



## DEMOCRATIC REPUBLIC OF TIMOR-LESTE

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### **---Timor-Leste's responds to the questionnaire of UNSR Thematic Report on Natural Resource Exploitation and rights to freedom of peaceful assembly and association**

1. The petroleum activity in Timor-Leste is regulated by world standard laws and regulations. The said laws were subject to a nationwide community and civil society consultations. All petroleum activities require an environmental impact study which in turn requires community consultations. To date all petroleum exploration activities are offshore.

Timor-Leste is also an Extractive Industry Transparency Initiative (EITI) complaint country which calls for the Government, Civil Society and Companies to work together to ensure that the extractive industry is carried out according to the EITI standards.

Timor-Leste is a democratic country; communities are free to assemble and raise their concerns or to ask for clarification. The community meetings with the stakeholders are facilitated by the relevant institutions and local authorities. The civil society has also organized meetings with stakeholders. To date the international companies have complied with the requirements of community consultation for petroleum exploration activities.

Timor-Leste does not have any onshore Petroleum exploration yet. We are still working on the legislation for onshore exploration. These laws are currently going through the process of community consultations. The laws envisage community rights to be consulted and compensated.

Timor-Leste has good potentials for minerals mining but we have not started yet. We are in the process of writing up the country's Mining Laws. The Mining laws also envisage community rights to be consulted and compensated. The only activities to date are sand and gravel operations and some prospecting studies.

2. To date all companies operating or have operated in Timor-Leste complied with existing laws regarding stakeholders' consultations.

3. a Gaps/inadequacies in domestic or international legal framework for example laws on FOAA rights themselves, environmental laws, labour laws and trade agreements?

Timor-Leste has ratified a number of international conventions such as the United Nations Framework Convention on Climate Change on "Biological Diversity", the Vienna Convention for "the Protection on the environmental", Kyoto Protocol to the United Nations Framework Convention on Climate Change as well as Montreal Protocol on Substances that Deplete the Ozone Layer. It is recognized, therefore, the responsibility of Timor-Leste to implement those obligations under our internal-national instruments. The environmental law defines the environmental policy bases, the guiding principles for the conservation, protection and sustainable use of natural resources in order to promote the quality of life of the Timorese citizens.

Timor-Leste's environmental legal system has the principles and rules of environmental conservation and protection. It is a sustainable use of natural resources and environmental management to protect the fundamental rights of Timorese citizens. The environment and natural resources represent an important source of wealth to support economic growth and survival of communities. The article 6 part f of the Constitution of the Democratic Republic of Timor-Leste (C-DRTL) states that "one of the fundamental objectives of the State is to protect the environment and preservation of the natural resources, "means" all the exploitation of the natural resources is made to maintain an ecological balance and prevent a destruction of ecosystems".<sup>1</sup>

Every Timorese citizen has the right to participate in conservation and environmental protection as well as in environmental decision-making, either individually or through membership organizations. Every Timorese citizen also has the rights to access to environment in order to ensure effective participation of citizens in conservation and environmental protections.

Regardless of personal interest in demand, any citizen him/her self or through membership organizations, it considers to have been violated or being in violation of the provisions of the act or of any legislative and normative acts of environmental protection partway has the right to apply to the courts to propose and intervene in accordance with the law.

The Timorese labour law is reflected the provisions have been contemplated on ILO Convention 87 Freedom of Association and Protection of Organization to organize-1948 San Francisco in article 2 states that "workers and employees without distinction so ever shall have the right to establish and subject only to rules of the organization concerned, to join the organizations of their own choosing without previous authorization.<sup>2</sup> To guarantee the implementation of the convention, the employers have to provide the employees with a good working condition both physical and moral, particularly with regard to health, hygiene and safety work. They have to allow them to represent work's organization activities, prevent risks of diseases accidents at work and provide them with adequate information and necessary equipments for prevention.

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<sup>1</sup> C-RDTL, article 6

<sup>2</sup> ILO convention 87, article 2

The employers have to provide a good condition relating to the termination of their contract which guarantees by national labour code of Timor-Leste article 55, "They have the right to get the compensation for the length of services in the value corresponding to 1 month's salary for each period of 5 years of work".<sup>3</sup> The law also guarantee that they are not forced to join or not to join or to stop them affiliating to a union organization, they are also free to have an access to employment or membership to a particular trade organization.

So far Timor-Leste has not experienced any of the above points (b, c and d) to a concerning level. We need to bear in mind that the significant resource explorations are all offshore at this stage. In the future when onshore activities occur the above challenges may surface but since community consultation has become a practice and we have laws with international best practices, a democracy which allows freedom to assemble and been complied to international organizations such as EITI may assist Timor-Leste in dealing with the above challenges.

4. Government ensures that its institutions like the National Petroleum Authority have the appropriate legal framework and are staffed by qualified people. The Timor-Leste Government has set up a Human Resource Development Fund from which the Ministry of Petroleum and Mineral Resources has been able to develop and train over 300 geoscientists of which 100 have masters degree.

Government is also working hard with the civil society and companies to work together under the EITI framework to ensure that the Timor-Leste extractive industry is complies with the world's best practice in terms of mining practices, environmental issues and community engagement.

5. The current extractive industry is restricted to offshore activities; the FOAA rights have not been challenged. In the future when onshore activities and mineral mining take place we may need to assess the situation again.

6. Just make sure that it is provided by mining and environmental laws to consult and compensate the affected communities. Ensure that democracy is implemented in the country, allowing freedom of association, freedom of speech and promote civil societies organizations Implement the EITI Process.

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<sup>3</sup> Labour code of Timor-Leste, article 55