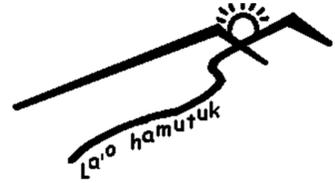


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# LA'O HAMUTUK COMMENTS ON PROPOSED DRAFT PESTICIDES DECREE-LAW for TIMOR-LESTE

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### General comments

- This law adopts most of the principles under the FAO Guidelines on Pesticide legislation, which are adopted by many countries.
- Timor-Leste needs this law to prevent the negative impacts of using pesticides, but this law should not be considered as an incentive to promote an agricultural system which depends on chemical pesticides.
- Timor-Leste should invest more in organic pesticides and natural methods of controlling pests and disease. The use of pesticides benefits chemical pesticides companies, rather than farmers. These companies' main objective is not to help farmers, but rather to make profits out of farmers' dependency on their chemical products.
- Agriculture systems which depend on chemical pesticides do not fit with Timorese's agricultural situation, where most farmers own less than two hectares of land. With the smaller size of farms and agriculture area, Timor-Leste has an advantage to develop an organic and agro-ecological farming system.
- Using chemical pesticides will diminish Timor-Leste's opportunities to compete in regional and international markets. Timor-Leste can only compete when it produces products with higher quality. Its comparative disadvantages in term of land size mean that it will not be able to compete by focusing on mass production. Keeping its products organic is the only way for Timor-Leste to compete. But more importantly, it gives Timorese people healthier agricultural products to consume.
- Pesticides are not the only chemicals used in agriculture production. There are other chemicals such as herbicides, insecticides and fungicides, which are currently sold and promoted in some stores in this country. This law should explicitly state that it also covers these chemicals.

## Specific Comments

Chapter	Article (Paragraph/point)	What the text says	Comments / Suggestions
I	Article 1	The purpose of this Pesticides Decree-Law is to regulate pesticides at all stages of their life cycle, including the disposal of pesticide waste, with the objective of protecting human, animal and plant health and the marine and terrestrial environment and promoting sustainable agricultural production in Timor-Leste.	<p>Considering that chemical products in the agricultural sector also include herbicides, insecticides and fungicides, we recommend adding another sentence to Article 1 to make it clear that this Decree-Law also covers these chemicals.</p> <p>We recommend adding the following sentence to the article:</p> <p>“This Decree-Law also covers other chemical products which are used in the agricultural sector, including insecticides, herbicides and fungicides.”</p>
I	Article 2. Definition	Definition of other chemical products	<p>Following our recommendation on article 1, the Law needs to include a definition of “other chemical products”</p> <p>We recommend:</p> <p>“Other chemical products: Any substance, or mixture with the chemical or biological ingredient, used in order to protect plants from any insects, fungus or weed;”</p>
	Article 4. Section 2	No monitoring function	<p>It is important that the Board has a monitoring function to guarantee that they have adequate information about what is happening in the country regarding pesticides.</p> <p>Recommendations: Add a new paragraph</p> <p>“d) Monitoring the implementation of the Decree-Law and decisions made based on this law.”</p> <p>e) Assume other tasks as defined in this Decree-Law.</p>

Chapter	Article (Paragraph/point)	What the text says	Comments / Suggestions
III	Article 9	Transparency in the registration process	<p>Application documents must be published in the ministry's portal/website, so that everybody can access them. This supports public participation in the registration process and helps prevent the entities involved in the registration process from misusing their power.</p> <p>Recommendation: Add a new section: "3) All application documents (except those deemed confidential under this law) shall be published on a government website to promote transparency and accountability in the registration and decision-making process."</p>
III	Article 13	The Board may on its own initiative register a new pesticide that meets the prescribed criteria if it determines that: [...]	<p>This article paves the way for bad practices by giving the authorization to register new pesticides, not through the rigorous process established by this law. This article also opens the way for conflict of interest and abuse of power by the Board.</p> <p>We recommend removing this Article. In the event of emergencies, issues can be solved on a case-by-case basis, which should involve the Pesticide Department, the Pesticide Board and the Advisory Committee.</p>
III	Article 15 Section 1 Paragraph b	(b) for a specific emergency purpose, to deal with a new pest, or to resolve temporary problems of availability or affordability of products in the market.	(a) This article mentions about temporary permission for an unregistered pesticide but in section (b) it says "... to resolve temporary problems of availability or affordability of products in the market" which creates confusion, because if a product is in the market, then it must have already been registered.
IV	Article 16	No mention about companies who are have already been selling pesticides, herbicides, insecticides, etc.	<p>Currently, some companies and agricultural stores have been actively promoting and selling pesticides and other chemical products. When implemented, this law should oblige those companies to stop their activities and to follow the registration process.</p> <p>Recommendation: Add a new section to Article 16: 5) Any operators who are currently distributing or selling pesticides shall obey the registration process established in this Decree-Law, and should not sell those products without a license.</p>