.2b Field staff / volunteers training	DNTPSC Belun	Training complete for 8 Field Coordinators and begun for 22 Volunteer Data Collectors	Hold graduation ceremony for Data Collection Volunteers. Evaluate training and put together a comprehensive training manual.
Activity 1.2c Media Training		Ongoing as necessary.	Press conference and media briefing to be held on 22 October.
TASK 2: Land Policy, Laws, and Implementing Regulations			
Activity 2.1.b Develop Comprehensive Legal Strategy Plan	Dept of Legislation	COMPLETE	COMPLETE
Activity 2.3 Provide Legislative Drafting Support	MOJ Dept of Legislation (DOL)	Ministerial Regulation on the Cadastre completed (No 229/2008) Draft <i>Transitional Land Law</i> currently being prepared	Draft Transitional Land Law to be approved for Public Consultation by Council of Ministers
Activity 2.6	MoJ	Gender Assessment and Strategic Plan completed	Implement Gender Strategic Plan across all project activities
TASK 3: Support for Land Institution			
Activity 3.1.a Establish Stakeholder Advisory Panel (SAP)	DNTPSC	SAP and Inter-ministerial Commission on Land Policy concepts not acted on by MOJ	Year 2: Try to establish Stakeholder Study Group through Minister of Economy & Development
Activity 3.1.b Donor/Project Coordination	DNTPSC	On-going Briefings. Preparation for Quarterly Briefings to International and Local NGOs	Year 2: Next meeting proposed for Q1
TASK 4: Land Administration			
Activity 4.1: Develop Standards and Technical Requirements	DNTPSC	A joint SPRTL/DNTPSC Technical Working Group has been established.	Technical systems design, operating procedures and technology tools to be assessed

**USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project
YEAR 1 ANNUAL SUMMARY
PERIOD: 1 October 2007 to 30 September 2008**

Task/Activity (Reference Work Plan activity nos.)	MOJ/DNTP Counterparts	Activity Status (include issues/problems/results)	Actions/Next Steps (including critical dates)
Activity 4.1 continued...		<p>Local staff were recruited to Task 4 Specialist positions and trained to assist with systems development</p> <p>Technical systems and procedures for claims collecting and processing completed</p> <p>Technical standards to regulate recording of spatial land parcel data and personal claimant data were developed.</p> <p>IT Technical System designed, and the hardware and software procured</p> <p>Design of the Land Claims Information System (LCIS) and databases for recording claims data has commenced (Q's 3 & 4).</p>	<p>Design of the LCIS to be finalized (January to March 2009)</p> <p>Standards developed to regulate data collection and quality will be confirmed with DNTPSC</p> <p>Procedures Manuals and Technical Instructions will be reviewed and refined</p> <p>Project specialists will work with DNTPSC/MoJ staff to develop a Ministry web page that will display information about the project</p>
Activity 4.2: Systems Training	DNTPSC	<p>Draft Procedures Manuals and Technical Instructions have been drafted</p> <p>Central office IT and data specialists</p> <p>Eight Field Coordinators & 22 Data Collectors engaged and trained in data recording</p> <p>In Coordination with the Training Coordinator, training courses were designed and training schedules prepared during Q4.</p> <p>Training courses in claims data collection, processing and recording as well as in PIA and conflict mediation, were presented to field staff.</p> <p>A Training Manual is being finalized.</p> <p>Workshops were held with DNTPSC to enhance knowledge of the project and its processes</p>	<p>Additional training is to be provided as required</p> <p>Training courses and training material will be reviewed and refined during January 2009</p> <p>15 Field Coordinators and 60 Data Collectors (volunteer Data Collectors) are to be recruited and trained to support field operations at 5 additional field offices</p>

**USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project
YEAR 1 ANNUAL SUMMARY
PERIOD: 1 October 2007 to 30 September 2008**

Task/Activity (Reference Work Plan activity nos.)	MOJ/DNTP Counterparts	Activity Status (include issues/problems/results)	Actions/Next Steps (including critical dates)
Activity 4.3: Pilot Testing and System Implementation, refinement	DNTPSC	<p>Pilot testing locations were selected and confirmed with DNTPSC (Districts of Liquica and Manatuto).</p> <p>Pilot testing procedures were confirmed, field staff trained and mobilized to test areas and planning/preparations for claims collecting commenced.</p> <p>2 Field offices were established in the pilot Districts</p> <p>A comprehensive PIA Program was undertaken before and during pilot testing set-up (See also Activity 4.5)</p>	<p>Pilot testing of systems procedures and technology tools commenced in October 2008.</p> <p>During pilot testing, a national Work Plan will be prepared with detailed planning commencing in November/December 2008</p>
Activity 4.4: Claims recording		<p>Pre-recording procedures started in Pilot areas</p> <p>Processes are being developed for updating claims data to record changes to claims data and to record post claims transactions.</p> <p>Central claims processing unit has been established in Dili</p>	<p>Claims recording process will be tested during Year 2, Q1 pilot tests.</p> <p>Processes for updating records for changes claims data will be implemented and tested during the pilot tests.</p> <p>Central claims data processing systems and procedures in Dili will be implemented and trialed during pilot testing.</p> <p>Detailed Quality Assurance (QA) plan will be developed and implemented</p>
Activity 4.5: Public Information and Awareness		National, District and Local PIA programs were developed by Task 1	PIA programs and material to be finalized and implemented to support nation-wide operations. (refer to Task 1 Activities)

**USAID Strengthening Property Rights in Timor-Leste (“Ita Nia Rai”) Project
YEAR 1 ANNUAL SUMMARY
PERIOD: 1 October 2007 to 30 September 2008**

Task/Activity (Reference Work Plan activity nos.)	MOJ/DNTP Counterparts	Activity Status (include issues/problems/results)	Actions/Next Steps (including critical dates)
TASK 5: Conflict Prevention, Mitigation, Mediation & Reconciliation			
Activity 5.1a Develop dispute resolution processes/techniques	DNTPSC	Process finalized for implementation with Task 4 and claims pilots	Year 2, Q1: Process implementation in the context of and claims data collection activities
Activity 5.1b Land Conflict dispute mediation Plan	Task 5	Plan to be developed in consultation with Belun	Year 2, Q1: Plan implementation in the context of and claims data collection activities
Activity 5.1.c Targeted conflict assessments and individual area strategic plans	Task 5/Belun	Conflict Assessments completed for pilot areas	Year 2: Conduct new Assessments in new data collection zones as required from time to time
Activity 5.1.d District mediation		The schedule will be driven by the initiation of pilot site activity	Year 2, Q1: Mediation activities in Pilot areas in Liquica and Manatuto
Activity 5.1.e Provision for legal resources	Belun	Completed but updated quarterly	COMPLETE
Activity 5.2.a Mediation by Suco Councils	Belun	Chefes do Suco Mediations Trainings in pilot areas conducted	The schedule will be driven by the initiation of pilot site activity (see Task 4) November;
Activity 5.2b Disputes Register		To be incorporated within Land Claims Information System (LCIS)	Unresolved disputes data to be collected during the land claims data collection process
Activity 5.3a National PIA and Conflict Mediation Workshop		NA	Scheduled for Y2, Q1
Activity 5.3b District Level Workshops		NA	Scheduled for Y2, Q1

ANNEX 5: YEAR 1, PERFORMANCE MONITORING REPORT

PERFORMANCE MONITORING REPORT YEAR 1			
Expected Result	Performance Indicator	Year 1 Target	Total Yr 1
Capacity of Timorese in PIA, land policy, land law, claims registration, conflict mediation and land dispute resolution strengthened (Government, Project & CSOs)	Number of PIA Trainings	No Target Set (NTS)	Number (N)=4
	Number of Participants Trained	NTS	Men (M)=47 Women (F)=5
	% rating the course as good to excellent	75%	M=96% F=100%
Capacity of Timorese in PIA, land policy, land law, claims registration, conflict mediation and land dispute resolution strengthened (Government, Project & CSOs)	Number of Land Law/Policy Trainings	6	N=2⁶
	Number of Participants Trained	NTS	M=21 F=16
	% rating the course as good to excellent	75%	M=80% F=100%
Capacity of Timorese in PIA, land policy, land law, claims registration, conflict mediation and land dispute resolution strengthened (Government, Project & CSOs)	Number of Claims Recording Trainings	4	N=2⁷
	Number of Participants Trained	NTS	M=10 F=8
	% rating the course as good to excellent	75%	M=100% F=100%
Capacity of Timorese in PIA, land policy, land law, claims registration, conflict mediation and land dispute resolution strengthened (Government, Project & CSOs)	Number of Dispute Mediation Trainings	9	N=4
	Number of Participants Trained	NTS	M=52 F=13
	% rating the course as good to excellent	75%	M=92% F=100%
Capacity of Timorese in PIA, land policy, land law, claims registration, conflict mediation and land dispute resolution strengthened (Government, Project & CSOs)	Number of Dedicated Gender Trainings	0	N=5
	Number of Participants Trained	NTS	M=58 F=53

⁶ Proposed Trainings in concert with the MOJ were delayed by the MOJ a number of times and thus placing the proposed training outside Year 1.

⁷ A further 2 Trainings were being undertaken (Liquica and Manatuto Data Collectors) at the time of compiling this Report.

PERFORMANCE MONITORING REPORT YEAR 1			
Expected Result	Performance Indicator	Year 1 Target	Total Yr 1
(Government, Project & CSOs)	% rating the course as good to excellent	NTS	M=100% F=100%
TOTAL CAPACITY OF TIMORESE IN PIA, LAND POLICY, LAND LAW, CLAIMS REGISTRATION, CONFLICT MEDIATION AND LAND DISPUTE RESOLUTION STRENGTHENED (GOVERNMENT, PROJECT & CSOS)	TOTAL TRAININGS	NTS	N=17
	TOTAL NO. PARTICIPANTS TRAINED	NTS	M=188 F=95
	TOTAL % RATING THE COURSE AS GOOD TO EXCELLENT	75%	M=96% F=100%
Public Knowledge of Property Rights Provided for in Policy and Law Improved Through Mass Media ⁸	URBAN: % change in knowledge as a result of PIA/Media Training	0%	NA
	RURAL: % change in knowledge as a result of PIA/Media Training	0%	NA
Public Knowledge of Land Rights Improved by Participants in Annual Forums	Number of Forums	1	N=0 ⁹
	Number of Attendees	NTS	NA
	% respondents reporting improvement in land rights knowledge	75%	NA
Public Knowledge of Land Rights Improved by Participants in Workshops/Seminars	Number of Workshops	NTS	N=0
	Number of Attendees	NTS	NA
	% respondents reporting improvement in land rights knowledge	75%	NA
Public Knowledge of Land Rights Improved by Participants in Focal Group Discussions	Number of Focal Group discussions	NTS	N=1
	Number of Attendees	NTS	M=0 F=10

⁸ Mass Media activities did not start during Year 1 (They started in the first month of Year 2). The baseline will be determined with the results of the World Bank's Livelihood Survey results (that are currently being processed by the World Bank and are expected in 2008).

⁹ No annual forum took place in Year 1.

PERFORMANCE MONITORING REPORT YEAR 1			
Expected Result	Performance Indicator	Year 1 Target	Total Yr 1
	% respondents reporting improvement in land rights knowledge	75%	M=NA F=100%
Public Knowledge of Land Rights Improved by Participants in Community Forums	Number of Community Forums	NTS	N=5
	Number of Attendees	NTS	M=97 F=43
	% respondents reporting improvement in land rights knowledge	75%	M=100% F=100%
TOTAL PUBLIC KNOWLEDGE OF LAND RIGHTS IMPROVED THROUGH ANNUAL FORUMS, WORKSHOPS, FOCAL GROUPS, COMMUNITY FORUMS	TOTAL NO. FORUMS ETC	NTS	N=6
	TOTAL NO. ATTENDEES	NTS	M=97 F=53
	TOTAL % RESPONDENTS REPORTING IMPROVEMENT IN LAND RIGHTS KNOWLEDGE	75%	M=100% F=100%
Increased Tenure Security ¹⁰	Urban: Growth in transactions of claims registered. Cumulative	NTS	0
	Rural: Growth in transactions of claims registered. Cumulative	NTS	0
Coordination of National Legal and Administrative Framework Improved	Interim Stakeholder Advisory Panel Established by MOU	1	0¹¹
	National Land Commission Legally Established	1	0¹²
Key Laws and Regulations Passed	Juridical Regime for Real Estate Part III Law promulgated by Council of Ministers or Parliament as appropriate	1	0¹³
	Regulations drafted and adopted	Multiple and Ongoing	0

¹⁰ Since data collection under the Ministerial Regulation on the Cadastre did not begin in Y1, transactional information has not yet been collected.

¹¹ The new Minister of Justice (Lucia Lobato) resisted the idea of establishing a Stakeholder Advisory Panel. Instead, Task 4 is in the process of formalizing an ARD/DNTPSC Working Group to support project activities.

¹² The new Minister of Justice also resisted the idea of establishing a National Land Commission although there have been suggestions within government that the establishment of a similar institution is still a possibility.

¹³ Draft *Technical Framework for a Transitional Land Law* currently with the Council of Ministers for consideration (submitted July 2008).

PERFORMANCE MONITORING REPORT YEAR 1			
Expected Result	Performance Indicator	Year 1 Target	Total Yr 1
Key Laws and Regulations Passed	Cadastral and Survey Law promulgated by Council of Ministers or Parliament as appropriate	1	0 ¹⁴
	Regulations drafted and adopted	Multiple and ongoing	1 ¹⁵
	Rights Registration Law promulgated by Council of Ministers or Parliament as appropriate	1	0 ¹⁶
	Regulations drafted and adopted	Multiple and Ongoing	0
	Valuation Law promulgated by Council of Ministers or Parliament as appropriate	1	0 ¹⁷
	Regulations drafted and adopted	Multiple and Ongoing	0
	Compulsory Land Acquisition Law promulgated by Council of Ministers or Parliament as appropriate	1	0 ¹⁸
	Regulations drafted and adopted	Multiple and Ongoing	0
	Land Tax Law promulgated by Council of Ministers or Parliament as appropriate	1	0 ¹⁹
	Regulations drafted and adopted	Multiple and Ongoing	0

¹⁴ This legislation was developed in the form of a Regulation. Refer to footnote 15.

¹⁵ *Ministerial Regulation on the Cadastre No. 229/2008.*

¹⁶ The development of this legislation is pending the promulgation of the *Transitional Land Law* (refer to footnote 13, above). Also note (as mentioned above) that the foreign Advisers within the MOJ have indicated that this legislation will be developed separately and outside this Project.

¹⁷ The development of this legislation is pending the promulgation of the *Transitional Land Law* (refer to footnote 13, above)

¹⁸ The development of this legislation is pending the promulgation of the *Transitional Land Law* (refer to footnote 13, above)

¹⁹ The development of this legislation is pending the promulgation of the *Transitional Land Law* (refer to footnote 13, above). This is likely to be legislation that is developed towards the end of the Project given its potential as a disincentive to rights registration.

PERFORMANCE MONITORING REPORT YEAR 1

Expected Result	Performance Indicator	Year 1 Target	Total Yr 1
	Registration of Customary Land Tenure and Property Rights (Ministerial Decree Law) promulgated by Council of Ministers or Parliament as appropriate	1	0²⁰
	Regulations drafted and adopted	Multiple and Ongoing	
	Land Dispute Reconciliation and Management Regulation promulgated by Council of Ministers or Parliament as appropriate	1	0²¹
Number of Objects/Claims Recorded	Regulations drafted and adopted	Multiple and Ongoing	
	In Name of Man Only	NTS	N=0
	In Name of Woman Only	NTS	N=0
	In Name of Husband and Wife	NTS	N=0
	TOTAL	1000	N=0²²
Number of Objects Titled ²³	In Name of Man Only	NTS	N=0
	In Name of Woman Only	NTS	N=0
	In Name of Husband and Wife	NTS	N=0
	TOTAL, Cumulative	NTS	N=0
Number of Communities Demarcated and Claims Recorded ²⁴	Number of Communities, Cumulative	9	N=0²⁵

²⁰ The development of this legislation is pending the promulgation of the *Transitional Land Law* (refer to footnote 13, above). Recent research undertaken by the Australian National University by Daniel Fitzpatrick et al questions the registration of traditional communities. This is not a priority at this time although the situation will be monitored. It is likely that a better approach will be to review comparative studies (e.g. like the one conducted by AusAID: *Making Land Work* (2008)) that looks at ways in which communities can participate in the benefits of development and investment without necessarily having to relinquish customary land tenure rights.

²¹ This legislation was not developed in Year 1. The need for this legislation (and coordination with the MOJ legislative drafters) is currently being assessed.

²² Claims collection did not start in Year 1. Instead, it is anticipated to start in Month 1 of Year 2.

²³ A titling process is still under development. First titles will be issued by the DNTPSC. The institution responsible for maintenance of those titles is likely to be Registry and Notaries institution (and not the DNTPSC) at this time. This is despite submission from this Project to the contrary. And despite an agreement with the MOJ's agreement with USAID for this Project to develop the necessary legislation, a (foreign) Legal Adviser to the MOJ undertook to have other foreign advisers come in to the country to review this process. In any event, this Project does not consider a Registration Law a priority before the promulgation of a *Transitional Land Law*.

PERFORMANCE MONITORING REPORT YEAR 1

Expected Result	Performance Indicator	Year 1 Target	Total Yr 1
Land Disputes Decreased Increasing Economic Incentives to Invest ²⁶	Number of Land Disputes Lodged During Claims Recording Process	NTS	NA
	Number of Land Disputes Successfully Resolved	90%	NA
Land and NRM Related Conflict Decreased Increasing Incentives for Business ²⁷	Number of Conflict Flashpoints Logged	NTS	NA
	Number of Claims Successfully Mediated	90%	NA

²⁴ Claims collection did not start in Year 1. Collection of claims from communities, however, is still being considered for its appropriateness (refer to footnote 20, above).

²⁵ Aldeias (preliminary data collection activities were commenced in 1 Suco in Liquica (comprising 4 Aldeias) and 4 Sucos in Manatuto (comprising a total of 8 Aldeias) in Year 1 but data collection activities are expected to start in month 1 of Year 2.

²⁶ Land and NRM-related disputes data will be collected along with land claims data starting in month 1 of Y2.

²⁷ Refer to footnote 26, above.

ANNEX 6: PUBLICATIONS AND REPORTS – YEAR 1

YEAR 1 REPORTS	
Task/Title	Author
Task 1	
Communications Strategy	Breanna Ridsdel
Task 2	
Gender Assessment and Strategic Plan Report	Margie Huang
Comprehensive Legal Strategy Plan	Task 2/3
Task 4	
Manual of Procedures Spatial Claims Database SPRTL Datum and Projection Standard SPRTL File and Folder Naming Standard SPRTL Length and Area Standard Manual of Procedures - Land Claims Parcel Identification	Allan Wilson
Alternative Survey Techniques Training Strategy Procedures for Boundary agreement Procedures for Completing Parcel Identification Forms Procedures for Defining Data Collection areas Procedures for Measuring Boundaries with GPS Procedures for Measuring Boundaries with Ortho-photo Maps Procedures for Organizing Data Collection Teams Learning Guides for Technical Training	Daniel Carter
Design of Field Office Claim system	Pat van Berkel
Data Input Procedures Land Claim Information System Documentation	Kevin Rainsford
Monitoring Report on SPRTL Project	Chris Lunnay
Procedures for Preparing Field Maps Procedures for Filling in Claims Data Forms Steps in the Data Collection Process	Sara Ribeiro
Briefing Paper on Task 4 Claims Recording Manual of Procedures – Field Operations Report on DNTPSC/SPRTL Coordination	Grant Cullen
General Reports	
Year 1 Work Plan	
Quarterly Reports for Q1, Q2 & Q3	



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