

To: Your Excellency Mr. President and members of the National Parliament of Democratic Republic of Timor-Leste

Petition

President and Members of National Parliament, with our respect

As members of Civil Society who obey and respect the Constitution of the Democratic Republic of Timor-Leste, which says in **Article 48** that "Every citizen has the right to submit, individually or jointly with others, petitions, complaints and claims to organs of sovereignty for the purpose of defending general interests," we ask our leaders to respond wisely to our thoughts in this debate on the budget specifics, specifically to the proposal to build **heavy oil facilities to produce electricity**.

We ask you to consider deeply:

1. The Constitutional obligations for leaders of the nation, according to **Article 6(f)** to promote the objective of the State "To protect the environment and to preserve natural resources;"
2. **Article 61.1** says "Everyone has the right to a humane, healthy, and ecologically balanced environment," while **Article 61.2** says "The State shall recognize the need to preserve and rationalize natural resources."
3. **Article 61.3** says "The State should promote actions aimed at protecting the environment and safeguarding the sustainable development of the economy."
4. According to the Subsidiary Law, when Timor-Leste doesn't yet have a law, we use the law of the previous regime. For a large project like the heavy oil plants, Indonesian Environmental Impact Assessment Law No. 23 (1997) applies, which requires that an Environmental Impact Study be done before the project starts, including the decision about what form of power generation would be used. (The generators should not be purchased before the Environment Impact Study is done.)
5. During the election campaign, the people's representatives currently in the National Parliament promised that **when they received political power, they would promote sustainable development and protect the environment**. The heavy oil project proposal should be examined in the context of this political promise.
6. Timor-Leste has acceded to the *United Nations Framework Convention on Climate Change (UNFCCC)*, *United Nations Convention on Biodiversity (UNCBD)*, *United Nations Convention on Combating Desertification (UNCCD)* and the Kyoto Protocol, which creates principles for the *Clean Development Mechanism (CDM)* and the opportunity for Timor Leste to gain technology, information, finance and technical support from the *Global Environmental Facility (GEF)*.
7. Practical experiences in many countries have shown that today they have abandoned heavy oil technology and replaced it with newer energy systems that do not create big impacts on the environment.
8. Timor-Leste will receive a big disaster (for environment, human health and economy) if we adopt this heavy oil electricity system.

Demands and suggestions:

Based on the above points, and considering our mutual responsibilities to gather ideas and safeguard this nation, we humbly ask **Your Excellency Mr. President and Members of the national Parliament from all parties**, to consider that:

1. The political decision to approve this heavy oil project has heavy **implications of legal responsibility**, because it will have a variety of consequences. The public who receive health and environmental impacts (according Article 61 of RDTL constitution and other laws in force in Timor-Leste) can bring a legal case (class action) against the political decision making entities that have affected their lives and their environment.
2. The political decision to approve the heavy oil project directly contradicts the process beginning with the first Government and continuing through the current Government to promote renewable energy. This decision also contradicts the principles of the Clean Development Mechanism, closing the door for Timor-Leste to receive support from Global Environment Facility (GEF).
3. The decision to approve the heavy oil project will increase the State Budget and force Parliament to withdraw more money from the Petroleum Fund than the 3% that is permitted under the Petroleum Fund Law approved by Parliament years ago. This decision will create a negative precedent, forcing future Parliaments to spend more money from the petroleum fund, and violating sustainable development principles.
4. The budget for the heavy oil project is very large and will affect budgets in future years (\$87 million in 2009, over \$160 million in 2010 and more in 2011 and 2012). The total initial investment for the heavy oil project is \$360 million. These are second-hand generators (which have been used for 20 years), and will be expensive to maintain. Timor-Leste does not yet have the human technical resources to manage the system, and environmental remediation will be very expensive, so it would be best for your Excellencies, Members of Parliament, to reallocate these financial resources to a different basic necessity, such as public transportation which is inadequate and expensive, schools which are in bad condition, public sanitation is not yet good, clean water, and other important needs, including improving the renewable energy policy in Timor Leste.

In closing

A totally liberated people will not leave poison and debt for future generations.

Today, Timor Leste has a debt to future generations. Political decisions must be built on this principle as the basis of sustainable development.

Dili, 21 January 2009

Haburas
La'ó Hamutuk
HASATIL
NGO Forum